

0.0 Planning Application PL17/028012 at 584-588 Doncaster Road, 811, 813 Elgar Road and 3 Briar Court, Doncaster for the use and development of the land for an 11-storey mixed-use building with associated basement car parking, comprising dwellings, food and drinks premises, restricted retail premises, the removal of easements and the creation or alteration of access to a road in a Road Zone, Category 1

File Number: IN18/482
Responsible Director: Director City Planning and Community
Applicant: SJB Planning Pty Ltd
Planning Controls: Activity Centre Zone, Schedule 1 (ACZ1); Residential Growth Zone (RGZ2); Design and Development Overlay, Schedule 8 (DDO8); 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 584-588 Doncaster Road, 811, 813 Elgar Road and 3 Briar Court, 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 more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for buildings and works associated with the construction of an 11-storey mixed-use building with associated basement car parking. The building comprises 260 dwellings, food and drink premises and a restricted retail premises. The proposal also involves the removal of easements and the creation or alteration of access to a road in a Road Zone, Category 1.
3. The land has a total area of 8,176m². The building has an overall site coverage of 75% and a site permeability of 19.6%. The proposal does not exceed the maximum building height of 32.5m or the further design element height of 6.5m within the Activity Centre Zone (sub-precinct 7A). A total of 404 car spaces are provided, distributed over five levels. Residential car parking is separated from the commercial and residential visitor parking, which are conveniently located on one level. 102 bicycle spaces are provided.

Advertising

4. Notice of the application was given over a three week period which concluded on 26 September 2018.
5. To date, seven objections have been received. The objections include issues relating to car parking, traffic, design and built form, off-site amenity, lack of

public open space, loss of property value and construction impacts. Known property addresses of objectors within proximity to the site are shown by the indicator on the map below, east of the subject site in Elgar Court.



Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;
 - Design and built form;
 - Apartment developments;
 - Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
 - Objector concerns.

Assessment

7. The development of the land for a mixed-use, 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. The proposal also has regard for the Residential Growth Zone (RGZ), as it applies to the southern portion of the site.

8. The proposed development features a contemporary design, which meets the mandatory maximum building height prescribed for ACZ1. Whilst the proposal exceeds the preferred maximum height for that part of site affected by RGZ, it is considered that the proposal presents a scale that complements other high density developments (both approved and constructed) in the area and the lower-scale residential character to the south outside of the activity centre.

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 and the Design and Development Overlay Schedule 8 (DDO8-1) as they relate to siting, height and building presentation and transitions appropriately to surrounding development. The southern portion of the development also steps down in built form to respond to the preferred residential character within the RGZ to the south. 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 approval prior to the commencement of works.
10. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/028012 at 584-588 Doncaster Road, 811, 813 Elgar Road and 3 Briar Court, Doncaster for use and development of the land for an 11-storey mixed-use building with associated basement car parking, comprising dwellings, food and drinks premises, restricted retail premises, the removal of easements and the creation or alteration of access to a road in a Road Zone, Category 1, subject to the following conditions –**
 1. **Before the use and 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 Hayball, Project No. 2074 Revision 2 dated 16 August 2018), but modified to show the following:**
 - 1.1 **The ‘Elgar Road façade refinement study’ plan, prepared by Hayball, Project No. 2074 dated 13 November 2018, incorporated into the floor plans and elevations, detailing the simplification of feature spandrels and the introduction of timber-look soffits to balconies;**
 - 1.2 **Provision of a deceleration lane in accordance with Condition 46 of this permit;**

- 1.3 Notwithstanding the above, details of the boulevard treatment, including maintaining a minimum 3.6m wide paved promenade, with full dimensions and paving materials along Doncaster Road, in accordance with the Doncaster Hill Strategy;
- 1.4 The unused Lower Ground driveway area adjacent to the communal stairwell and Apartment GL13 modified to a landscape area;
- 1.5 A minimum 1m wide area along the western and south-western boundaries (encompassing Apartments GL10 to GL13) set aside for landscaping;
- 1.6 A minimum 3m wide area along the Briar Court frontage (encompassing Apartments GL04 to GL07), set aside for landscaping, incorporating layered planting and a feature tree-line. This area can either be incorporated into the current private open space boundaries or be allocated as common property with internal fences relocated;
- 1.7 A minimum 1m wide area along the south-eastern and eastern sides of the private open space area associated with Apartment GL04, measured from inside the timber-look aluminium fence, set aside for landscaping that continues the landscape theme that is required along the Briar Court frontage;
- 1.8 The timber-look aluminium slat fencing described on the floor plans, including to the Briar Court frontage, to be implemented on the elevation plans.
- 1.9 Details of the location of the pedestrian entrance(s) to the shop, to be implemented on floor plans and elevations;
- 1.10 Provision of adeq
- 1.11 A car parking allocation schedule incorporating each residential car parking space;
- 1.12 Allocation of storage to each dwelling, having appropriate regard for the location of allocated resident vehicle spaces;
- 1.13 Swept path diagrams for waste vehicle turning manoeuvres demonstrating the vehicle can enter the site, access the designed waste collection bay, and exit the site in a forward direction;
- 1.14 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;
- 1.15 A Plan of Subdivision for the removal of easements, detailing bearings, distances, levels, street names, lot numbers and lot sizes (as relevant);
- 1.16 Any relevant changes as a result of the endorsed Sustainability

Management Plan prepared under Condition 4 of this permit;

1.17 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

1.18 All recommendations and design changes as required by VicRoads, the Sustainability Management Plan, the Waste Management Plan, Disability Access, Pedestrian Wind Environment Statement, acoustic and any other report approved under conditions of this permit.

Endorsed Plans

2. The use and 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. Not less than two months 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 and Construction Management Plan Guideline 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 report prepared by Lucid dated 2 July 2018, submitted with the

application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Waste Management Plan

5. Not less than 28 days before the development starts, a 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 Plans (WMP) prepared by Leigh Design dated 18 December 2018. The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any 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 26 June 2017, and addendums dated 21 December 2018 and 27 June 2018 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 dated 18 June 2018, 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 Car parking areas.

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 Tract, Project No. 0317-0357-10-D001, Revision 1 dated 14 August 2018, but modified to show:
 - 11.1 Species, locations, quantities, approximate height and spread of proposed planting;
 - 11.2 Details of soil preparation and mulch depth for garden beds;
 - 11.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;
 - 11.4 A separate sectional detail of Doncaster 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;
 - 11.5 A reduced extent, or avoidance, of artificial turf, with appropriate alternate treatments adopted, to the satisfaction of the Responsible Authority;
 - 11.6 Details of planting to the Level 3 communal areas, to

demonstrate how these areas will function and be maintained;

- 11.7 The extent of irrigation to communal garden beds that are controlled by sensors;
- 11.8 Additional landscaping to the western and south-western boundaries incorporating effective screen planting, and layered planting incorporating a feature tree-line within the Briar Court frontage;
- 11.9 Details of the site frontage to Doncaster Road, including the location of ramps, planter beds and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
- 11.10A detailed materials and finishes schedule of all hardstand areas, including Doncaster Hill boulevard treatment and providing for an alternate driveway finish for the entire drop-off car parking area, and retaining walls; and
- 11.11 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 Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting.

Landscape Bond

12. 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

13. 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:
 - 13.1 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';
 - 13.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
 - 13.3 All landscape areas must be fully planted and mulched or grassed.
14. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible

Authority.

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

17. **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:**

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

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

Construction Plan (OSD)

18. **Before the development starts, a construction plan for the system required by Condition 17 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

19. **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.**
20. **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.**

On-site car parking and bicycle parking

21. **The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:**

21.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the

development hereby permitted;

21.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

21.3 Be drained and sealed with an all-weather seal coat where appropriate.

22. The drop-off, commercial and residential visitor, and residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

23. The areas set aside for visitor car parking shown on the endorsed plans must be made available for use free of charge at all times and must not be used for any other purpose.

24. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

Commercial Uses (Restaurant and Retail)

25. Except with the prior written consent of the Responsible Authority, the hours of operation for the food and drink premises are:

Monday to Sunday between 7.00am and 11:00pm

26. Except with the prior written consent of the Responsible Authority, the hours of operation for the restricted retail premises are:

Monday to Wednesday, Saturday to Sunday between 9am and 5pm

Thursday to Friday between 9am and 9pm

27. All delivery and collection of goods associated with the food and drink premises and restricted retail premises must be conducted within the subject land and within the operating hours approved under this permit.

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

29. The shop fronts for the restricted retail and food and drink premises (which face Doncaster Road) must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.

30. The operators of the commercial premises must ensure that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby

residents and residents in the building, and in accordance with any approved car parking operation (should they be parked within the basement car parks) approved under another condition of this permit.

31. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.
32. The use of the land must not adversely affect the amenity of the neighbourhood, including through:
 - 32.1 the transport of materials, goods or commodities to or from the land;
 - 32.2 the appearance of any buildings, works or materials; and
 - 32.3 the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;to the satisfaction of the Responsible Authority.
33. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste management plan.

Development Contribution

34. Prior to the completion 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

35. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
36. 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.

General

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

Responsible Authority.

38. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
39. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
40. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
41. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
42. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
43. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
44. Any external clothes drying facilities must be appropriately designed and must not be visible from the street.

Transport for Victoria

45. The permit holder must take all reasonable steps to ensure that disruption to bus operation within the bus lanes along Doncaster Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria a minimum of 8 weeks prior. The permit holder must notify PTV by either calling 1800 800 007 or email customerservice@ptv.vic.gov.au.

VicRoads

46. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 21 December 2017 (Drawing No. TP01.02) and annotated as but modified to show:
 - 46.1 The removal of all redundant vehicles crossovers on Doncaster Road and Elgar Road.
 - 46.2 The provision of a left turn deceleration lane to the satisfaction of and at no cost to VicRoads.

47. Before the development starts, a functional layout plan and functional stage Road Safety Audit (RSA) must be submitted to and approved by VicRoads. The functional layout plan is to include the following:
- 47.1 The provision of a left turn deceleration lane on Doncaster Road.
48. Subsequent to the approval of the functional layout plans and functional stage RSA and prior to the commencement of any roadworks on Doncaster Road required by VicRoads, the applicant shall prepare detailed engineering plans of the road works consistent with the approved functional layout to the satisfaction of VicRoads and the Responsible Authority.
49. Prior to the certification of the corresponding plan of subdivision for the development hereby approved, land must be set aside in accordance with the approved functional layout plan to the satisfaction of and at no cost to VicRoads.
50. Prior to the occupation of the development hereby approved, all works required by VicRoads under this permit must be completed to the satisfaction of and at no cost to VicRoads.
51. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the occupation of the buildings hereby approved.

Permit Expiry

52. This permit will expire if one of the following circumstances applies:
- 52.1 The development is not started within four (4) years of the date of this permit; and
- 52.2 The development is not completed within eight (8) years of the date of this permit.
- 52.3 The uses are not commenced within two (2) years of the development being completed.

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.

VicRoads notes:

1. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
2. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and

standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.

2. BACKGROUND

- 2.1 A pre-application advice request was submitted to Council on 19 May 2016 and the proposal was presented to the Sustainable Design Taskforce meeting on 30 June 2016.
- 2.2 The application was submitted to Council on 22 December 2017.
- 2.3 A request for further information was sent on 19 January 2018. The letter also raised concerns relating to building height, setbacks, on-site amenity impacts and landscaping.
- 2.4 All requested further information was received by Council on 17 August 2018.
- 2.5 Notice of the application was given over a three-week period which concluded on 26 September 2018.
- 2.6 The applicant amended the application under Section 57A of the *Planning and Environment Act 1987* on 21 November 2018 to modify the description of the application by removing reference to a 'reduction to the car parking requirements for all non-residential uses and residential visitor spaces' and to clarify that the retail premises is a 'restricted' retail premises. This was due to an erroneous assessment in the submitted traffic report.
- 2.7 The statutory time for considering a planning application is 60 days, which would lapse on 20 January 2019.
- 2.8 The land titles are not affected by any covenants. Two Section 173 Agreements affect the land title of 584-588 Doncaster Road, Doncaster. Council entered into agreements with a number of properties in the immediate area in relation to the purchase of land at 9 Rose Street for the purpose of constructing a car park on the land, in exchange for monetary contributions from nearby land owners. This results in the site having a car parking credit of 6 car parking spaces within the Rose Street car park.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated at the corner of Doncaster Road and the western side of Elgar Road. It also encompasses three residential lots to the south; two of which face Elgar Road and one within Briar Court.
- 3.2 The site has approximate dimensions of 72 metres to Doncaster Road to the north, 122 metres to Elgar Road to the east, 52 metres to Briar Court to the

south, a 35 metre south-western interface with 2 Briar Court and an 80 metre long western boundary, comprising a total area of 8,176 square metres.

- 3.3 584-588 Doncaster Road is currently used as a car dealership. 811 and 813 Elgar Road and 3 Briar Court all consist of single-storey brick dwellings. Existing vehicle access is provided to Doncaster Road, at three points along Elgar Road and at two points to Briar Court.
- 3.4 The topography falls north to south by approximately 2 metres, and has a cross-fall of approximately 2 metre in an east-west direction.
- 3.5 A series of drainage and sewerage easements affect the southern portion of the site; a 1.83 metre wide easement extending along the entire southern boundary of 584-588 Doncaster Road, a 2.44 metre wide easement along the western and northern boundaries of 3 Briar Court and a 2.44 metre wide easement along the western boundaries of 811 and 813 Elgar Road.
- 3.6 Paling fences currently delineate the boundaries between the lots are provided on the side and rear property boundaries. A rendered retaining wall is provided to the Doncaster Road and Elgar Road frontages of 584-588 Doncaster Road and low brick fences are provided to the frontages of 811 and 813 Elgar Road. The site's interface with Briar Court is unfenced.

The Surrounds

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

| Direction | Address | Description |
|-----------|--------------------|--|
| South | 2 Briar Court | This residential property within the Residential Growth Zone contains a single-storey brick dwelling setback a minimum 3.9m from the common boundary. A driveway is located adjacent to the common boundary, servicing a carport on the boundary. |
| West | 580 Doncaster Road | This commercial property operates as a Motor Repairs within the Activity Centre Zone. The business operates within a single storey brick building that is constructed along the majority of the common eastern boundary. The western portion of the property provides for car parking. |
| | 2-4 Rose Street | This commercial property operates as a Trade Supplies within the Activity Centre Zone. The southern portion of the site (with a 7m long common boundary) contains a single storey building. The northern portion is a concreted area containing stored equipment for hire. |

- 3.8 The character of the broader area is mixed, with a number of high rise developments to the east, existing housing stock to the south, and commercial development to the north and west.
- 3.9 To the north is Doncaster Road, an arterial road with three lanes in both directions, separated by a narrow median strip. The outer lanes operates as bus lanes during peak times.

- 3.10 To the east is Elgar Road, an arterial road with two lanes of traffic in both directions, opening up to three northbound lanes across the site frontage to allow for two right turn lanes and a left turn slip lane adjacent to the north-eastern corner of the site.
- 3.11 To the south is Briar Court, a 50 metre long local cul de sac connecting to Elgar Road to the east.
- 3.12 The subject site is partly 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. 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 in the south-western portion of the precinct, at the southern edge of the ACZ1, with the remainder of the subject site and the land to the south being located within the Residential Growth Zone.
- 3.13 In terms of public transport, the subject site is 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 450 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, Lawford Reserve and Tullamore Estate reserves, Doncaster Primary and Doncaster Secondary College.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Hayball, Project No. 2074 Revision 2 dated 16 August 2018, together with a revised eastern façade plan dated 13 November 2018, and a landscape concept plans prepared by Tract, Project No. 0317-0357-10-D001, Revision 1 dated 14 August 2018. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
 - Town Planning report and Clause 58 Assessment prepared by SJB Planning dated December 2017;
 - Waste Management Plan prepared by Leigh Design dated 18 December 2017;
 - Traffic and Transport Assessment prepared by Cardno dated 11 July 2018;
 - Sustainable Management Plan prepared by Lucid dated 2 July 2018;
 - Wind Impact Assessment prepared by Windtech dated 18 June 2018; and
 - Acoustic Report prepared by Marshall Day Acoustics dated 26 June 2017, and addendums dated 21 December 2018 and 27 June 2018.
- 4.3 A summary of the development is provided as follows:

| | | | |
|----------------|---------------------|---|---|
| Land Size: | 8,176m ² | Min. wall setback to Doncaster Road (north) | Basement: 28.9m Lower ground: 6.2m Upper ground: 6.2m Levels 1-3: 5m |
| Site Coverage: | 75% | | |

| | | |
|--|--|--|
| Permeability: 19.6% | | Levels 4-8: 9m Levels 9-11: 9m |
| Maximum Building Height: 32.5m Design Element Height: 6.5m | | Min. wall setback to Elgar Road (east) Basement: 0.53m Lower ground: 4.685m Upper ground: 4.415m Levels 1-3: 3.21m Levels 4-8: 3.21m Levels 9-11: 3.21m |
| Number of Dwellings: 260 • 1 Bed: 55 • 2 Beds: 134 • 3 Beds: 71 | | Min. wall setback to Briar Court (south) boundary Basement: 12.7m Lower ground: 3.5m Upper ground: 1.745m Levels 1-3: 1.745m Levels 4-8: 5m Levels 9-11: 39.9m |
| Dwelling Density: One per 31.4m ² | | Min. wall setback to south-western boundary Basement: 13.4m Lower ground: 4.575m Upper ground: 3.935m Levels 1-3: 4.575m Levels 4-8: 7.54m Levels 9-11: 49m |
| Area of uses: • Restricted retail: 181m ² • Food & drink: 340m ² • Shop: 302m ² | | Min. wall setback to west boundary Basement: 7.79m Lower ground: 5.49m Upper ground: 4.82m Levels 1-3: 4.5m Levels 4-8: 4.325m Levels 9-11: 29.5m |
| Total car parking spaces: Provided: 404 • Residential: 332 ➤ 1 Bed: 55 ➤ 2 Beds: 134 ➤ 3+ Beds: 142 • Visitors: Combined 72 car parking spaces for visitors and all commercial uses • Restricted retail: • Food & drink: • Shop: | | Required: 381 • 331 ➤ 55 ➤ 134 ➤ 142 • 26 • 2 • 12 • 10 |

Design layout

4.4 The lower ground floor includes commercial operations to Doncaster Road, comprising a restricted retail premises and food and drink premises. Both of these commercial areas are oriented to a central pedestrian plaza. The fall of the land to the south enables this level to incorporate a large central car parking area without any negative implications on the Elgar Road streetscape. This level comprises 13 apartments, 12 of which are duplex. These apartments wrap around the southern portion of the building, and incorporate terraces to the east, south and west.

- 4.5 In addition to the 13 apartment wraparound layout at the southern end of the upper ground floor, a further 8 single level apartments are located on the eastern and western peripheries. Centrally, a car park is provided. A shop is provided to the north-eastern corner of the building, providing an interface to Elgar Road.
- 4.6 Levels 1 and 2 incorporate central car parks, with apartments around the entire perimeter. 9 duplex apartments are provided across both levels at the southern end. An additional 24 single storey apartments are provided on each of Levels 1 and 2.
- 4.7 Extensive communal and landscape spaces are provided at Level 3, together with a pool and gymnasium. 6 duplex apartments are provided at the southern end of Levels 3 and 4, together with four single-storey apartments in this grouping over the two levels. From Level 3 to 8, the tower of the building takes the form of cross shape, incorporating a central landscape area with a void above.
- 4.8 Level 9 utilises two wings of the tower cross, while the podium of the building across Levels 10 and 11 incorporates only the north-eastern wing.

Pedestrian and vehicle access and layout

- 4.9 Four external points of entry are available to pedestrians; via the Doncaster Road plaza, the Briar Court frontage and two along the Elgar Road frontage. These access points lead to lift lobbies. A total of six lifts are provided for the development, divided into three locations.
- 4.10 One vehicle access point is provided to the development, on the western end of the Doncaster Road frontage. A 6.5m wide driveway at lower ground level leads to a drop-off bay, followed by two separate entrances; one serving commercial and visitor car parking spaces at lower ground level only and the other serving residential car parking spaces across all car parking levels. Waste collection is provided from the basement level. Residential storage enclosures are provided at each car park level, either directly adjacent to car spaces or in compounds at each car park level.

Landscaping

- 4.11 Canopy trees are proposed within the frontage to Doncaster Road to provide a boulevard treatment and within the plaza. Additional trees are provided along the Elgar Road and Briar Court frontages. An arbour is provided over the majority of the driveway along the western boundary, to provide an appealing outlook for apartments above. Screen planting is provided along the western and south-western boundaries. Planting within the Level 3 podium incorporates a variety of trees and shrubs and seating areas. The central atrium incorporates bamboo with a shallow water feature.

Design detail

- 4.12 The proposed development features a contemporary architectural design, incorporating a lighter colour. One dwelling may be on or over lot boundary., utilising a combination of pre-cast concrete panelling and timber-look screening in a predominantly curvilinear form. Glazing alternates between grey tint, frosted and clear. The scale of the building is reduced to the south to respond to the residential context of Briar Court. In particular, the building predominantly utilises

timber-look material to this façade, adopting a ‘honeycomb’ design to create visual interest to soften the three-storey 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 32.07-5 (Residential Growth Zone) and Clause 37.08-5 (Activity Centre Zone, Schedule 1), to construct a building or construct or carry out works.
 - Clause 37.08-2 (Activity Centre Zone, Schedule 1), to use the land for a food and drink premises and retail premises.
 - Clause 43.02-2 (Design and Development Overlay, Schedule 8), to construct a building or construct or carry out works.
 - Clause 52.02 (Easements, Restrictions and Reserves), to remove easements.
 - Clause 52.06 (Car Parking), for the reduction in car parking requirements.
 - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), 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 Doncaster 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 requiring the provision of a functional layout plan showing the provision of a left turn deceleration lane to the accessway on Doncaster Road.
- 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 & | <ul style="list-style-type: none"> • No objection subject to conditions for the provision of onsite |

| Service Unit | Comments |
|---|--|
| Technical Services Unit – Drainage | storm water detention. |
| Engineering & Technical Services Unit – Vehicle Crossing | <ul style="list-style-type: none"> • No objection subject to conditions requiring the removal of redundant crossovers. |
| Engineering & Technical Services Unit – Access and Driveway | <ul style="list-style-type: none"> • No objection subject to conditions requiring a deceleration lane along Doncaster Road and demonstrate adequate sight lines are available from the exit lane. |
| Engineering & Technical Services Unit – Traffic and Car Parking | <ul style="list-style-type: none"> • No objection as the number of car parking spaces provided is satisfactory and there are no traffic issues in the context of the traffic and the surrounding street network. |
| Engineering & Technical Services Unit – Car Parking Layout | <ul style="list-style-type: none"> • No objection subject to conditions requiring all tandem car parking spaces to provide a minimum 0.5m separation between each space. |
| Engineering & Technical Services Unit – Construction Management | <ul style="list-style-type: none"> • No objection subject to a requirement for the provision of a construction management plan. |
| Engineering & Technical Services Unit – Waste | <ul style="list-style-type: none"> • No objection subject to conditions for on-site private waste collection and vehicle swept path diagrams for the waste collection vehicle provided on plan. |
| Engineering & Technical Services Unit – Easements | <ul style="list-style-type: none"> • Easements are currently located having regard to the current subdivision layout. A permit is required to remove easements within the lots to make way for the development. No objection subject to build over easement approval being granted. |
| Engineering & Technical Services Unit – Flooding | <ul style="list-style-type: none"> • No objection as the site is not subject to inundation. |
| City Strategy Unit – Sustainability | <ul style="list-style-type: none"> • No objection. |

| Service Unit | Comments |
|--|---|
| City Strategy Unit – Doncaster Hill | <ul style="list-style-type: none"> • No objection. |
| City Strategy Unit – Urban Design | <ul style="list-style-type: none"> • No objection. |

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 26 September 2018, by sending letters to nearby properties and displaying a sign to each lot frontage.

7.2 Seven objections have been received from the following properties:

- 407/5 Elgar Court, Doncaster (on behalf of Owners Corporation Gardenhill);
- 304/5 Elgar Court, Doncaster;
- 606/5 Elgar Court, Doncaster;
- 14A Avocet Street, Doncaster East;
- 6/46 Boronia Grove, Doncaster East;
- 1/5 Saltriver Place, Footscray; and
- 4 Yellow Rose Terrace, Hamlyn Terrace NSW.

7.3 The main grounds of the objection can be summarised into the following categories:

- Inadequate car parking, traffic;
- Design and built form (building height, setbacks and design element)
- Off-site amenity impacts (overlooking, loss of daylight, overcrowding, view loss, wind circulation and noise);
- Lack of public open space to cater for the increased population;
- Loss of property value; and
- Construction impacts.

7.4 A response to the grounds of objection are included in the assessment section of this report.

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:

- Planning Policy Frameworks;
- Design and built form;

- Apartment developments;
- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
- Objector concerns.

Planning Policy Frameworks

- 8.3 Key objectives of the PPF 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 PPF 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 As it relates to the northern portion of the site, 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 the ACZ1.
- 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 northern portion of 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 The land uses proposed are located within the part of the site zoned ACZ1, which supports a mixed-use development within the activity centre. The proposal provides appropriate uses within a building 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 mixed-use development and innovative contemporary design.
- 8.9 The non-residential uses are located at ground level and front Doncaster Road and Elgar Road. These uses also takes advantage of the sites northern aspect, and are therefore well located to activate the public realm. The commercial uses are consistent with the objective of the ACZ1 which seeks to encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.

- 8.10 The southern portion of the site is outside the ACZ1 and is instead affected by the RGZ2 and DDO8. Under Clause 21.05 Residential, this southern part of the site falls within Precinct 2 - areas adjoining main roads and activity centres where a substantial level of change is anticipated. The DDO8 itself provides design objectives, which direct the built form outcomes and drive the 'future character' intended.
- 8.11 The use of this part of the land for the purpose of apartments is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density within and close to activity centres and the activation of street frontages to increase the vibrancy of the area.
- 8.12 While the lots affected by the RGZ2 comprise a total area in excess of 1,800m², the proposed development exceeds the 11m building height requirement outlined in the DDO8. The consolidation of the three RGZ2 lots with a combined area of approximately 2,346m² is considered appropriate to accommodate the development in the height proposed. The development responds to the strategic context of the site through the site's adjacency to the ACZ1 and fundamental integration with the podium and tower forms of the development within the ACZ1. The presentation of ground level terraces to Elgar Road and Briar Court activates the street frontages to increase the vibrancy of the area. This is consistent with the preferred future character outlined in the DDO8.
- 8.13 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape and elements (including supporting high quality urban design, on and off-site amenity of future occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.
- 8.14 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that has, and will in time alter the existing neighbourhood character along Elgar Road and Briar Court.
- 8.15 Council's planning preference is for higher density, apartment style developments, as outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy is also guided by the elements contained within the DDO8, in conjunction with an assessment against Clause 58 – Apartment Developments. The resultant built form is contemplated to resulting substantial change that has a more intense and less suburban outcome.

Design and built form

- 8.16 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.

8.17 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

8.18 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.

8.19 The tower of 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. The design element, which comprises Levels 10 and 11, adds a further 6.5 metres to the building height. The proposal is fully compliant with maximum mandatory building heights of the ACZ1.

8.20 In relation to the percentage of the roof area of which the design element covers, the design element does not achieve the requirement to occupy *an area less than 15% of the overall roof area*. The proposed design element occupies 17.8% of the overall roof area.

8.21 The following calculations have been submitted for the design element area:

- Total roof area = 6,120.5sqm
- Total floor area of levels 10 = 1,089.5sqm
- Areas of levels 10 or 11 not included within design element are services cupboards, stairwell, lift core, corridor, waste rooms and supply shafts.
- Areas of levels 10 or 11 which are included within the design element are the dwellings.
- Design element % = $1,089.5\text{sqm} / 6,120.5\text{sqm} \times 100 = 17.8\%$

8.22 Calculation of this figure which excludes internal space used for service cupboards, stairwells, waste rooms and supply shafts and external balconies, is consistent with the approach taken in the assessment of other apartment buildings in Doncaster Hill.

8.23 The architectural form of the design element is supported. It includes two levels of dwellings with a curvilinear design, set back from the lower levels around the perimeter through the use of balconies. The positioning of the design element is significant as it adds a degree of strength and weight to the building to the most prominent corner being Doncaster and Elgar Roads, with a design that provides continuity with the tower form.

8.24 The submitted size for the design element is 17.8% and policy supports 15%. The difference of 2.8% from the prescribed size is a reasonable concession given the high quality design and materials proposed for the building.

8.25 Overall, the location and design of the design element continues the theme of those in neighbouring developments within Doncaster Hill (along Tram Road and Doncaster Road) and is in line with the vision statement in the Doncaster Hill Strategy 2002 which seeks to emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.

8.26 Having specific regard to the southern portion of the development within the DDO8, an assessment against the DDO8 requirements is provided below:

| Design Element | Met/Not Met |
|--|---|
| <p>DDO8-1 (Main Road Sub-Precinct)</p> <ul style="list-style-type: none"> The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage 11 metres provided the condition regarding minimum land size is met. <p>If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p> | <p>Considered Met</p> <p>The lots affected by the DDO8 comprise a total area of 2,346m², which specifies a maximum discretionary building height of 11m. This varies from the requirements set out in the RGZ2, which allows up to 14.5m on sloping sites.</p> <p>The consolidation of the three RGZ2 lots is considered appropriate to accommodate the development in the height proposed.</p> <p>The building comprises a 6-storey form, with a maximum height of 19.5m, which exceeds the preferred DDO8 height by 8.5m and the RGZ2 discretionary height by 5m.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The lower ground floor is benched into the site, and a timber-look aluminium clad 'honeycomb' curtain is implemented to the façade of the three levels. Varied wall and balcony setbacks are positioned behind the honeycomb design to create articulation. These combined four levels achieve a maximum height of 13.85m.</p> <p>The two upper levels are further setback (minimum 7.3m from Elgar Road and 4.8m to Briar Court) behind balcony parapets to accentuate the honeycomb design. It is these two levels that reach the maximum height of 19.5m.</p> <p>The development adopts this design to respond to the residential scale and character to the south. While exceeding the height requirements, the design demonstrates that it achieves a suitable transition to the south, by stepping the height from 6 to 4 storeys, and adopting a façade design that is more</p> |

| Design Element | Met/Not Met |
|--|---|
| | <p>sympathetic to the residential character to the south than the façade adopted for the tower component of the development.</p> <p>In this way, the building responds to the preferred character and provides adequate stepping in built form to the south to provide acceptable building heights that will not have unreasonable impacts on the streetscape or adjoining properties.</p> |
| <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. • Minimum side street setback is the distance specified in Clause 55.03-1. | <p>Considered Met</p> <p>The southern walls of the building should be setback a minimum 6m from Briar Court.</p> <p>The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2m, but they must not extend along the width of the building.</p> <p>Building setbacks to the south do not meet the preferred setback requirement of 6m, in part due to the alignment of this boundary following the Briar Court bowl.</p> <p>At ground floor, an 8.3m setback is provided to the majority of the apartments. This reduces to 3.5m at the building entry, opposite the court bowl.</p> <p>Setbacks to the court bowl reach a minimum 1.75m at Upper Ground Level and Level 2. In the same location, Levels 3 and 4 provide a minimum 5 metre setback.</p> <p>While the court bowl setbacks are close to the Briar Court frontage, the predominant setbacks from Upper Ground Floor to Level 2 are at least 5.7m. Setbacks to Levels 3 and 4 exceed 6m.</p> <p>While the setbacks to the Briar Court bowl are minimal, it would not be possible to meet the setback whilst maintaining the integrity of the architectural form of the building. The building would suddenly recede from the continuous 5.7m setback presented to the majority of Briar Court. While the 1.745m setback relates to two levels, these are separated by Level 1, which utilises balcony form to break up the façade. This, coupled with the Lower Ground Level pedestrian entrance setback below, is considered to provide adequate articulation behind the</p> |

| Design Element | Met/Not Met |
|---|---|
| | <p>curtain wall.</p> <p>Wider landscape areas along the southern boundary to Briar Court will also help soften the appearance of built form.</p> <p>The Elgar Road side street setback is assessed under Clause 58.04-1, in the Clause 58 table to follow.</p> |
| <p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. | <p>Not Met</p> <p>The development has an overall site coverage of 75% across the entire site. This is considered acceptable as the building is highly articulated through alternating balcony setbacks, use of cantilevering and the honeycomb design. Ample landscaping opportunity is provided to the street interfaces and the south-western boundary.</p> |
| <ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. | <p>Met</p> <p>The building incorporates an appropriate mix of materials to provide visual interest. Articulation is also provided by the stepping of walls, the use of balconies, glazing, fascias and framing elements. The honeycomb design provides strong visual interest to the Briar Court frontage and the corner of Briar Court and Elgar Road.</p> |
| <ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. | <p>Met</p> <p>No part of the building is constructed on the boundaries, including basement areas. However, there are instances of the basement and lower ground car park located within 1 metre of the Elgar Road frontage.</p> |
| <ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. | <p>Met</p> <p>The direct southern interface is Briar Court. The south-western interface is to 2 Briar Court. The building is considered to adequately step down to the south/south-west through staggered setbacks, incorporation of balconies, framing elements and varied building materials. The upper levels of the building are graduated to provide increased setbacks, which allows the building to be stepped down and provide a transition to the single-storey scale of properties to the south.</p> |
| <ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. | <p>Met</p> <p>The building takes advantage of land fall to the south by incorporating a Lower Ground Level, which is partially benched to the Briar Court frontage.</p> |

| Design Element | Met/Not Met |
|--|--|
| <ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. | <p>Met</p> <p>Apartments GL01, GL02 and GL03 along the Elgar Road façade rely on below ground light courts. These are duplex, two-bedroom apartments, containing bedrooms at lower ground level and living areas and balconies at the upper ground level. Upper level room depth is also limited to 7.8 metres to assist in obtaining sufficient solar access. The placement of living areas at the upper level maximises solar access.</p> |
| <ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. | <p>Not applicable</p> |
| <ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. | <p>Met</p> <p>The upper levels of the building exceeds 75% of the lower levels. The honeycomb design demonstrates sufficient architectural interest, particularly as balconies are placed behind this curtain wall, and step alternately to create further articulation. Importantly, the material of the honeycomb wall is also sympathetic to the residential character of the area.</p> |
| <ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. | <p>Met</p> <p>There are no porticos or imposing design elements proposed. Design features are considered to be well integrated into the overall design of the building. The entry via Briar Court is nestled amongst the honeycomb design.</p> |
| <ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. | <p>Met</p> <p>The incorporation of dwellings around the periphery of the building avoids the alternative, being the appearance of bland car parking areas facing the street.</p> <p>There is one example of a basement area projecting above natural ground level. Given the slope of the land, an 8m long section of wall projects above natural ground level by a maximum of 0.7m to the Elgar Road interface. Aside from this example, the design features apartments that in part, nestle below natural ground level, creating an active street presence.</p> |
| <ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen | <p>Met</p> <p>There is one residential interface with the subject site, to the south-west. The combination of a minimum 4.5m development</p> |

| Design Element | Met/Not Met |
|--|--|
| devices. | setback and the existing site conditions incorporating a carport and driveway at 2 Briar Court, immediately adjacent to the subject site, ensures that there is no unreasonable overlooking. No screening devices are required to be incorporated into the design. |
| <ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. | <p>Met</p> <p>The primary entry is via Briar Court, which is at-grade. A secondary entrance is provided from Elgar Road, however this requires residents to use steps. Both of these entries provide access to the same floor, however another access point also via Elgar Road, provides at-grade access to the floor above. Lifts provide access to the car parking levels and entries of all apartments.</p> |
| <ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. | <p>Met</p> <p>Basement or lower level car parking does project above ground level, insofar as the presentation to the street or any neighbouring properties.</p> |
| <ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. | <p>Met</p> <p>The car parking areas are not visible from the DDO8 street interfaces.</p> |
| <ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. | <p>Met</p> <p>All car parking spaces are provided within the car parking levels.</p> |
| <ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. | <p>Met</p> <p>The basement setback exceeds the setbacks of the apartments to the south and west, and exceeds the setbacks of the terraces to the east</p> |
| <ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. | <p>Met</p> <p>The development provides appropriate setbacks to side and rear boundaries to allow for screen planting that soften the appearance of the built form.</p> |
| <ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is | <p>Met</p> <p>Service areas are provided central to the building. This includes lift overruns and stairwells.</p> |

| Design Element | Met/Not Met |
|---|---|
| <p>integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</p> | |
| <p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. | <p>Met No separate vehicle crossover is provided to this building. One crossover to Doncaster Road, within the ACZ1, serves the entire development.</p> |
| <ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. | <p>Not applicable</p> |
| <ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. | <p>Not applicable</p> |
| <ul style="list-style-type: none"> • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. | <p>Not applicable</p> |
| <p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. • On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a | <p>Met subject to conditions The landscape response to the Briar Court frontage is minimal and considered a missed opportunity, particularly in the context of the RGZ2 and the need to present the development to Briar Court at a more residential scale. Substantial basement setbacks will not affect planting areas. Apartments GL04-GL07 are setback between 6.8m and 8.2m from Briar Court. Suitable 1.2-1.5m high vertical timber-look aluminium</p> |

| Design Element | Met/Not Met |
|---|--|
| <p>spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</p> <ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. | <p>slat fencing to complement the material of the honeycomb building façade will be offset approximately 0.8m from the Briar Court frontage. Landscaping is proposed on both sides of the fence, however only up to a width of 0.6m inside the fenceline. The balance of the setbacks provided are paved terraces. The impact of this is considered to be highly exposed terraces, providing little privacy to residents and an underwhelming landscape response, particularly given the capacity to soften the building facade.</p> <p>Given the bold presence of the honeycomb design and its minimal setback to the Briar Court pedestrian entry due to the court bowl, it is considered that a condition will require stronger landscape presentation for a depth of 3m (increasing from approximately 1.4m) from the Briar Court frontage. This landscape area will also be required to continue along the south-eastern and eastern boundary of Apartment GL04, albeit at a width of 1m, measured from the inside of the fence. This maintains ample paved area to these dwellings and can be incorporated into the current private open space layout or allocated as common property via a relocated fence, at the applicant's discretion, which would be guided by their landscape architect.</p> <p>Indicative planting is shown along the south-western boundary, however no landscaping is provided along the western boundary (within the private open space area of Apartments GL11-13). A minimum 1m wide landscape strip will be required as a condition along the south-western and western boundaries, within the private open space areas of Apartments GL10-GL13. It is anticipated that tall screen planting can be provided along the boundaries, together with complementary low shrub planting for residents.</p> |
| <p><u>Fencing</u></p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum | <p>Met subject to a condition</p> <p>Timber-look aluminium slat fencing is proposed along the Briar Court and Elgar Road frontages. The fencing is setback 1m from these boundaries. This, together with the above landscape requirements, will enable a continuous landscape treatment along these facades.</p> |

| Design Element | Met/Not Met |
|--|--|
| <p>height of 1.8m</p> <ul style="list-style-type: none"> • be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p> | <p>The elevation plans appear to show a rendered blockwork design. Therefore, a condition will require the elevation plans to be amended to correspond with the details provided on the floor plans.</p> |

Podium and Front Setbacks

- 8.27 A permit cannot be granted to vary the front setbacks for properties that abut Doncaster Road, including the front podium and front tower setbacks. As such, the requirement to achieve a 5m setback at the podium level and a 9m setback to the tower are both mandatory requirements. Both the podium and tower front setbacks comply with the required mandatory setbacks.
- 8.28 The ACZ allows for minor buildings and works within the setbacks (such as verandahs, architectural features, balconies, sunshades, screens, artworks and street furniture setbacks), however there are no encroachments proposed.

Side and Rear Building Setbacks

- 8.29 Policy includes preferred minimum requirements relating to side and rear setbacks that can be varied by a permit. The minimum setback from a side or rear boundary is 4.5m. Setbacks to the building above natural ground level are compliant from all boundaries at all levels.
- 8.30 Building setbacks from the western boundary are compliant with the 4.5m side setback requirement at all levels, with the exception of two areas; an almost indecipherable pinch point setback 4.475m at the upper ground floor, in the north-westernmost corner of the building, as it relates to a blade wall projecting north from Apartment GU11; and a point at a similar location at Levels 5-8 with a setback of 4.325m. These variations to the preferred 4.5m side setback are considered acceptable as they are negligible levels of non-compliance that are towards the front of the site, with an interface with an existing commercial building. It is considered that this level of non-compliance will ultimately not unreasonably affect future development potential on the adjoining site.
- 8.31 Assessment of the southern setback is provided in the DDO8 assessment. Assessments of the south-western and part of the eastern setback are provided in the Clause 58 assessment.
- 8.32 Building setbacks to the east do not meet the preferred setback requirement of 4.5 metres at a point in the north-eastern corner of the development, with a setback of 3.21m. The 3.21m setback relates to a curvilinear part of Levels 1 to 9. Importantly, at ground level (Upper Ground), an approximate 5m setback is provided to allow for an appropriate street level setback, with the levels above cantilevering. At the podium level, this setback gradually increases to the minimum 4.5m preferred setback. At the tower level, this setback quickly increases to create a large void. The curved design softens the appearance of this reduced setback and is considered to be a reasonable outcome.

- 8.33 Officers raised concern with the podium design that presents to Elgar Road as it included elements that clutter the design and lack cohesion with the honeycomb design that is introduced on the southern façade. In response, the applicant has provided a refined eastern façade plan, which clarifies the use of a timber-look material across the elevation and incorporates timber-look soffits in sections of balconies at all podium levels as well as simplifying the vertical elements across the podium. A condition will require this plan be implemented into the drawing set.

Overshadowing

- 8.34 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-west is located outside of the activity centre. The shadow diagrams demonstrate that the development will partially overshadow 2 Briar Court at 11am and 12pm, cause negligible overshadowing at 1pm and no overshadowing from 2pm. The extent of overshadowing during these periods will affect a driveway and carport associated with the existing dwelling.

Boulevard Character

- 8.35 The proposed development provides a minimum 5 metre podium setback, a 3.6 metre wide paved promenade across the site frontage to replace the existing footpath and a landscaped boulevard to Doncaster Road, as required by policy. The development contributes positively to the local urban character and enhances the public realm by providing an active frontage to Doncaster Road and creates a boulevard along Doncaster Road. VicRoads' requirement for a deceleration lane will reduce the width of the road reserve, which will impact the boulevard treatment. However, given the substantial plaza area and basement setback provided, a condition will achieve the required boulevard treatment.

Landscape Design

- 8.36 The ground level and roof level landscaped areas appear to be commensurate with other high density developments within Doncaster Hill. Ground level screen planting is provided along the majority of the western boundary, giving a buffer between built form. This includes a 1.5m landscape strip, which also incorporates a 37m long arbor over the driveway. An inspired pedestrian plaza incorporates layered landscaping. Fencing to the Elgar Road and Briar Court frontages is setback to provide landscaping to these frontages.

- 8.37 Landscaping to the south and south-west is considered in the DDO8 assessment.

Access and Mobility

- 8.38 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. Disabled ramps are proposed to all entries, except the southernmost entry from Elgar Road. 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.

Apartment Developments

8.39 Pursuant to Clause 58 (Apartment Developments), a development must meet all of the objectives of this clause and should meet all of the standards.

8.40 An assessment against the objectives of Clause 58 is provided in the table below:

| Objective | Objective Met/Not Met |
|--|--|
| <p>58.02-1 – Urban context</p> <ul style="list-style-type: none"> To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area. | <p>Met</p> <p>The proposed apartment development positively responds to the existing urban context or the preferred future development of the area. The development appropriately scales and transitions to the south, including having regard to the topography of the area, where the land falls to the south.</p> |
| <p>58.02-2 – Residential policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services. | <p>Met</p> <p>The application was accompanied by a written statement demonstrating how the development is in accordance with Municipal Planning Strategy and the Planning Policy Framework.</p> <p>The site can support higher density residential development to take advantage of public and community infrastructure and services.</p> |
| <p>58.02-3 – Dwelling diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. | <p>Met</p> <p>The proposal includes a mix of one, two and three bedroom dwellings with a range of floor areas to provide diversity.</p> |
| <p>58.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. | <p>Met</p> <p>The site has access to all services.</p> |
| <p>58.02-5 – Integration with the street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. | <p>Met</p> <p>Several pedestrian entry points are provided to the development to integrate the development with each road frontage.</p> |
| <p>58.03-1 – Energy efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. | <p>Met</p> <p>Given the orientation of the site, the proposal makes a reasonable attempt to limit the energy efficiency impacts to southern apartments.</p> |

| Objective | Objective Met/Not Met |
|--|---|
| <ul style="list-style-type: none"> To ensure dwellings achieve adequate thermal efficiency. | |
| <p>58.03-2 – Communal open space</p> <ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. | <p>Met</p> <p>Ample communal open space areas are provided at Levels 1 and 3, significantly exceeding the requirement of 250m².</p> |
| <p>58.03-3 – Solar access to communal outdoor open space</p> <ul style="list-style-type: none"> To allow solar access into communal outdoor open space. | <p>Met</p> <p>The main communal terrace is located at the north-west corner of the podium. At least 125m² will receive two hours of sunlight at the winter solstice.</p> |
| <p>58.03-4 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. | <p>Met</p> <p>Multiple pedestrian entries are available to access the apartments, providing safe and secure entry.</p> |
| <p>58.03-5 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. | <p>Met</p> <p>Landscaping across the site is considered acceptable, subject to conditions previously discussed. Ample deep soil is provided for canopy tree and screen planting areas. Substantial areas of landscaping are also proposed within upper floor communal areas.</p> |
| <p>58.03-6 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the urban context. | <p>Met</p> <p>One 6.5m wide vehicle crossover is proposed for the development to Doncaster Road.</p> |
| <p>58.03-7 – Parking location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicle noise within developments. | <p>Met</p> <p>Numerous lift shafts provide equitable access for residents and visitors from all car parking spaces within the basement and upper car parking levels. Residents are generally protected from vehicle noise within the development.</p> |
| <p>58.03-8 – Integrated water and stormwater management</p> <ul style="list-style-type: none"> To encourage the use of | <p>Met</p> <p>A 158,000 litre rainwater tank is located under the basement.</p> |

| Objective | Objective Met/Not Met |
|--|--|
| <p>alternative water sources such as rainwater, stormwater and recycled water.</p> <ul style="list-style-type: none"> To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. | <p>The submitted Sustainability Management Plan demonstrates a STORM rating of 100%. The applicant is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p> |
| <p>58.04-1 – Building setback</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. | <p>Considered Met</p> <p>A 4.5m setback is provided to the south-western boundary, with the exception of the honeycomb curtain to this façade, which is setback 3.935m. This is provided to meet the uniform ACZ1 requirements, however in this location the DDO8 applies. This setback is considered reasonable as it provides a suitable level of separation to the adjoining residential property. This reduces off-site amenity impacts, despite the immediate interface being a carport and driveway, and provides ample opportunity for screen planting.</p> <p>The minimum 4.415m setback the east (specifically to the Upper Ground Floor adjacent to Apartment GL03) is satisfactory as it follows the building line adopted along the greater Elgar Road interface.</p> <p>Pursuant to Clause 58, the part of the land that is included in a zone where the schedule to the zone (ACZ1) specifies a building setback requirement different from a requirement set out in Clause 58.04-1, therefore the requirement in the schedule to the zone applies.</p> |
| <p>58.04-2 – Internal views</p> <ul style="list-style-type: none"> To limit views into the private open space and habitable room windows of dwellings within a development. | <p>Met</p> <p>Balconies are designed to limit internal views, either by being isolated or containing screening devices between adjacent balconies.</p> |
| <p>58.04-3 – Noise impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. | <p>Met</p> <p>There are no unusual noise sources within the development that may affect existing dwellings.</p> <p>The submitted acoustic report demonstrates that residents are protected from external</p> |

| Objective | Objective Met/Not Met |
|---|---|
| | noise sources, such as traffic noise and nearby commercial uses. |
| 58.05-1 – Accessibility <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. | Met More than 50% of the dwellings meet the accessibility requirements for door opening widths, entrance paths and access to an adaptable bathroom. |
| 58.05-2 – Building entry and circulation <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. | Met Building entrances are well covered and easily identifiable. Lifts and stairwells are well located to provide equitable access given the proliferation of apartments. |
| 58.05-3 – Private open space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. | Considered Met All ground level apartments meet the requirements. All balconies meet the minimum area required, however 54 of the apartment balconies do not meet the minimum dimension as they incorporate a curved design to achieve a particular architectural outcome as viewed externally from the building. The maximum extent of a balcony shortfall in dimension is 0.6m. In all of the 54 balconies affected, the balconies exceed the minimum area, ensuring that each balcony is provided with suitable space to ensure reasonable functionality. Architectural expression plays an important role in shaping a building in the ACZ1. Given the importance of the architectural expression of the building and that these balconies exceed the minimum area requirement, conditions will not be imposed upon the development to comply with the specific minimum dimension requirements. |
| 58.05-4 – Storage <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. | Met subject to condition Each apartment will be provided with a minimum 6m ³ of storage within the basement. These storage areas are currently unallocated and are located either adjacent car parking spaces, within compounds in the car park and in some cases, within small compounds accessible from circulation areas in the tower. Given the variety of locations storage areas are provided and that some are directly adjacent car parking spaces, it is |

| Objective | Objective Met/Not Met |
|--|---|
| | necessary to allocate each storage area, having regard to these factors. |
| 58.06-1 – Common property <ul style="list-style-type: none"> • To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. • To avoid future management difficulties in areas of common ownership. | Met The communal car parking areas, paths, landscape areas, internal lobby and corridors are practically designed. There are no apparent difficulties associated with the future management of these areas. |
| 58.06-2 – Site Services <ul style="list-style-type: none"> • To ensure that site services can be installed and easily maintained. • To ensure that site facilities are accessible, adequate and attractive. | Met Appropriate site services are provided. A central mail room is provided adjacent to the main pedestrian entrance. Utility cabinets are adequately integrated to complement the design of the development, including height, design, materials and finishes. |
| 58.06-3 – Waste and recycling <ul style="list-style-type: none"> • To ensure dwellings are designed to encourage waste recycling. • To ensure that waste and recycling facilities are accessible, adequate and attractive. • To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. | Met The submitted waste management plan details that waste will be appropriately managed and collected on site. |
| 58.07-1 – Functional layout <ul style="list-style-type: none"> • To ensure dwellings provide functional areas that meet the needs of residents. | Met All bedrooms and living areas meet the minimum dimensions and areas required. |
| 58.07-2 – Room depth <ul style="list-style-type: none"> • To allow adequate daylight into single aspect habitable rooms. | Met All apartments meet the maximum 8m room depth and provide appropriate floor to ceiling heights. |
| 58.07-3 – Windows <ul style="list-style-type: none"> • To allow adequate daylight into new habitable room windows. | Met All habitable room windows are provided with at least one window in an external wall of the building. |
| 58.07-4 – Natural ventilation <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. | Met At least 40% of dwellings should provide effective cross ventilation. |

Wind

8.41 A wind assessment was submitted with the application and considered wind tunnelling, wind generated by the building to pedestrians at Lower Ground Level,

communal areas of Level 3, corridor area of Levels 4-8 and outdoor terraces and balconies. The report makes several recommendations for the provision of screens and use of densely planted vegetation to ameliorate wind effects. A condition will require plan notations be included to demonstrate compliance with the recommendations in the wind assessment, to the satisfaction of the Responsible Authority.

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

Car parking, access and traffic

8.42 The Scheme requires a total of 381 car parking spaces for the proposed development and uses. The 404 car parking spaces proposed exceeds this requirement by 23 car parking spaces. The car parking requirement and number of spaces provided is summarised in the table below.

| Purpose | Scheme car parking requirement | Car parking provided |
|-------------------|--------------------------------|----------------------|
| Dwelling | 331 spaces | 332 spaces |
| Dwelling visitors | 26 spaces | 72 shared spaces |
| Restricted retail | 2 spaces | |
| Food and drink | 12 spaces | |
| Shop | 10 spaces | |
| Total | 381 spaces | 404 spaces |

8.43 The car parking layout adopts a shared approach to the provision of parking for short-stay uses including residential visitors, retail and shop customers and food and drink patrons. All of these spaces are provided within the lower ground floor car park. Given there is a surplus of 22 spaces for these uses, it is considered unnecessary to allocate the spaces for their specific purposes.

8.44 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

| Design Standard | Assessment |
|-----------------|--|
| 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 6.1m by 7m passing area is provided within the site frontage. All vehicles are able to exit the site in a forwards direction. An adequate visibility splay area is provided along the exit lane. Within the car parking levels, a 4 metre internal radius is provided at changes of direction. |

| Design Standard | Assessment |
|------------------------|--|
| 2 – Car Parking Spaces | <ul style="list-style-type: none"> • Car parking spaces are provided in accordance with the requirements. • Tandem car spaces are provided within the residential car parking area. 12 tandem spaces are provided at upper ground floor, 8 tandem spaces are provided at each of Levels 1 and 2 and 6 tandem spaces are provided within the basement. A 0.5m separation is provided between spaces. While the number of tandem spaces is not excessive, for the purpose of equity, it does warrant the allocation of residential car parking spaces to particular apartments to ensure that tandem spaces are only being used by apartments with three bedrooms or more. |
| 3 – Gradients | <ul style="list-style-type: none"> • 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 development utilises existing access road infrastructure, which will not dominate the landscape. The required deceleration lane may require modifications to the entry plaza in order to maintain the boulevard landscape treatment. Any reduction to the plaza would be minor in the context of the ample space currently provided. • 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"> • Access to the residential car parking areas is secured by a security gate. • Pedestrian access from the site frontage is clearly separated from the roadway. |
| 7 – Landscaping | <ul style="list-style-type: none"> • Landscaping is well-placed along the driveway. A condition will require the provision of an additional landscape area at the end of the driveway on the lower ground level, between the car park and the terrace of Apartment GL13. |

8.45 The submitted traffic impact assessment identifies that the proposed development is expected to generate 142 vehicle movements per AM peak hour and 169 vehicle movements per PM peak hour. It concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network. The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the arterial road network, due to the number of routes available for drivers to use.

8.46 Council's Engineering and Technical 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

- 8.47 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of existing crossovers and creation of a new crossover to Doncaster Road, which is zoned Road Zone Category 1.
- 8.48 VicRoads has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

Bicycle Facilities

- 8.49 This clause applies to developments for a residential building of four or more storeys. For this proposal, 52 resident bicycle spaces and 26 resident visitor spaces are required. Four bicycle parking spaces are required for the food and drink premises (2 for employees and 2 for customers). One bicycle parking space is required for the restricted retail premises for employees, but none for customers. The proposal does not generate a statutory bicycle parking requirement for the shop. This equates to a total of 83 spaces; 55 spaces required for residents/employees and 28 spaces required for visitors/customers. The proposal provides on-site 102 bicycle spaces, which exceeds the requirements of the Scheme.
- 8.50 Bicycle rails and compounds are well located; two compounds and two sets of rails adjacent to the commercial and residential car park entrances and an additional compound for residents adjacent to the pedestrian entry to Briar Court. Showers and change room facilities are not required as the total number of bicycle spaces for employees does not exceed 4.

Objector concerns

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

Inadequate car parking, traffic

- 8.52 The application was amended after advertising to correct an error relating to the apparent shortfall in car parking. As described in paragraph 2.6 and from paragraph 8.38 of this report, the proposal is now determined to provide a surplus of 23 car parking spaces.
- 8.53 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering and Technical Services Unit who both conclude that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated on the adjacent road network without creating any adverse traffic safety or capacity problems.
- 8.54 The number of car parking spaces provided, including having regard to the lack of on-street parking available, is satisfactorily contained on site. The proposal provides residential parking that exceeds the statutory car parking requirements and is well designed to provide convenient access for commercial uses for short-stay uses that is anticipated to meet the level of demand throughout the day.

Design and built form (building height, setbacks and design element)

- 8.55 The building height of the tower meets the mandatory maximum 32.5m requirement stipulated in the ACZ1, with a design element that is within the mandatory maximum 6.5m height requirement. The building height of the southern portion of the development, located within the RGZ2, exceeds the

preferred heights specified under the RGZ2 and DDO8. This is considered acceptable given that this part of the site has interfaces predominantly facing roadways (Elgar Road and Briar Court), adopting significant upper floor setbacks, and an architectural design that is sympathetic to a residential character, particularly in the context of policy that seeks substantial change that has a more intense and less suburban outcome.

- 8.56 While the tower technically doesn't meet the 4.5m southern setback requirement within the ACZ1 itself (due to the tower's integration with land within the RGZ2), the proposal uses this opportunity to provide a high level of on-site amenity without causing unreasonable off-site amenity impacts.
- 8.57 The design element is well located to the prominent corner at Doncaster and Elgar Roads. This ensures any off-site amenity impacts will be reduced and accentuates its architectural excellence at the most prominent location.

Off-site amenity impacts (overlooking, loss of daylight, overcrowding, drainage, view loss, wind circulation and noise)

- 8.58 The proposal will not result in any unreasonable privacy issues to adjoining properties. The site has an abuttal to only one sensitive residential interface, 2 Briar Court, which is land owned by Council. Properties to the west are used for commercial operations. Properties to the north, east and south are separated by roadways, therefore complying with overlooking requirements within a 9m horizontal distance.
- 8.59 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.
- 8.60 The *Doncaster Hill Activity Centre Strategy October 2002*, the policy framework for the implementation of the Activity Centre Zone within the Scheme plans for the provision of more than 5,000 new apartments over the next 20 years within the municipality's only Principal Activity Centre. As such, Council officers do not see the proposal as causing overcrowding or an oversupply of accommodation.
- 8.61 The application has been referred to Council's Engineering and Technical Services Unit to assess the likely impact on drainage. Engineering and Technical Services have no objection subject to the installation of an onsite storm water detention system, which will contain all storm water on site.
- 8.62 There are no specific controls within the Scheme that protects residents' rights to a view, particularly any existing views maintained over the site, which cannot be expected to be maintained in perpetuity, particular in the context of anticipated development within Doncaster Hill. While the southern component of the development within the RGZ2 exceeds the preferred maximum height, unlike the ACZ1 requirements, it is not a mandatory requirement. For reasons previously discussed, the height of this southern building is considered acceptable.
- 8.63 The submitted wind assessment considered the effect of wind on the development and makes a series of recommendations for the provision of screens and use of densely planted vegetation to ameliorate wind effects. A condition will require plan notations be included to demonstrate compliance with the recommendations in the wind assessment, to the satisfaction of the Responsible Authority.

- 8.64 The development has been designed to separate commercial and residential uses. It is unlikely that any unreasonable noise or safety concerns will arise given that the design encourages a strong link with the public realm. A condition will require plan notations be included to implement the recommendations from the submitted acoustic report.

Lack of public open space to cater for the increased population

- 8.65 The *Doncaster Hill Activity Centre Strategy October 2002* has considered the required area for public open space for development within Doncaster Hill. Further, this development provides communal areas far in excess of what is required by the Scheme.

Loss of property value

- 8.66 Any possible impact to the value of the objector's property is considered a subjective claim and is not a ground which can be considered in the planning assessment of this application.

Construction impacts

- 8.67 A detailed construction management plan is required as a condition of permit, which sets out matters relating to hours of construction, dust, dirt and mud control and the location of parking and site facilities for construction workers. The management plan would be enforced, where necessary, by Council's Compliance Unit.
- 8.68 Any potential damage to the adjoining property from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.

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.