

0.0 Planning Application PLN20/0030 at 9-11 Clay Drive, Doncaster, for the construction of a five-storey apartment building comprising 36 dwellings, associated basement car parking and a visitor car parking waiver of two spaces.

File Number:	IN20/546
Responsible Director:	Director City Planning and Community
Applicant:	Australia Ocean Property Pty Ltd
Planning Controls:	Activity Centre Zone - Schedule 1 (ACZ1), Parking Overlay – Schedule 1 (PO1), Development Contributions Plan Overlay – Schedule 1 (DCPO1), Principal Public Transport Network (PPTN area)
Ward:	Schramm
Attachments:	1 Legislative Requirements 2 Decision Plans 3 Locality Map 4 Objector Map

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 9 & 11 Clay Drive, Doncaster and recommends approval of the submitted proposal, subject to conditions.
2. The application is being reported to Council given that it is a Major Application (with more than 25 dwellings in the Activity Centre Zone).

Proposal

3. This application is for the construction of a five storey residential apartment building comprising 36 dwellings, and two levels of basement car parking.
4. The building is sited over two lots known as 9 & 11 Clay Drive, Doncaster with an area totalling 1885 square metres.
5. A total of fifty-four car parking spaces are provided within the basement car park area. Fifty-three of those spaces are allocated for residents, which complies with the requirements of Clause 52.06 (Car Parking) of the Manningham Planning Scheme. Only one visitor car space is provided within the basement, which does not comply with the visitor car parking requirements of the Parking Overlay Schedule 1. A total of three visitor car parking spaces are required to be provided to meet the Planning Scheme requirements. The application seeks to waive two visitor car parking spaces.
6. The proposed maximum height of the building is 14.45m, site coverage is 60% and site permeability 26%, complying with requirements of the Activity Centre Zone.

Notification

7. The application was advertised from the 23rd July 2020 to the 12th August 2020. Two objections have been received to the proposal. The objectors concerns relate to insufficient provision of car parking – particularly visitor parking, loss of views and impact on property values.

Key issues in considering the application

8. The key issues for Council in considering the proposal relate to:
 - Compliance with the Activity Centre Zone including mandatory and recommended requirements
 - Planning Policy Frameworks
 - Building Layout and Design
 - On-site amenity and Off-site amenity (Clause 58 Assessment)
 - Car parking, access and bicycle facilities
 - Objector concerns.

Assessment

9. The development of the land for a higher 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, Schedule 1 (ACZ1).
10. The proposal presents a scale and form that complements the changing character of the area and is setback in accordance with the front, side and rear setbacks requirements of the Activity Centre Zone Schedule 1. The proposal incorporates spacing for a generous landscape treatment around the building assisting to suitably soften and filter views of the built form to the residential interfaces to the south, east and west of the site. Landscaping will also be provided along the northern side boundary setback which abuts an existing commercial building.
11. The design detail and architectural expression of the building makes a positive contribution to the area and streetscape by providing a building with high level of visual interest, architectural features, varied materials and detailing.
12. The proposed setbacks to sensitive interfaces west and south of the site, in combination with recessed balconies, niches and architectural features and finishes, assist to minimise building bulk, overshadowing and general amenity impacts to adjoining properties. A range of screening devices on the southern and western elevations limit direct views into adjoining properties.
13. The proposal provides suitable on-site amenity, private open space in the form of terraces and balcony designs, and suitable daylight, solar access and energy efficiency.
14. The development provides a total of 54 car parking spaces, 53 resident spaces and one visitor space. This results in a shortfall of two visitor spaces. Permit conditions will be required to increase visitor parking within the basement to ensure that a total of three visitor car spaces are provided to comply with the visitor parking requirements of the Parking Overlay Schedule 1 (PO1). The

provision of these spaces will assist to minimise demand for on street parking along Clay Drive. The permit applicant has indicated that they are prepared to accept a condition requiring the provision of an additional two visitor car spaces in the basement garage and that this can be easily accommodated.

Conclusion

15. The relevant planning controls seek a high density residential development for sites within the Activity Centre Zone Schedule 1 (ACZ1). The proposed development generally complies with the various requirements of the ACZ1, and the relevant provisions of Clause 58, as they relate to siting, internal amenity, building presentation, access, resident car parking and landscaping. Permit conditions have been included to increase the number of visitor spaces within the basement to comply with the visitor parking requirements of the Parking Overlay Schedule 1 (PO1).
16. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. **Having considered the objections received, issues a Notice Of Decision To Grant A Permit in relation to Planning Application PLN20/0030 at 9-11 Clay Drive, Doncaster, for the construction of a five-storey apartment building, and associated basement car parking, subject to the following conditions:-**

Amended Plans

1. **Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted via email 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 DKO Architecture (Vic) Pty Ltd, project no. 12269, dated 2 July 2020), but modified to show the following:**
 - 1.1 **Privacy concerns from the communal corridor/windows into the south facing balcony areas at level 4 addressed accordingly;**
 - 1.2 **Additional setbacks clearly shown on all site plans.**
 - 1.3 **At least three visitor car parking spaces within Basement Level 1;**
 - 1.4 **The layout of Basement Level 1 modified to provide all visitor car parking spaces at grade and located away from the basement driveway ramp and waste vehicle reversing bay. This may require the reduction in the number and/or size of service rooms, or provision of car stackers to one of the three bedroom dwellings;**
 - 1.5 **A notation to show allocation of car parking spaces (resident and visitor parking);**
 - 1.6 **A notation to show the volume and allocation of storage cages/cabinets within the basement garage to each dwelling;**

- 1.7 A bicycle hoop within the frontage of the site, located within close proximity to the building entrance at ground floor level;
- 1.8 A notation indicating the type of bicycle parking rail used on the Basement 1 floor plan;
- 1.9 Relocation or reorientation of the gas and water meters and the associated path to provide for landscaping beds at least 1 metre wide to the southern side of the driveway at ground floor level;
- 1.10 A plan showing the Tree Protection Zone and Structural Root Zone for all trees to be retained, and the location of protective fencing and/or areas where ground protection systems will be used.
- 1.11 A plan drawn to scale clearly showing the details, height and materials of all external and internal screening devices proposed.
- 1.12 Modifications to the sill height of the bedroom window to Apartment 3.05 to minimise downward views.

Endorsed Plans

2. The development 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 three months before the development starts, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:

- 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 CMP Template forms part of the Guidelines. When approved the plan will form part of the permit.

Waste Management Plan

4. Not less than three months before the development starts, an amended

Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plans (WMP) prepared by Leigh Design (dated 19 September 2019) updated to include provisions for waste collection of four waste streams (general waste, recycling, food/organic waste and glass waste), including bin storage, frequency of pickup and access requirements.

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.

Sustainability Management Plan

5. Prior to the endorsement of plans under Condition 1 of this Permit, of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The Plan must include the initiatives in the BESS assessment submitted with the application (prepared by Ark Resources, dated 23 January 2020), and account for any design changes required by Condition 1 of this permit, and address the following:
 - 5.1 Recycled Water/Third Pipe: Project needs to address third pipe requirement as it is in the Doncaster Hill Precinct. Neither plans nor report address this in. For further information:
<https://www.doncasterhill.com/donhilloverview/sustainability/water-initiatives>
 - 5.2 Energy 4.2: Renewable energy systems –Solar: Notations and drawings to show the size and location of the 13kWp photo-voltaic system on the roof plans consistent with the submitted report;
 - 5.3 IEQ: Plans and reports amended to show a commitment to the use of E1 or E0 grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring);
 - 5.4 Urban Ecology 2.4: Plans and reports to show provision of an external tap and floor waste to each balcony throughout the building;
 - 5.5 Urban Cooling: Light-coloured or reflective metal decking to roof areas not visible from the communal balcony;
 - 5.6 Demonstration that the development approved under Condition 1 of this permit, meets minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums.

Vegetation and Tree Protection

6. No vegetation, apart from that shown on the approved plans as

vegetation to be removed, may be removed, destroyed or lopped without the written consent of the Responsible Authority.

7. For the duration of the development, tree protection must be undertaken in accordance with the recommendations of Appendix 4 of the Arborist Report (prepared by Tree Logic, dated 23 September 2019) and to the satisfaction of the Responsible Authority.
8. All Tree Protection Fencing must be maintained in good condition until the completion of the construction works on the site to the satisfaction of the Responsible Authority.
9. The owner must ensure all contractors/tradespersons (including demolition workers) who install services or work near trees to be retained are made aware of the need to preserve the trees and to minimize impacts on the trees through appropriate work practices.

Removal of Council owned trees

10. Prior to the construction commencing on site, the owner must arranged with Council's City Amenity Unit (9846 0515) for the removal of the street tree located in front of the subject land and its replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal, pruning or replacement of a street tree can only be undertaken by Council approved contractors.

Management Plan Compliance

11. The Management Plans approved under conditions 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.

Developer Contribution Requirement

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

Landscape Plan

13. 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 landscape concept plan prepared by John Patrick Landscape Architects Pty Ltd (Job No. 19-561-L-TP01 and dated 13 December 2019), but modified to show:
 - 13.1 Any changes to the development layout required under Condition 1 of this permit as relevant;
 - 13.2 Water efficient and indigenous plant species to be used throughout landscaping in the site, including deletion of Indian Hawthorn and bamboo plantings;
 - 13.3 Provision of a more diverse variety of canopy trees to replace the

- Norway Maple species, including Eucalyptus species native to Victoria in the frontage and along the northern boundary of the land;
- 13.4 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
 - 13.5 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 13.6 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 13.7 Canopy trees along the northern, western and southern garden beds at least 1.5 m high at time of planting, capable of growing to at least 7m at maturity, and have non-invasive root zones within the Drainage and Sewerage Easement;
 - 13.8 Species of screen plantings along the northern, western and southern boundaries which will be a minimum of 3 m high and create a visual screen at maturity, have non-invasive root zones and will be a minimum height of 1.5m at the time of planting;
 - 13.9 A minimum of 3 canopy trees within the front setback, which will be a minimum of 8m at maturity and will be a minimum height of 1.5m at the time of planting;
 - 13.10 Details of soil preparation and mulch depth for garden beds;

The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

Landscape Bond

14. Before the release of the approved Condition 1 plan for the development, a \$10,000 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

15. 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:
 - 15.1 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';
 - 15.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
 - 15.3 All landscape areas must be fully planted and mulched or grassed.
16. Once the permitted development has commenced it must be continued

and completed to the satisfaction of the Responsible Authority.

17. Buildings, including screening, engineering works, drainage, fences, external lighting and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
18. 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.
19. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

20. The owner must provide onsite storm water detention system to the satisfaction of Council's Infrastructure Services Department, which limits the Site Discharge 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 OSD system must meet the following requirements:

- 20.1 Discharge must be designed for a 20 % AEP (1 in 5 year storm);
and
- 20.2 Storage must be designed for 10% AEP (1 in 10 year storm).

Stormwater run-off

21. Stormwater run-off must meet the Urban Storm – Best Practice Guidelines (Victorian Stormwater Committee 1999). The water quality objectives are:
 - 80 percent retention of typical urban annual suspended solids load;
 - 45 percent retention of typical annual total phosphorus load;
 - 45 percent retention of typical annual total nitrogen load; and
 - 70 percent reduction of typical annual litter load

Construction Plan (OSD)

22. Before the development starts, (after the approval of the endorsed plans) a certified construction plan for the system required by a condition of this permit must be submitted to and approved by Council's Infrastructure Services Department. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of Council's Infrastructure Services Unit.

Drainage

23. Stormwater must not be discharged from the site other than by means

of drainage to the 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 Connection to Council Drain Permit is first obtained from the Responsible Authority.

24. 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.

Car parking and Bicycle parking

25. Before the occupation of any of the approved dwellings, all associated basement parking spaces must be line-marked, numbered and marked to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
26. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and a rubbish collection contractor, to the satisfaction of the Responsible Authority.
27. Visitor car parking spaces must be made available for the parking of vehicles of visitors free of charge at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.
28. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.
29. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
30. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Lighting

31. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
32. The development must be provided with external lighting capable of illuminating the accessway to the basement, pedestrian walkway, building entry and bicycle spaces. 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.
33. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight

sensor to the satisfaction of the Responsible Authority.

General Services

- 34. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 35. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 36. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.**
- 37. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.**
- 38. Any external site services visible from the street must be enclosed or screened to complement the overall development to the satisfaction of the Responsible Authority. In the event that the services cannot be enclosed, they must be located, finished and landscaped to minimise visual impacts to the frontage to the satisfaction of the Responsible Authority.**
- 39. Any reverse cycle air-conditioning unit, hot water boosters or other service plant erected on the walls of the approved building must be appropriately designed and finished with screening if necessary to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.**

Screening

- 40. All privacy screens must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.**

Brickwork / Retaining Walls

- 41. All brickwork/masonry walls on or immediately adjacent to the boundaries of the site which is visible from the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.**
- 42. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.**

Site Management

- 43. The owner must use appropriate site management practices during demolition/construction to limit neighbourhood amenity detriment and protect community and Council assets in accordance with Council's Works Code of Practice, including measures to prevent the transfer of mud, dust, sand, slurry, litter, concrete, construction waste or overland flow from the site into drains, onto nearby roads or properties. In the**

event that a road, drain or property is affected, the owner must upon direction of the responsible authority take the necessary steps to clean the affected portion of road, drain or property to the satisfaction of the Responsible Authority.

Easement

44. No filling or excavation works are to occur within the easements except without the written consent of the relevant authority.

Permit Expiry

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

45.1 The development is not started within two years of the date of this permit; and

45.2 The development is not completed within four years of the date of this permit.

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

2. BACKGROUND

- 2.1 This application was submitted to Council on 6 February 2020, following changes made in response to feedback received at the meeting of the Sustainable Design Taskforce on 25 July 2019.
- 2.2 A request for further information was sent on 21 February 2020 raising some concerns with the application, including built form issues and the lack of visitor parking provided for the development. On 13 July 2020, plans were resubmitted addressing the built form issues.
- 2.3 The application was advertised from the 23rd July 2020 to the 12th August 2020.
- 2.4 The 60 day statutory time period which enables a permit applicant to apply to the Victorian Civil and Administrative Tribunal (VCAT) to lodge a 'failure to determine application' concluded on the 10th September 2020.
- 2.5 The land titles are not affected by any covenants or Section 173 Agreements.

3. THE SITE AND SURROUNDS

- 3.1 The site is located on the western side of Clay Drive, approximately 120 metres south of Doncaster Road, within the Doncaster Hill Major Activity Centre. The site is comprised of two properties, 9 Clay Drive & 11 Clay Drive, Doncaster (Refer to Figure 1).



Figure 1 – Site Aerial Photo (16 March 2020)

- 3.2 The site has an overall frontage (eastern boundary) to Clay Drive of 37.18 metres, 50.72 metres along the northern and southern boundaries, and 37.18 metres along the rear western boundary. The total site area is 1885 square metres.
- 3.3 The site currently contains two double storey brick veneer dwellings.
- 3.4 The site has an approximate fall varying between 3 metres to 3.6 metres from northern boundary to the southern boundary of the site.
- 3.5 A 2.44 metre wide drainage and sewerage easement burdens the site. This is located along the western (rear) boundary. The easement contains a Yarra Valley Water sewer pipe.
- 3.6 The site has abutments with five properties. Surrounding development is described as follows:-

Direction	Address	Description
North	2 Frederick Street	<ul style="list-style-type: none"> 2 Frederick Street contains a three storey office building and car park with an approximate land area of 7428 square metres. The building is oriented to face Frederick Street and is setback approximately 28 metres north of the common boundary. A car park and large trees is located adjacent to the subject land. The site is within the Activity Centre Zone Schedule 1, within Precinct 2C. The maximum building height of this precinct is 40 metres.
South	13 Clay Drive	<ul style="list-style-type: none"> 13 Clay Drive contains a split level single storey dwelling constructed of brick veneer, with a pitched roof. An above ground pool is located to the rear of the dwelling. The building is setback approximately 1.73 metres from the common boundary. A low front fence of rock is located on the street boundary. This site is within the General Residential Zone Schedule 2, and is subject to the Design and Development Overlay Schedule 8-2. The maximum building height of this zone is 11 metres.
West	12 Frederick Street	<ul style="list-style-type: none"> 12 Frederick Street contains a split level single storey dwelling constructed of brick veneer, with a pitched roof. The building is setback at least 20 metres south west of the common boundary. This site is within the General Residential Zone Schedule 2, and is subject to the Design and Development Overlay Schedule 8-2. The maximum building height of this zone is 11 metres.
West	8 Frederick Street 10 Frederick Street	<p>Two properties directly adjoin the site to the west:</p> <ul style="list-style-type: none"> 8 Frederick Street contains a split level single storey dwelling constructed of brick veneer, with a pitched roof. The building is setback at least 26 metres west of the common boundary. 10 Frederick Street is a vacant site cleared of all buildings. These sites are within the Activity Centre Zone Schedule 1, within Precinct 2F. The maximum building height of this precinct is 14.5 metres.

- 3.7 The character of the neighbourhood is mixed, given the site's proximity to a Major Activity Centre (Doncaster Hill) along Doncaster Road to the north, containing high rise apartment developments and commercial buildings transitioning to low rise detached dwellings.

- 3.8 It is noted that Clay Drive is subject to parking restrictions, including 2 hour parking 8 am to 6 pm Saturday and Sunday (including public holidays), and is in an area where Resident Parking Permits are required. Permits are required in front of the subject land between Monday to Sunday from 8 am to 6 pm (including public holidays).
- 3.9 A number of new multi-unit developments are situated in close proximity to the site (632 Doncaster Road, 642 Doncaster Road, 20 Hepburn Road, and 8 Clay Drive). Planning Permit PL17/027801 was recently approved (4 March 2019) for a five-storey apartment building containing twenty-two dwellings over basement car parking at 14-16 Clay Drive (directly opposite the site). Construction had not commenced for this site at the time of preparing this report.

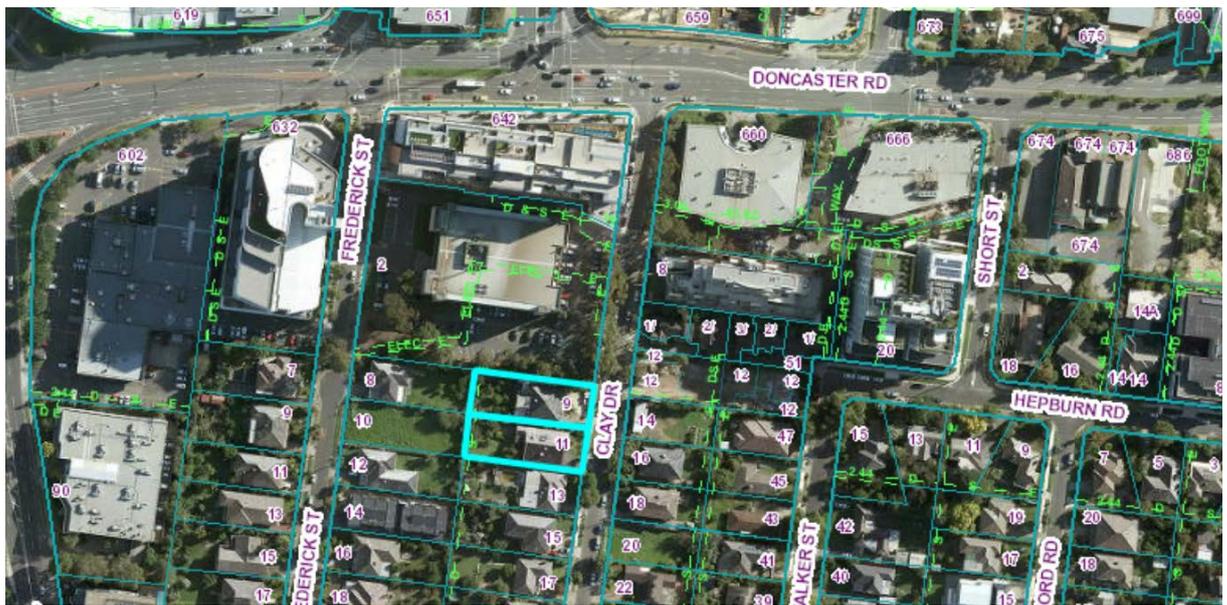


Figure 2 – Site and Surrounds Aerial Photo (16 March 2020)

- 3.10 The site benefits from its location within the Doncaster Hill Major Activity Centre, being located approximately 160 metres south of Westfield Shopping Centre, approximately 245 metres south west of Doncaster Primary School, and at least 370 metres south west of MC Square and Council's Civic Offices. Public open space (Schramm's Reserve) is located 700 metres north west of the site.
- 3.11 The site has easy access to a range of bus routes, available along both sides of Doncaster Road. Among other locations, the bus services provide access to Melbourne's Central Business District (CBD), and the bus interchange at Westfield Shopping Centre.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by DKO Architecture (Vic) Pty Ltd, Revision B, dated 2 July 2020 inclusive of perspectives, Apartment floor plans, elevations, sections and details. Refer to Attachment 1.
- 4.2 The following plans are also provided in support of the application:
- Feature survey Plan prepared by Veris dated 17 April 2019; and

- Landscape Concept Plans prepared by John Patrick Landscape Architects Pty Ltd, Job No. 19-561-L-TP01 and dated 13 December 2019.

4.3 The following reports are provided in support of the application:

- Town Planning report prepared by Urbis Pty Ltd, dated 24 January 2020;
- Waste Management Plan prepared by Leigh Design and dated 19 September 2019;
- Traffic Engineering Assessment prepared by Traffix Group Solutions and dated 28 April 2020;
- Sustainable Management Plan and Water Sensitive Urban Design Response prepared by Ark Resources and dated 23 January 2020;
- Arborist Report prepared by Treelogic, Job No. 010234 and dated 23 September 2019;
- RFI Cover Letter and response to issues, prepared by Urbis Pty Ltd, dated 9 July 2020; and
- MPL Certificate, prepared 18 December 2019.

4.4 A summary of the proposal is as follows:

Element	Details
Building Details	<ul style="list-style-type: none"> • Total Site Area (2 Lots) – 1885 metres square • Site coverage 60% • Hard surface area 74% • Site Permeability 26%
Dwellings	<ul style="list-style-type: none"> • A total of 36 dwellings are proposed with mix of apartment sizes including: <ul style="list-style-type: none"> ○ 8 one bedroom apartments; ○ 11 two bedroom apartments; ○ 16 three bedroom apartments; ○ 1 four bedroom apartment;
Building Height	<ul style="list-style-type: none"> • 14.45m (excluding protruding lift overrun and rooftop services and screens)
Basements	<ul style="list-style-type: none"> • Two Basement levels are proposed containing: <ul style="list-style-type: none"> ○ Total of 54 car parking spaces, inclusive of : <ul style="list-style-type: none"> - 53 resident car parking spaces; and - 1 visitor car parking space ○ 16 bicycle parking spaces; ○ 38 storage cage areas; ○ Waste storage room; ○ Rainwater tank room; ○ Internal stair access;

	<ul style="list-style-type: none"> ○ Internal lift access; and ○ Services room.
Car parking	<ul style="list-style-type: none"> ● Residential requirement: <ul style="list-style-type: none"> ○ 8 one bedroom apartments – 8 car spaces required ○ 11 two bedroom apartments – 11 car spaces required ○ 16 three bedroom apartments – 32 car spaces required ○ 1: 4 bedroom apartments – 2 car spaces required ○ Total required – 53 car spaces ● Total provided – 53 residential car spaces (within the basement)
Visitor Spaces	<ul style="list-style-type: none"> ● 1 allocated visitor car space ● The site is located within the Parking Overlay Schedule 1 (PO1) and therefore is required to provide 3 visitor car spaces. ● There is a shortfall of two visitor car spaces.
Setbacks (minimum-maximum)	<ul style="list-style-type: none"> ● <u>Clay Drive (eastern boundary):</u> <ul style="list-style-type: none"> ○ Basement levels – 5.0m ○ Ground floor – 5.0m – 8.5m ○ Level 1 – 5.0m – 9.0m (balconies 5.0m) ○ Level 2 – 5.0m-9.0m (balconies 5.0m) ○ Level 3 – 5.0m-9.0m (balconies 5.0m) ○ Level 4 - 9.0m-18.49m (balconies 5.0m) ● <u>Northern boundary:</u> <ul style="list-style-type: none"> ○ Basement levels – 3.0 m ○ Ground floor – 4.5m- 6.8m ○ Level 1 – 4.5m-6.8m (balconies 4.5m) ○ Level 2 – 4.5m-6.8m (balconies 4.5m) ○ Level 3 – 4.5m-6.8m (balconies 4.5m) ○ Level 4 - 6.95m (balconies 4.5m) ● <u>Southern boundary:</u> <ul style="list-style-type: none"> ○ Basement levels – 3.0m ○ Ground floor – 4.5m-7.3m ○ Level 1 – 4.5m-7.3m (balconies 4.5m) ○ Level 2– 4.5m-7.3m (balconies 4.5m) ○ Level 3 – 4.5m-7.3m (balconies 4.5m)

	<ul style="list-style-type: none"> ○ Level 4 – 15.5m-19.6m (balconies 7.35m) ● <u>Western boundary (rear):</u> <ul style="list-style-type: none"> ○ Basement levels – 2.45m ○ Ground floor – 4.5m-8.1m ○ Level 1 – 4.5m-8.5m (balconies 4.5m) ○ Level 2– 4.5m-8.5m (balconies 4.5m) ○ Level 3 – 4.5m-8.5m (balconies 4.5m) ○ Level 4 - 8.5m (balconies 4.5m)
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Figure 3 – Streetscape Perspective Drawing of the proposed development.

5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Legislative Requirements Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy)

6. REFERRALS

External

6.1 There are no relevant external referral authorities.

Internal

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

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> ● No objection subject to conditions for the provision of onsite storm water detention.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> ● No objection subject to conditions requiring the removal of redundant

Service Unit	Comments
	crossovers, crossover construction to encompass the stormwater pits within the crossover.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection.
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> Objection to the shortfall of two visitor car parking spaces. <p>It is noted that there are parking restrictions on both sides of the street and with the current parking policy, the apartments in this area are not be eligible for parking permits.</p> <ul style="list-style-type: none"> It is recommended that three visitor spaces be provided.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> No objection, provided the parking bays are allocated to each individual residence and the visitor parking be nominated on the parking bay, with an additional two bays for visitors; and to line mark each basement for the proposed stop and go system.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to a requirement for the modification of the waste management plan prepared by Leigh Design dated 19 September 2019 to include provision for FOGO (food organics and garden organics) stream or the 4th bin for glass. The bin storage area should be modified to be large enough to accommodate four waste streams, also detail the overall proposed waste collection systems (including these additional services), frequency of pickup, as well as access requirements.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> No objection subject to condition to ensure that no filling or excavation works occur within the easements except without the written consent of the Responsible Authority.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> N/A - no flooding / overland flow affects the subject site.

Service Unit	Comments
Planning Arborist	<ul style="list-style-type: none"> • Council’s Planning Arborist does not have any significant concerns with the proposal, subject to standard conditions, including a Tree Protection and Management Plan (TPMP). • Alternative species to promote tree diversity is recommended on the concept landscape plan.
Integrated Planning Unit – Sustainability (Environmental Sustainable Design)	<ul style="list-style-type: none"> • No objection subject to amendment to the Sustainability Management Plan to ensure a minimum 50% BESS overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories, to demonstrate best practice in sustainable design. Conditions will require this is achieved.

7. CONSULTATION / NOTIFICATION

- 7.1 The application was advertised by placing signs on the frontage of the lots and sending letters to nearby properties.
- 7.2 Two objections were received to the proposal as shown in the map below.



Figure 4 – Objector Map

- 7.3 The main grounds of objection can be summarised as follows:
- The development requires three visitor car spaces, however only one visitor car space is provided. This is concerning as it is already difficult to find parking on Clay Drive as it stands now.
 - Two bedroom dwellings should be provided with two car spaces instead of one car space;
 - Car stackers could be used but this is not provided;
 - Loss of views; and
 - Property values would decrease as a result of the development.

8. ASSESSMENT**Planning Policy Frameworks**

- 8.1 Key objectives of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (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.
- 8.2 At the SPPF level, policy encourages higher density development in established activity centres particularly for housing. The subject site is located within Precinct 2F of the Activity Centre Zone Schedule 1 in the Doncaster Hill Major Activity Centre. The proposed development substantially meets key objectives of State Planning Policy at Clause 16 – Housing of the Manningham Planning Scheme.
- 8.3 The construction of a five storey apartment building comprising of 36 dwellings on a site of 1885 square metres (over two lots) is generally consistent with these objectives given its location within a Major Activity Centre with good and easy access to shops along Doncaster Road and Westfield Shopping Centre, a bus stop interchange west of the shopping centre, access to public transport along Doncaster Road and the location of existing services such as Doncaster Primary School, MC Square and proximity to public open space (Schramm's Reserve).
- 8.4 At the LPPF level, the Municipal Strategic Statement (MSS) at Clause 21.05 (Residential) and Clause 21.09 (Activity Centres and Commercial Areas) of the Manningham Planning Scheme specifically identifies the Doncaster Hill Major Activity Centre as a prime location for redevelopment where high density, high rise residential is encouraged. The policy objectives also encourage a contemporary architectural design response within the activity centre. The proposed development generally meets these expectations for contemporary architecture and higher density but also transitions down to properties within the General Residential Zone Schedule 2. The proposal provides for properties to the south of the site generous top floor setbacks which range from 15.5 metres to 19.6 metres from the southern boundary. The location of a high density residential development within the Major Activity Centre, 120 metres off

Doncaster Road also assists in easing development pressure away from incremental change areas.

- 8.5 The development also complies with the policy objectives of Clause 21.10 (Environmentally Sustainable Design). The overall BESS score for the development is 50% (Best Practice), and achieves a pass score to the four mandatory categories (Water, Energy, Stormwater and Indoor Environment Quality). The submitted Sustainability Management Plan indicates that the development would have a NatHERS energy rating of 6.5 stars, a 45 000 litre rainwater tank connected to toilets and provided for irrigation, double glazing, and energy efficient building services, appliances and fixtures. A total of forty-four 13kWp solar photovoltaic panels would be installed at roof top level, and water efficient landscaping would be provided at ground level. Permit conditions will require minor amendments to ensure that the development meets Council's expectations including provision for recycled water (third pipe) which is required in the Doncaster Hill area, provision of details on the plans and reports regarding the 13kWp photo-voltaic system, light coloured or reflective roofing materials on non-visible flat roof areas to reduce urban heat island effect, provision of tap and floor wastes to each balcony to provide residents options to grow plants, and exclusion of formaldehyde emitting products in the internal fit out such as E1 or E0 grade engineered wood products.

Building Layout and Design

- 8.6 The subject site is located within sub-precinct 2F, which is a transitional area between the high-density and higher scale encouraged along Doncaster Road, and land to the south which is within the General Residential Zone Schedule 2 and the Design and Development Overlay Schedule 8. This is reflected in the required heights and setbacks which are as follows:

Precinct	Maximum building height (excluding basement)	Design Element Height:	Setbacks
2F	14.5 metres	Not applicable	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary

- 8.7 The maximum building height of the development is 14.45 metres, excluding the lift overrun, roof top equipment and associated screens, which are not subject to the maximum building height as indicated in Schedule 1 of the Activity Centre Zone. Compliance with the mandatory building height is achieved by providing appropriate building setbacks and designing the proposal with the slope of the land in mind.
- 8.8 The proposed front setback is at least 5 metres and the side and rear setbacks are at least 4.5 metres. This complies with the requirements of Precinct 2F and is consistent with the objectives of the Activity Centre Zone Schedule 1, as landscaping and canopy trees would be provided within each setback.

- 8.9 The proposed development is consistent with the relevant built form objectives of the Activity Centre Zone Schedule 1. The objectives seek to ensure an appropriate transition in height is provided from the activity centre zone to surrounding residential neighbouring properties. Furthermore it also seeks to encourage innovative, contemporary architecture within the Doncaster Hill Major Activity Centre.
- 8.10 The stepped built form has incorporated a contemporary architectural expression using varied materials such as white face brick, textured concrete and metal cladding. The design of the building incorporates a flat roof form and includes niches at each floor level, recessed balconies and a well recessed fourth floor level.
- 8.11 The white face brick along each elevation of the building is used as a framing element contrasting with the textured concrete walls and glazing, which visually is suspended above the ground floor level. The niches and the fourth floor (top) level are finished in dark corrugated metal cladding further emphasising depth, resulting in a recessive appearance from the street and adjoining properties.
- 8.12 The use of materials and finishes to differentiate the framing feature from the walls and niches, work in combination with the recessed balconies to provide visual interest to the building, and reduce building bulk. This assists to break up any potential building mass. The modern contemporary architectural design of this building is considered to be well conceived and of a high standard.

On site amenity and Off-site amenity impacts (Clause 58)

- 8.13 Pursuant to Clause 58 (Apartment Developments), a development must meet all of the objectives of this clause and should meet all of the standards.
- 8.14 The following assessment under the provisions of Clause 58 (Apartment Developments) is provided and the analysis indicates that the proposal responds appropriately to the applicable clauses, as follows:-

Objective	Compliance
URBAN CONTEXT	
<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>It is considered that the proposed development responds positively to the existing and preferred urban context, and provides an appropriate transition in scale and form to the lower order growth areas within the Design and Development Overlay Schedule 8, south of the site.</p> <p>The development also complies with the required building height, street setback and side and rear setbacks of the Activity Centre Zone Schedule 1.</p>
<p>58.02-2 – Residential Policy</p> <ul style="list-style-type: none"> • To ensure that residential development 	<p>Met</p> <p>The application was accompanied by a written</p>

Objective	Compliance
<p>is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <ul style="list-style-type: none"> To support higher density residential development where development can take advantage of public and community infrastructure and services. 	<p>statement that demonstrated how the applicant considers the development to be consistent with State and Local policy.</p> <p>As discussed in the report, it is considered that the proposal complies with State and Local policy objectives.</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 development would comprise of 36 dwellings with mix of apartment typologies including:</p> <ul style="list-style-type: none"> 8 one-bedroom apartments; 11 two-bedroom apartments; 16 three-bedroom apartments; 1 four-bedroom apartment.
<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>Considered Met subject to conditions</p> <p>The development would be connected to existing reticulated gas, electricity, sewerage and water supply and drainage infrastructure.</p> <p>Permit conditions are required to provide for an on-site storm water detention system (drainage), and to provide third pipe/recycled water infrastructure as required by Yarra Valley Water in Doncaster Hill.</p>
<p>58.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>The development integrates and responds positively to the streetscape and preferred urban context, that provides a high quality design response and a clear and definable building entrance oriented to Clay Drive.</p> <p>The development provides for excellent passive surveillance opportunities with the lobby and balconies addressing the street and low level landscaping punctuated by canopy tree planting in accordance with the objectives of the Activity Centre Zone Schedule 1.</p> <p>High front fencing is not proposed, and the site does not adjoin any existing public open space.</p>
<p>SITE LAYOUT</p>	

Objective	Compliance
<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. To ensure dwellings achieve adequate thermal efficiency. 	<p>Met</p> <p>The development maximises opportunities for north facing glazing wherever possible, with at least seven apartments with secluded private open space and living areas directly oriented to the north, and 25 apartments with secluded private open space and living areas with access to northern light from the north east and north west.</p> <p>Only nine of the apartments would have south facing orientation, however this is unavoidable given the lot orientation and the building typology.</p> <p>The development would be constructed to achieve an average NatHERS star rating of 6.5 stars, and all apartments would have a NatHERS maximum cooling load of no more than 21.</p> <p>Outdoor clotheslines are provided at ground floor level.</p>
<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>N/A</p> <p>The development comprises less than 40 dwellings, and no communal open space is required to be provided for the development.</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>N/A</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>The entrance to the building and to the basement car park would be clearly visible from Clay Drive, and external LED floor lighting would be provided to the pedestrian paths leading to the entrance.</p> <p>Private spaces would be fenced and would not be used as public thoroughfares.</p>
<p>58.03-5 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the area. To encourage development that maintains and enhances habitat for 	<p>Considered Met subject to conditions</p> <p>The subject site is 1885 square metres. The site provides 28.48% of deep soil planting area of which the majority has a minimum dimension of 3 metres, however this is less than 6 metres wide as required in Standard D10 for a development on a lot of this size. Table D2 of this standard requires 10% of the</p>

Objective	Compliance
<p>plants and animals in locations of habitat importance.</p> <ul style="list-style-type: none"> • 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>site area comprised of deep soil planting at least 6 metres wide for lots over 1501-2500 square metres in size.</p> <p>Where the requirements of Table D2 of Standard D10 are not met, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> - Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. - Vegetated planters, green roofs or green facades. <p>The development proposes a landscaping concept with garden beds generally within retaining walls and planters to each elevation. The garden beds south, west and north of the building would be at least 3 metres wide. Garden beds along the street frontage would range between 1-3 metres in width. Screen planting would be provided along the side and rear boundaries to soften the hard edge of development and to integrate the site into the existing streetscape.</p> <p>Planter beds approximately 0.8 m wide are also provided to the edge of the balconies at fourth floor level along the southern, eastern and western edges of the balconies, and part of the north facing balconies to the north east and north western edges of the building.</p> <p>Planter beds would contain a mix of shrubs and canopy trees, with screen plants provided along the side and rear boundaries of the site. Permit conditions will require replacement of some proposed species such as bamboo and Indian Hawthorn with native species as they have been identified as environmental weed species in Australia.</p> <p>A total of 21 canopy trees (Chinese Pistachio and Norway Maple trees) are proposed throughout the development, located within each setback, which is considered to meet the objectives of Clause 58.05-3 of the Manningham Planning Scheme.</p> <p>However, the species of the canopy trees are at odds with the objective of Clause 58.03-5 and the Activity Centre Zone Schedule 1 which seeks to create a healthy and consistently landscaped environment that is dominated by native and indigenous planting, and landscaping treatments that respond to site context. The proposed exotic</p>

Objective	Compliance
	<p>plant species do not respond to the established landscape character of native trees at 2 Frederick Street north of the subject site, and the proposed Sustainability Management Plan which proposes water efficient planting. Council's Statutory Planning Arborist has also expressed concerns with the lack of tree diversity.</p> <p>Permit conditions will require water efficient species, and a diverse range of canopy trees and screen plants indigenous to Manningham to help integrate the landscape response with the streetscape and to meet objectives for sustainable design.</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 crossover to the street is proposed.</p> <p>The width of the accessway does not exceed 12.27m (33% of 37.18 m) at a width of 6.55 metres.</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 vehicular noise within developments. 	<p>Met</p> <p>Car parking would be provided over two basement levels accessed from Clay Drive.</p> <p>The car park would be secured by a gate at least 50% transparent. An intercom will be provided at the entrance.</p> <p>Two lifts and access stairs provide access to each floor level from the car park.</p> <p>A ventilation shaft is provided to each car park level.</p>
<p>58.03-8 – Integrated water and stormwater management</p> <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. 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>Considered Met subject to conditions.</p> <p>The development would include a 45 000 litre rainwater tank connected to toilets, and provided for irrigation.</p> <p>Permit conditions will require an on-site stormwater detention system to be constructed as required by Council's Infrastructure Unit.</p> <p>Permit conditions are also required to provide for third pipe / recycled water infrastructure as required by Yarra Valley Water in the Doncaster Hill Precinct.</p>
AMENITY IMPACTS	

Objective	Compliance
<p>58.04-1 – Building Setback</p> <ul style="list-style-type: none"> To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into new dwellings. To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings. To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. <p>For Clause 58.04-1 (Building setback): If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.</p>	<p>Met</p> <p>The building would be constructed at least 5 metres from the street boundary and at least 4.5 metres from the side and rear boundaries of the land in accordance with the required setbacks of the Activity Centre Zone Schedule 1.</p> <p>The setbacks would provide space for landscaping and canopy tree planting which would improve outlook to and from the building with views filtered by landscaping. The setbacks also result in allowing adequate daylight into the proposed new dwellings and assist with limiting views both internal and external to the development.</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>Each secluded private open space area would be screened by internal fencing and screens at least 1.7 m high above finished floor level.</p> <p>Ground level private open space is provided sufficient privacy and seclusion by building rebates and overhanging first floor elements.</p> <p>Permit conditions are required to address privacy concerns to the two large south facing balconies on level 4 from the windows of the communal corridor.</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>The building has been designed to locate bedrooms so that they are not located adjacent to lift shafts, ventilation shafts, bin chutes and communal corridors.</p> <p>Bathrooms and to a lesser extent kitchens are located adjacent to the central communal corridor on each floor level.</p>
<p>58.05-1 – Accessibility</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets 	<p>Met</p>

Objective	Compliance
<p>the needs of people with limited mobility.</p>	<p>At least 50% of the thirty six dwellings would comply with the accessibility requirements of Clause 58.05-1.</p> <p>Apartments G.01, G.03, G.06, G.07, 1.01, 1.04, 1.05, 1.08, 1.09, 2.01, 2.04, 2.05, 2.08, 2.09, 3.01, 3.06, 3.08, 4.03 comply with the accessibility requirements of Standard D17.</p>
<p>58.05-2 – Building entry and circulation</p> <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. 	<p>Met</p> <p>A porch will be provided to the building's entrance providing shelter and a sense of address.</p> <p>The lobby and the corridors at each floor level would be provided with glazing to provide access to daylight/natural light.</p> <p>Building services do not obstruct access and visibility of corridors.</p> <p>The main entrance to the dwelling would be visible from the street, and provides opportunities for passive surveillance of the street.</p>
<p>58.05-3 – Private Open Space</p> <ul style="list-style-type: none"> • To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Considered Met</p> <p>Each of the dwellings at ground floor level would receive well over 25m² of secluded private open space (at least 3 metres wide) accessed via a living room area. The dwellings are provided with terraces in line with the finished floor level of the dwelling, and planted garden bed areas.</p> <p>Balconies are provided to dwellings above ground floor level, and rooftop balconies to dwellings at the fourth floor level.</p>

Objective	Compliance																																																																																																																																																																										
<p>58.05-4 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<table border="1"> <thead> <tr> <th>Apartment</th> <th>No. of Beds</th> <th>Balcony width (min.)</th> <th>Balcony area</th> <th>Met?</th> </tr> </thead> <tbody> <tr> <td colspan="5">Level 1</td> </tr> <tr><td>1.01</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>1.02</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>1.03</td><td>3</td><td>2.8m</td><td>11.8 m²</td><td>No</td></tr> <tr><td>1.04</td><td>2</td><td>2.55m</td><td>17.5m²</td><td>Yes</td></tr> <tr><td>1.05</td><td>2</td><td>2.55m</td><td>17.5m²</td><td>Yes</td></tr> <tr><td>1.06</td><td>3</td><td>2.8m</td><td>11.8m²</td><td>No</td></tr> <tr><td>1.07</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>1.08</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>1.09</td><td>2</td><td>2.2m</td><td>22.7m²</td><td>Yes</td></tr> <tr> <td colspan="5">Level 2</td> </tr> <tr><td>2.01</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>2.02</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>2.03</td><td>3</td><td>2.8m</td><td>11.8m²</td><td>No</td></tr> <tr><td>2.04</td><td>2</td><td>2.55m</td><td>17.5m²</td><td>Yes</td></tr> <tr><td>2.05</td><td>2</td><td>2.55m</td><td>17.5m²</td><td>Yes</td></tr> <tr><td>2.06</td><td>3</td><td>2.8m</td><td>11.8m²</td><td>No</td></tr> <tr><td>2.07</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>2.08</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>2.09</td><td>2</td><td>2.2m</td><td>22.7m²</td><td>Yes</td></tr> <tr> <td colspan="5">Level 3</td> </tr> <tr><td>3.01</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>3.02</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>3.03</td><td>3</td><td>2.55m</td><td>24.5m²</td><td>Yes</td></tr> <tr><td>3.04</td><td>3</td><td>2.45m</td><td>33.9m²</td><td>Yes</td></tr> <tr><td>3.05</td><td>3</td><td>2.55m</td><td>24.5m²</td><td>Yes</td></tr> <tr><td>3.06</td><td>1</td><td>2.45m</td><td>9.5m²</td><td>Yes</td></tr> <tr><td>3.07</td><td>3</td><td>3.35m</td><td>13.7m²</td><td>Yes</td></tr> <tr><td>3.08</td><td>2</td><td>2.2m</td><td>22.7m²</td><td>Yes</td></tr> <tr> <td colspan="5">Level 4</td> </tr> <tr><td>4.01</td><td>2</td><td>2.95m</td><td>41.7m²</td><td>Yes</td></tr> <tr><td>4.02</td><td>2</td><td>2.95m</td><td>41.7m²</td><td>Yes</td></tr> <tr><td>4.03</td><td>2</td><td>2.45m</td><td>18.2m²</td><td>Yes</td></tr> </tbody> </table> <p>The balconies to apartments 1.03, 1.06, 2.03 and 2.06 would fall short of the required 12m² (min. 2.4m wide) by 0.2m².</p> <p>A variation is supported as the balconies of these dwellings include an additional area of 3.36 m² (approx. 1.6 m x 2.1 m), whilst under 2.4 m in width, does provide supplementary space for services and recreation to make up for the shortfall of 0.2m².</p>	Apartment	No. of Beds	Balcony width (min.)	Balcony area	Met?	Level 1					1.01	3	3.35m	13.7m ²	Yes	1.02	1	2.45m	9.5m ²	Yes	1.03	3	2.8m	11.8 m ²	No	1.04	2	2.55m	17.5m ²	Yes	1.05	2	2.55m	17.5m ²	Yes	1.06	3	2.8m	11.8m ²	No	1.07	1	2.45m	9.5m ²	Yes	1.08	3	3.35m	13.7m ²	Yes	1.09	2	2.2m	22.7m ²	Yes	Level 2					2.01	3	3.35m	13.7m ²	Yes	2.02	1	2.45m	9.5m ²	Yes	2.03	3	2.8m	11.8m ²	No	2.04	2	2.55m	17.5m ²	Yes	2.05	2	2.55m	17.5m ²	Yes	2.06	3	2.8m	11.8m ²	No	2.07	1	2.45m	9.5m ²	Yes	2.08	3	3.35m	13.7m ²	Yes	2.09	2	2.2m	22.7m ²	Yes	Level 3					3.01	3	3.35m	13.7m ²	Yes	3.02	1	2.45m	9.5m ²	Yes	3.03	3	2.55m	24.5m ²	Yes	3.04	3	2.45m	33.9m ²	Yes	3.05	3	2.55m	24.5m ²	Yes	3.06	1	2.45m	9.5m ²	Yes	3.07	3	3.35m	13.7m ²	Yes	3.08	2	2.2m	22.7m ²	Yes	Level 4					4.01	2	2.95m	41.7m ²	Yes	4.02	2	2.95m	41.7m ²	Yes	4.03	2	2.45m	18.2m ²	Yes
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DETAILED DESIGN																																																																																																																																																																																																																			
<p>58.06-1 – Common Property</p> <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 	<p>Met</p> <p>Common Property would be provided within the basement car park, the frontage of the site, the lobby and communal corridors. This is clearly delineated from the private dwellings.</p>																																																																																																																																																																																																																		

Objective	Compliance									
<p>in areas of common ownership.</p>										
<p>58.06-2 – Site Services</p> <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. 	<p>Met</p> <p>Mailboxes and meters are provided within the frontage of the site. They would be finished in a dark face brick and dark steel finish which is considered to be consistent with the materials and finishes of the building.</p>									
<p>58.06-3 – Waste and recycling</p> <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. 	<p>Considered Met subject to conditions.</p> <p>A waste area is provided within the basement, and a dual waste recycle chute is provided to each floor level.</p> <p>A Waste Management Plan has been prepared by Leigh Design (dated 19 September 2019). A private waste contractor will be providing waste collection within the basement car park (B1) from the dedicated bin room.</p> <p>Council's Waste Management Unit has indicated general support, subject to conditions to amend the waste management plan to include provision for separate food waste, and glass waste disposal (as per requirements of the State Government), and to provide additional details regarding overall proposed waste collection systems to include the food/organic waste stream and glass waste stream collection, frequency of pickup, and access requirements.</p> <p>The plans will also need to demonstrate that the bin storage area is capable of providing space for bins for all four waste streams.</p>									
<p>INTERNAL AMENITY</p>										
<p>58.07-1 Functional Layout</p> <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents. 	<p>Met</p> <p>Each dwelling complies with the minimum dimensions for main bedrooms and other bedrooms in accordance with Table D7.</p> <p>Table D7 Bedroom dimensions</p> <table border="1" data-bbox="791 1794 1466 2047"> <thead> <tr> <th data-bbox="791 1794 1035 1883">Bedroom type</th> <th data-bbox="1035 1794 1251 1883">Minimum width</th> <th data-bbox="1251 1794 1466 1883">Minimum depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="791 1883 1035 1951">Main bedroom</td> <td data-bbox="1035 1883 1251 1951">3 metres</td> <td data-bbox="1251 1883 1466 1951">3.4 metres</td> </tr> <tr> <td data-bbox="791 1951 1035 2047">All other bedrooms</td> <td data-bbox="1035 1951 1251 2047">3 metres</td> <td data-bbox="1251 1951 1466 2047">3 metres</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres
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All other bedrooms	3 metres	3 metres								

Objective	Compliance									
	<p>The living areas of each dwelling comply with the minimum dimensions outlined in Table D8.</p> <p>Table D8 Living area dimensions</p> <table border="1" data-bbox="790 470 1468 745"> <thead> <tr> <th data-bbox="790 470 997 533">Dwelling type</th> <th data-bbox="997 470 1228 533">Minimum width</th> <th data-bbox="1228 470 1468 533">Minimum depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="790 533 997 622">Studio or 1 bedroom dwelling</td> <td data-bbox="997 533 1228 622">3.3 metres</td> <td data-bbox="1228 533 1468 622">10 square metres</td> </tr> <tr> <td data-bbox="790 622 997 745">2 or more bedroom dwelling</td> <td data-bbox="997 622 1228 745">3.6 metres</td> <td data-bbox="1228 622 1468 745">12 square metres</td> </tr> </tbody> </table>	Dwelling type	Minimum width	Minimum depth	Studio or 1 bedroom dwelling	3.3 metres	10 square metres	2 or more bedroom dwelling	3.6 metres	12 square metres
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2 or more bedroom dwelling	3.6 metres	12 square metres								
<p>58.07-2 – Room depth</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	<p>Met</p> <p>Each dwelling would have a floor to ceiling height of at least 2.7 metres.</p> <p>The open plan kitchen, living and dining areas of Apartments G.01, G.06, 1.01, 1.08, 2.01, 2.08, 3.01, 3.07 and 4.01 are provided with windows on two elevations, and therefore Standard D25 does not apply to these dwellings.</p>									

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<p>58.07-3 – Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>All habitable rooms to each dwelling would be provided with a window in an external wall of the building.</p>																																																																																																																																																				
<p>58.07-4 – Natural ventilation</p> <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Met</p> <p>At least 17 dwellings would have effective cross ventilation in accordance with Standard D27.</p>																																																																																																																																																				

8.15 Aspects of off-site amenity impacts not assessed in Clause 58 include overlooking to adjoining dwellings and overshadowing impacts.

- 8.16 The development provides screening of direct views to existing habitable room windows and secluded private open space areas of adjoining dwellings west and south of the site through boundary fencing at least 1.8 m high, 1.7 m high screens to balconies at first and second floor level, with obscure glazing fixed to 1.7 m above finished floor level at these level. Screening is not required to the north, which faces a commercial building, and the street.
- 8.17 Habitable room windows and balconies on the southern and western elevations at the third and fourth floor level would not be screened, however direct downward views are limited. There are no direct downward views to the ground surface level of the secluded private open space areas of 13 Clay Drive (south of the site) and 8 Frederick Street (west of the site) within 9 metres of the balconies at third floor level. At fourth floor level, 800 mm wide planters would be provided within the balconies further limiting downward views to the south and west of the site (see Figures 5 & 6 below).

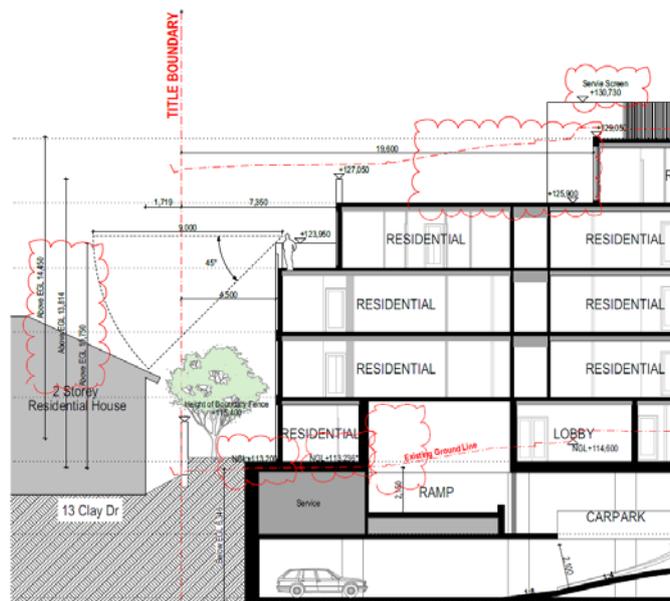


Figure 5 – Downward views to the south from the balcony at third floor level.

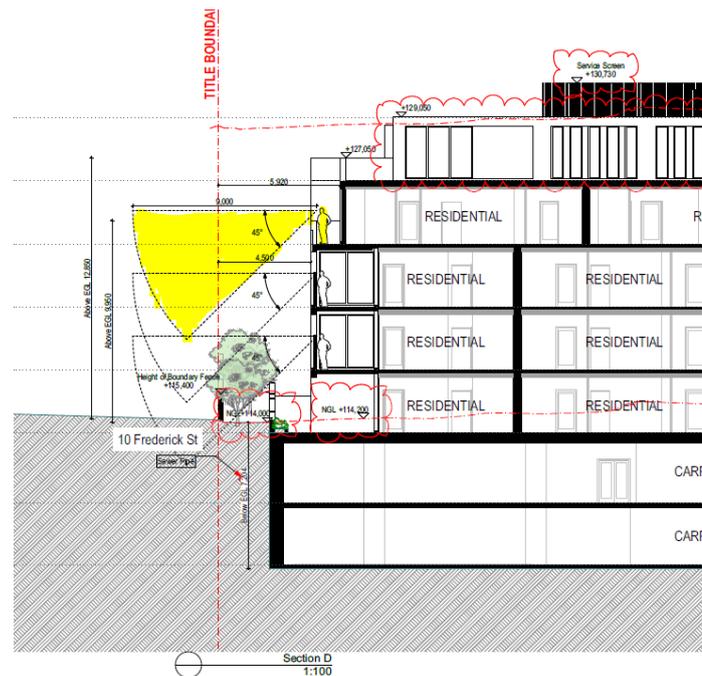


Figure 6 – Downward views to the west from the balcony at third floor level do not have direct views to secluded private open space (note ground, first and second floor levels have been screened on the western elevation).

- 8.18 The development therefore provides the appropriate level of screening, striking a balance between privacy and outlook, thereby reducing the need for visually bulky screens at the third and fourth floor levels.
- 8.19 Overshadowing impacts to secluded private open space areas of existing dwellings are limited to three properties (8 Frederick Street, 12 Frederick Street and 13 Clay Drive). For the reasons discussed below, this meets the required objectives.
- 8.20 The development would cast shadows to the west of the site, beyond existing boundary fence shadows at 9 am on 22 September, largely over a vacant block at 10 Frederick Street, and additional shadows would also be cast over part of 8 and 12 Frederick Street. At 10 am, part of the shadows would be located just beyond boundary fence shadows to 8 and 12 Frederick Street, and by 11 am no shadows are cast over 8, 10 and 12 Frederick Street. The secluded private open space area of 8 Frederick Street is approximately 505m², and the secluded private open space of 12 Frederick Street is approximately 409.3m².
- 8.21 The development would also cast shadows south of the site over 13 Clay Drive, beyond existing boundary fence shadows at 9 am. From 10 am to 2 pm the majority of additional shadows would be cast within the subject site and just beyond existing boundary fence shadows at 13 Clay Drive. The secluded private open space area of 13 Clay Drive is approximately 489.8m².
- 8.22 The extent of additional shadows has been largely limited due to the 4.5 metre (minimum) side and rear setbacks of the development. The impact of the additional shadows is also limited given the large size of the secluded private open space areas of adjoining dwellings which ensure that at least 40m² of each space would receive sunlight for five hours on 22 September.

Car parking, Access and Bicycle Facilities

Car Parking

8.23 The car parking requirement of Clause 52.06 (Car Parking) and Clause 45.09 (Parking Overlay Schedule 1) in relation to the number of spaces provided, is summarised in the table below:-

Purpose	Scheme requirement	Car parking provided
8 One-Bedroom Dwellings 11 Two-Bedroom Dwellings 16 Three-Bedroom Dwellings 1 Four-bedroom Dwelling Total - 36 Dwellings	53 spaces	53 residential spaces
Required visitor spaces	3 visitor spaces (Parking Overlay Schedule 1 area)	1 visitor space
Total	56 spaces	54 spaces

8.24 The Scheme requires a total of 53 residential car parking spaces for the proposed residential development and 3 visitor spaces, as the site is located within the Parking Overlay Schedule 1 (1 visitor car space for every 10 dwellings).

8.25 The development complies with the car parking requirements providing for resident car parking, however, there is a shortfall of two visitor car parking spaces.

8.26 Council's Infrastructure Services Unit has raised concerns in relation to the shortfall of two visitor car parking spaces in the proposed development, and has indicated that the development will generate additional visitor on street parking requirements which is likely to create congestion within the surrounding road network. The existing high demand for on-street parking in Clay Drive, particularly at the northern end of the street, is due to its proximity to Doncaster Road, Westfield Shopping Centre and existing apartments in this location. Parking restrictions are in place in Clay Drive for this very reason.

8.27 Both sides of Clay Drive are subject to parking restrictions including 2 hour parking (8 am to 6 pm Saturday and Sunday including public holidays), and is in an area where Resident Parking Permits are required. However these apartments if constructed will not be eligible for parking permits.

8.28 It is also noted that constructed (and permit approved) apartment buildings located to the north and east of the subject land comply with the visitor parking requirements of the Parking Overlay Schedule 1.

- 8.29 Permit conditions are recommended to provide a total of three visitor car parking spaces within the basement garage (Basement 1) to ensure that the existing issues with the availability of on-street parking are not exacerbated. The permit applicant has indicated in writing that they would be willing to accept a permit condition requiring them to provide all visitor car parking spaces.
- 8.30 A sketch plan was provided by the applicant on 26 August 2020 indicating the possible locations of visitor car parking, adjacent to the basement ramp and occupying the waste vehicle reversing bay.
- 8.31 There is a concern with the location of the visitor car space adjacent to the lifts and basement driveway ramp may remove bicycle spaces, and impact on visibility, safety, clearance from lifts/support structures including the practicality of movements in and out of that space. Concern is also raised in relation to the use of the waste vehicle reversing bay should this area be used for visitor car parking and as to how this will be managed.
- 8.32 Permit conditions will require provision of visitor car spaces, however there is scope to relocate or reduce the size of some service and/or waste rooms to provide for safe and convenient access to visitor car spaces and therefore the location of the visitor car spaces should be reconsidered. A redesign and reassignment of space allocated for service and waste could ensure these extra spaces can be accommodated within the existing basement, and should this become problematic, a car stacker could be introduced to one of the 17 dwellings with three or more bedrooms which are currently provided at grade and independently accessible spaces.

Access

- 8.33 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"> • Visibility splay areas are provided on both sides of the accessway at the frontage. • The driveway is 6.5m in width for a length of 7.0m from the site frontage to provide a passing area. • A minimum 2.1m of headroom clearance beneath overhead obstructions appear to be provided (2.3 m is proposed). • All vehicles are able to exit the site in a forward direction. • Permit conditions will be required to line mark at the Basement 1 and 2 for the proposed stop and go system as recommended by Council's Infrastructure Services Unit.
2 – Car Parking Spaces	<ul style="list-style-type: none"> • Resident car parking spaces are provided in accordance with the required dimensions and clearance area requirements. • 3 visitor car parking spaces have not been provided (shortfall of 2 spaces).
3 – Gradients	<ul style="list-style-type: none"> • The driveway gradients and transitions comply the standard.

Design Standard	Assessment
4 – Mechanical Parking	<ul style="list-style-type: none"> No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> The entrance to the basement is suitably designed and will not be a dominant element given it is recessed from the front façade of the building, and the gate would be at least 50% transparent.
6 – Safety	<ul style="list-style-type: none"> Access to the basement residential car parking is secured by an automatic gate and an intercom is provided. There is separate pedestrian access to the building from the frontage.
7 – Landscaping	<ul style="list-style-type: none"> There is landscaping on one side of the accessway. Permit conditions will require landscaping on the southern side of the driveway, which will require relocation/reorientation of the water and gas meters.

Bicycle Facilities

- 8.34 Clause 52.34 (Bicycle Facilities) applies to dwellings within developments of four or more storeys. For this proposal (36 dwellings) a total of 11 bicycle spaces are required, 7 resident bicycle spaces and 4 bicycle visitor spaces.
- 8.35 The proposal provides 16 bicycle spaces (rails) within the basement bicycle parking area with no provision for visitor bicycle spaces to the front of the building. Permit conditions will require at least one bicycle hoop to the frontage of the site for visitors.
- 8.36 The Traffic Report (prepared by Traffix Group) indicates that the bicycle parking would comprise of 'Flat Top' horizontal rails in accordance AS2890.3-2015. Permit conditions will require a notation indicating the type of bicycle parking to be provided on the endorsed plans.

Objector issues / concerns

- 8.37 The objections relate to concerns regarding car parking provision, loss of views and decreased property values. A response to the grounds of objection is provided in the paragraphs below:-

Car Parking

- 8.38 The proposed development complies with the resident parking provisions of Clause 52.06 (Car Parking) of the Manningham Planning Scheme, which requires one car space for every 1-2 bedroom dwelling, and two car spaces for every dwelling that contains more than 2 bedrooms.
- 8.39 With regard to the shortfall of visitor car parking spaces, permit conditions will require a total of three visitor car parking spaces to be provided within the basement garage of the development so as to not exacerbate existing availability of on-street parking spaces in Clay Drive. This would then bring the development into compliance with Schedule 1 of the Parking Overlay which requires one visitor car space for every ten dwellings.

Loss of views

8.40 Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. The objectors reside in an apartment building located at least 48 metres north-east of the proposed development, uphill from the subject site. The proposed apartment building would comprise of a fraction of their outlook, with the main long distance view south unencumbered.

8.41 Subject to this, there is no planning justification to require a change to the plans or to refuse the application to protect views.

Property Values

8.42 The impact of development on property values is not a concern that can be considered in the assessment of a planning application.

9. DECLARATION OF CONFLICT OF INTEREST

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