

**0.0 Planning Permit No. PL15/025661 - 15 Andersons Creek Road, Doncaster East - Use and development of the land for a mixed use, high rise building and townhouse development**

File Number:	IN18/193
Responsible Director:	Director City Planning
Applicant:	2BScene Design
Planning Controls:	Clause 32.04 Mixed Use Zone (MUZ)
Ward:	Mullum Mullum Ward
Attachments:	1 Locality Map 2 Decision Plans 3 Legislative Requirements 4 Planning Assessment 5 Discussion Plan dated 3 May 2018

**EXECUTIVE SUMMARY****Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 15 Andersons Creek Road, Doncaster East for the use and development of the land for a mixed use development, apartment building and townhouse development and recommends approval of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and an estimated development cost of more than \$5 million).

**Proposal**

2. It is proposed to demolish the existing buildings on the land to construct the following:
  - A multi-level, mixed use building (part five/part six storeys) comprising twenty-one apartments and a ground level restaurant (210 square metres) atop basement car parking. At grade car parking is also proposed and will service the restaurant; and
  - Twenty-one three and four storey townhouses with associated garages.

**Key issues in considering the application**

3. The key issues for Council in considering the proposal relate to:
  - Policy (consistency with state and local planning policy);
  - Compliance with design, built form and landscaping considerations as informed by an assessment against the Higher Density Guidelines (Multi-level building) and Clause 55 (Townhouses);
  - Appropriateness of the car parking, access and traffic arrangement as informed by Council's Engineering department and VicRoads; and

- Matters raised by objectors in opposition to the Planning Application.

**Objector concerns**

4. Thirty-three objections have been received in relation to the application, raising a wide range of issues which are identified/summarised as follows:
  - Insufficient setback and presentation to the western property boundary with 350 Blackburn Road, Doncaster;
  - Loss of Privacy;
  - Overdevelopment/Density/Out of Character/Building Height;
  - Design response;
  - Overshadowing;
  - Change of Use (Commercial to “mixed commercial and intense residential”);
  - Impact on Views;
  - Traffic Impacts;
  - Insufficient Car Parking Provision;
  - Insufficient Infrastructure Provision;
  - Drainage;
  - Waste Collection concerns;
  - Overpopulation of the area;
  - Noise and Air Pollution;
  - Environmental Impacts;
  - Increase in Crime;
  - Fire Risk; and
  - Devaluation of Surrounding/Nearby Properties.

**Assessment**

5. While officers note that there is some opposition to the proposal, the planning application is consistent with the objectives of the Manningham Planning Scheme. The Mixed Use zoning of the land contemplates the provision of housing at higher densities.
6. The proposed development features a high quality architectural presentation and is of a scale which is consistent with the intent of the Mixed Use Zone. The mixed-use building has been appropriately sited at the southern end of the site

where it will have a striking streetscape presence, yet it be well removed from the residential properties that line the northern boundary. Against the residential interface, the townhouse component of the proposal provides generous setbacks, a relatively lower scale of built form and opportunities for landscaping to soften the interface. With some improvement, the development will achieve a well-balanced outcome in the context of on-site and off-site amenity considerations.

### Conclusion

7. The report concludes that the proposal complies with the relevant planning policies in the Manningham Planning Scheme and should be supported, subject to conditions.
8. It is recommended that the application be supported, subject to conditions.

## RECOMMENDATION

### That Council:

- A. **Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL15/02661 for the use and development of the land for a mixed use, high rise building with a ground level restaurant and residential (apartments) above, associated residential dwellings (townhouses) and altered access to a road in a Road Zone Category 1 (RDZ1) on land at 15 Andersons Creek Road, Doncaster East subject to the following conditions:**

#### Amended Plans

1. **Before the development starts, two copies of 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 2bscene design, dated June 2017), but modified to show the following:**

#### VicRoads related conditions

- 1.1 **The revised location for the southernmost crossover in accordance with VicRoads' Condition 43. This must be generally in accordance with the Discussion Plan, dated 3 May 2018, as prepared by 2BScene Design but modified to:**
  - 1.1.1 **include a physical barrier (such as an extensive planter box with landscaping) between the raised driveway and restaurant entry space to the satisfaction of the Responsible Authority;**
  - 1.1.2 **maximise landscaping opportunities around the restaurant entry space to the satisfaction of the Responsible Authority;**
  - 1.1.3 **provide a terraced retaining wall/planter box treatment in the area to the south of the driveway;**

1.1.4 include swept path diagrams for all newly created car parking spaces demonstrating the ability for all vehicles to exit the site in a forward direction to the satisfaction of the Responsible Authority.

1.2 Any other plan adjustments or notations to meet the requirements of VicRoads as outlined at Conditions 43-46 of this permit;

1.3 The Functional Layout Plan in accordance with Condition 43 of this permit;  
Restaurant

1.4 The provision of amenities (WCs) within the restaurant;

#### Dwellings

1.5 Bedroom 2 of Dwellings 13 to 20 inclusive to be screened/redesigned in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme to avoid direct views into the secluded private open spaces of Halycon properties;

1.6 Dwelling 21's living room window to be screened/redesigned in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme to avoid direct views into the adjoining secluded private open space;

1.7 Bedroom 1 windows of Dwellings 13 to 16, inclusive to be screened/redesigned to avoid unreasonable internal overlooking to the balconies of Dwellings 9 to 12 in accordance with Standard B23 of Clause 55.04-7 of the Manningham Planning Scheme;

1.8 The provision of an internal barrier between adjoining balconies to a minimum height of 1.7 metres above finished floor level;

1.9 The electric substation relocated outside of Dwelling 8's secluded private open space (This may occur by repositioning internal fencing and reducing the size of the open space area);

1.10 Modifications to the finished surface levels of the internal accessway adjacent to Dwellings 15-18, inclusive, or the FFLs of these dwellings, to provide a flow path and avoid internal flooding;

1.11 A plan notation that all habitable room windows to all apartments and townhouses be acoustically treated to protect residents from external commercial and traffic noise;

#### Basement Car Park

1.12 The location of an intercom system facilitating 24 hour access;

1.13 A minimum 6.4 metre wide aisle width to be provided at and within the basement to allow for two way vehicle movement;

1.14 The basement car park layout redesigned to enable all visitor car parking spaces to facilitate vehicles exiting the site in a forward direction with no more than three manoeuvres;

1.15 The two northernmost car spaces within the basement to be allocated as

**“Additional” or utilised as storage rooms;**

- 1.16 Sectional details of storage provision for all apartments demonstrating a minimum capacity of 6 cubic metres;**
- 1.17 A separate waste room for the restaurant use;**
- 1.18 The provision of convex mirrors or alternative method of providing improved visibility for vehicles within the basement;**
- 1.19 Access via the basement to the one metre landscape area adjacent to the western boundary for maintenance purposes (stairs to be provided as necessary);**

**Accessway**

- 1.20 Visibility splays to be provided adjacent to each of the accessways in accordance with Design Standard 1 of Clause 52.06-9 of the Manningham Planning Scheme;**
- 1.21 A painted centre line to both accessways;**
- 1.22 A dark coloured, patterned concrete, aggregate or bitumen finish to the accessways and visitor car parking spaces that includes a different colour/treatment at points along the driveway to create visual interest and threshold treatments to calm the speed of vehicles to the satisfaction of the Responsible Authority;**

**General**

- 1.23 Nomination of the exact location/s where the private waste collection vehicle will stop and undertake waste collection for all townhouses in accordance with the Waste Management Plan required by Condition 6 of this permit;**
- 1.24 The location and type of communal lighting across the development to provide for safety;**
- 1.25 An amended schedule of materials, colours and finishes to substitute the dark finish for the uppermost level of the mixed-use building with a lighter finish and this adjustment reflected on all elevation plans. The amended schedule must also include details of all driveway, paving, canopies, shading devices, louvers/screens, retaining wall, fencing and other finer grain detail to the satisfaction of the Responsible Authority;**
- 1.26 Location and design detail of all service cabinets, letterboxes and all other infrastructure which must be sited so as not to impede vehicles and integrated into the development to the satisfaction of the Responsible Authority;**
- 1.27 Details of any measures to limit smell pollution to the balconies and habitable room windows of the apartments;**
- 1.28 The location of any clotheslines with secluded private open spaces or balconies (with associated screening devices to be provided);**

**1.29 Retention or removal of existing vegetation to be clearly labelled.**

**Endorsed Plans**

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

**Construction Management Plan**

- 3. Before the development commences, two copies of a construction management plan (CMP) must be submitted to and approved by the responsible authority. When approved, the CMP will form part of the permit. 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**
- 3.5 Element A5: Waste Minimisation and Litter Prevention**
- 3.6 Element A6: Traffic and Parking Management.**

**Sustainability Management Plan**

- 4. Prior to the endorsement of plans pursuant to Condition 1 of this permit, two copies of an amended Sustainability Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must demonstrate best practice in environmentally sustainable development from the design stage through to construction and operation using industry assessment tools.). When approved, the Sustainability Management Plan will form part of the permit. The plan must generally accord with the submitted SMP prepared by *EcoResults*, dated 24 June 2016 but modified by the following:**

- 4.1 An amended stormwater treatment strategy to demonstrate the stormwater quality objectives of Clause 21.10 of the Manningham Planning Scheme;**
- 4.2 The thermal performance rating (Energy 1.1) to achieve at least a 10% improvement on National Construction Code (NCC) minimum requirements for both the residential and non-residential component of the development;**
- 4.3 Bicycle parking to reflect provision on Condition 1 plans;**
- 4.4 External shading devices/techniques to be applied to the development to address solar penetration to north, east and west facing glazing.**

- 5. Prior to the occupation of the dwellings, written confirmation from a qualified person or company must be submitted to the Responsible Authority to confirm that the sustainable design features/initiatives specified in the SMP have been satisfactorily implemented in accordance with the approved plans.**

**Waste Management Plan**

6. Prior to the endorsement of plans pursuant to Condition 1 of this permit, two copies of an amended waste management plan must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will form part of the permit. The plan must generally accord with the submitted WMP as prepared by WasteTech Services (dated 9 May 2017) but modified by the following:
- 6.1 Designation of the waste collection point for all townhouses;
  - 6.2 The inclusion of a statement that no private waste contractor bins will be left outside the property boundary or left unattended at any time on any street frontage for any reason; and
  - 6.3 Design and management details for a separate waste room for the restaurant use.

7. 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

#### Engineering Construction Plan

8. Before the development commences, two (2) scaled copies of an Engineering Construction Plan (ECP) for the footpath forward of the property must be submitted to and approved by the Responsible Authority. Before the works start:
- 8.1 A supervision fee equal to 2.5% of the cost of construction of the path must be paid to the Responsible Authority;
  - 8.2 A plan-checking fee equal to 0.75% of the cost of construction of the path must be paid to the Responsible Authority;
  - 8.3 A maintenance deposit equal to 5% of the cost of construction of the path must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
  - 8.4 A schedule of costs for the construction of the path must be submitted to the Responsible Authority.

#### Landscape Plan

9. Before the development commences, two copies of a landscape plan must be submitted to the Responsible Authority for approval. When approved, the Landscape Plan will form part of the permit. The plan must be generally in accordance with the Landscape Plan submitted with the application (as prepared by Landscapes By Design, Revision D, dated 23 June 2017) but modified to reflect all changes in accordance with Condition 1 of this permit and increase the density of planting throughout the development to the satisfaction of the Responsible Authority.

#### Landscape Bond

10. Before the release of the approved plans 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**

11. 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:
- 11.1 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';
- 11.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and
- 11.3 All landscape areas must be fully planted and mulched or grassed.
12. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
13. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
14. 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)**

15. 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:
- 15.1 Be designed for a 1 in 5 year storm; and
- 15.2 Storage must be designed for 1 in 10 year storm.

**Construction Plan (OSD)**

16. Before the development starts, a construction plan for the system required by Condition 15 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.

#### **Outfall Drainage**

17. Unless otherwise determined by the Responsible Authority, before the development is completed the owner must construct outfall drainage works between the site and the junction pit in the easement at the rear of 350 Blackburn Road in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
- 17.1 A supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
- 17.2 A plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
- 17.3 A maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
- 17.4 A schedule of costs for the construction of drainage works must be submitted to the Responsible Authority.

#### **Drainage**

18. 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.
19. 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**

20. Before the approved use or occupation of the approved development starts, the area set aside for the parking of vehicles and access lanes as shown on the approved plans must be:
- 20.1 Constructed, formed and sealed to approved levels;
- 20.2 Drained;
- 20.3 Line marked to indicate each car space, including the staff parking spaces;
- 20.4 Marked to show the direction of traffic along access lanes and driveways; and
- 20.5 Marked to show the car space for a person with a disability designed to the relevant Australian Standard;

to the satisfaction of the Responsible Authority.

21. **Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.**
22. **Car park/driveway lighting must be provided to the satisfaction in accordance with the details shown on the approved plans to ensure that car parking areas and the associated pathways are illuminated during evening periods without any loss of local amenity and to the satisfaction of the Responsible Authority.**
23. **Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.**
24. **Automatic garage 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.**

#### **Use Conditions**

25. **Except with the prior written consent of the Responsible Authority, the restaurant must only operate on Monday, Wednesday to Sunday from 5pm to 10pm.**
26. **Except with the prior written consent of the Responsible Authority, the number of patrons in the restaurant (including the outdoor area) must not exceed sixty (60) patrons.**
27. **Except with the prior written consent of the Responsible Authority, the number of staff in the restaurant must not exceed seven (7) staff members.**
28. **The exhaust system of any cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.**
29. **The use and development must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the Responsible Authority through the:**
  - 29.1 **Transport of materials, goods or commodities to or from the land;**
  - 29.2 **Storage of goods and wastes;**
  - 29.3 **Appearance of any building, works or materials and**
  - 29.4 **Emission of noise, light, vibration, odour and dust.**
30. **Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out on the land**

and between the hours of 7.00am and 6.00pm, to the satisfaction of the Responsible Authority.

#### Noise

31. The operator of the use must ensure that patrons who depart the premises late at night, do so in a manner not likely to cause noise disturbance to nearby residents.
32. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
33. All external plant and equipment must be appropriately located and designed, to limit visual impact to the satisfaction of the Responsible Authority.
34. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 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.

#### Services

35. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
36. A centralised TV antenna system must be installed to each dwellings and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
37. 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.
38. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
39. Unless sufficiently screened by roof parapets, all solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority
40. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the

**Responsible Authority.**

41. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace to minimise general visual impact from off the site to the satisfaction of the Responsible Authority.
42. All building services and metering located in the front setback, including fire services, gas, water and electricity, must be installed in accordance with the approved plans and must be positioned in a discrete manner and be screened using cabinets, etc, that integrates with the overall building design to the satisfaction of the Responsible Authority.

**VICROADS CONDITIONS (Conditions 43 - 46)**

43. Prior to the commencement of works, amended plans to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plans will form part of this permit. The amended plan(s) shall show:
  - 43.1 A fully dimensioned functional layout plan, generally as per Traffix Group Plan dated 25 October 2017, with southern most access point relocated northwards at least to the existing southern access point.
  - 43.2 Informal parking bays along the southern left turn short lane removed.
  - 43.3 Improvement to the alignment of southbound through lane.
  - 43.4 Works incidental to the construction of the turning lanes and the alignment of the foot path along the site frontage, but not limited to signs and modifications to drainage assets etc.
44. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;
45. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works, including service relocation, must be provided and available for use to the satisfaction of and at no cost to VicRoads and the Responsible Authority.
46. The preparation of functional layout plans, 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 – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.

**UNITED ENERGY CONDITIONS (Conditions 47 - 48)**

**47. The applicant must enter into an agreement with United Energy for an extension and/or re-arrangement of the current electricity supply to lots on the land which may also require:**

**47.1 Establishing easement(s) internally or externally to the site; and/or**

**47.2 Providing site/s to locate substations.**

**48. The applicant must make a payment to United Energy to cover the cost of preparing such documentation and work.**

**Permit Expiry**

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

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

**49.2 The development is not completed within eight (8) years of the date of this permit; and**

**49.3 The use is not commenced within four (4) years of the completion of the development.**

**The Responsible Authority may extend these times 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 and Environment Act 1987.**

## **BACKGROUND**

- 2.1 The planning permit application was received on 9 October 2015.
- 2.2 The proposal was considered by the Sustainable Design Taskforce on 26 November 2015.
- 2.3 The proposal has been modified through the course of the processing of the application and redesigned as a result of initial concerns posed by VicRoads.
- 2.4 Following a number of further information requests and extensions provided to lodge the requested material, the proposal was advertised across the end of July and the first two weeks of August 2017.
- 2.5 Thirty-three objections have been received in response to the advertised proposal.
- 2.6 On 5 March 2018, referral advice was received from VicRoads providing no objection to the application, subject to conditions.

## **3. THE SITE AND SURROUNDS**

- 3.1 The Site is situated on the north-western side of Andersons Creek Road, Doncaster East. The site has an area of 5238 square metres and is irregular in shape.
- 3.2 A partially elevated, single storey building currently occupies the site and is used as two individual Asian restaurants. Restaurant parking surrounds the buildings and is presently accessed via two separate access points which are 78 metres apart.
- 3.3 The site is burdened by an electricity easement that extends along its northern boundary. The land within the easement has a significant downward slope towards the residential properties to the north.
- 3.4 The natural contours of the land fall from the south-western end to the north-eastern end. In some locations, the natural topography has been altered by the development that has occurred on the land, particularly associated with the spans of existing concrete surrounding the buildings on the land.
- 3.5 Existing vegetation on the site consists of some scattered shrubs around the perimeter of the car park area and existing building. There is also some native trees clustered at each of the western and eastern corners of the site.
- 3.6 The Certificate of Titles for the land are not unencumbered in respect of any restrictive covenants or Section 173 Agreements.
- 3.7 The site has abutments with the following properties being:
  - 7 Andersons Creek Road Doncaster East (to the south) used as a Mitre 10 hardware store/nursery;
  - 350 Blackburn Road, Doncaster East (to the west) constituting an Indoor Sports Centre;
  - 23 Andersons Creek Road, Doncaster East (to the north) occupied with an Asian restaurant; and
  - 5, 6, 7 and 8 Halycon Ct, Doncaster (also to the north) being four residential properties whose private open spaces adjoin the subject site.
- 3.8 At a broader level, the subject site is located within a mixed commercial area and on the perimeter of a residential area. Established pre-1985 residential subdivisions are located on both sides of Andersons Creek Road in the vicinity of the site.
- 3.9 Andersons Creek Road is a major arterial road under the jurisdiction of VicRoads. Bus services operate along both Andersons Creek Road and nearby Blackburn Road, including Central Melbourne bound routes 305 and 318.
- 3.10 The site is positioned approximately 300 metres to the Zerbe Reserve, 700 metres to the Donburn Neighbourhood Activity Centre, 700 metres to the Doncaster Primary School and within 2 kms of The Pines Major Activity Centre.

#### 4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing buildings and remove all vegetation on the on the subject land to construct the following:
- a multi-level, mixed use building comprising twenty-one apartments and a ground level restaurant (210 square metres) atop basement car parking; and
  - twenty-one townhouse with associated garages.
- 4.2 The multi-level building consists of four levels of residential apartments atop a basement and the ground level retail use.
- 4.3 The multi-level building is proposed to face Andersons Creek Road and is sited at the south-western end of the site. Its basement is excavated into the sloping embankment at the front of the building with vehicle access to the basement car park proposed at the rear of the building.
- 4.4 The townhouses are grouped in six pods and as to be situated as follows:
- Dwellings 1-3 and Dwellings 4-8, are to have a frontage to Andersons Creek Road;
  - Dwellings 9-12 are situated within the site, to the rear of the multi-level building with Dwelling 12 opposite the western boundary;
  - Dwellings 13 to 15, Dwellings 16 to 18 and Dwellings 19 to 21 are situated along the northern boundary.

## **Residential**

### **Apartment Development Component**

- 4.5 The apartment breakdown, totalling 21 apartments, is as follows:
- Level 1 – 7 x 2 bedroom apartments (Apartments 101 – 107);
  - Level 2 – 7 x 2 bedroom apartments (Apartments 201 – 207);
  - Level 3 – 5 x 2 bedroom apartments (Apartments 301 – 305); and
  - Level 4 – 2 x 3 bedroom apartments (Apartments 401 & 402).
- 4.6 Internally, the apartments vary in floor area between 70 and 137 square metres. Balcony sizes also vary considerably; 9 square metres up to 64 square metres.
- 4.7 The building is serviced by a central lift and stairwell that services all levels, including the basement levels. Centrally located lobbies and corridors provide access from the lift and stairwell at each level.

### **Basement**

Car spaces are situated at the basement level in which 34 car spaces are proposed. All apartments are provided with one vehicle car space, except for Apartments 401 and 402 which are allocated two car spaces (Apartments 401 and 402 are the only three bedroom apartments). There are four dedicated

residential visitor car spaces. It is noted there is a surplus of three car spaces for the residential use.

- 4.8 Storage is indicated at the front/rear of each space although type of storage (locker, cage, etc) has not been nominated.
- 4.9 Ten bicycle racks are provided adjacent to two sides of the lobby/lift area.
- 4.10 A waste room is provided at the northern end of the basement and waste chutes connecting to each residential level is shown. A separate recycling room is also proposed situated at the western corner of the basement.

#### **Townhouse Development Component**

- 4.11 Of the 21 townhouses, thirteen dwellings are three storeys in height while eight dwellings consist of four storeys.
- 4.12 The three storey townhouses are generally configured as follows:
  - Ground floor – tandem, double garage, laundry and entry with ground level open space;
  - First floor – One bedroom and open planned living/dining/kitchen and balcony; and
  - Second floor – Two bedrooms and bathroom.
- 4.13 The four storey townhouses are generally configured as follows:
  - Ground Floor – double garage, rumpus, laundry, bin storage;
  - First Floor – Entry, study, open planned living/dining/kitchen;
  - Second Floor – Two bedrooms and bathroom, study, balcony; and
  - Third Floor – Master Suite, balcony.
- 4.14 Two car spaces are provided to all townhouses in the form of a garage, except Dwelling 21 which has two bedrooms and is single car garage. Some garages are tandem parking (12 garages).
- 4.15 A total of four visitor spaces are available to the townhouses' visitors. All spaces are situated adjacent to Dwelling 9 and are grouped in pairs. Visitor Spaces 1 and 2 are located opposite Dwellings 16 and 17, while Visitor Spaces 3 and 4 are located opposite the mixed use building's waste collection/loading bay.
- 4.16 Ground floor plans include important details in respect of pedestrian pathways, retaining wall/planter box locations, lighting, and proposed finished surface level details.
- 4.17 A centrally positioned, internal playground is proposed as a key component of communal open space. The playground is located adjacent to Visitor Car space 3 and 4 and is to be surrounded by timber bollards.



### Restaurant Use

- 4.18 A 210 square metre restaurant is proposed at the ground level and is proposed to cater to 60 patrons.
- 4.19 Hours of operation, as proposed, are:
- Monday, Wednesday to Sunday: 5pm –to 10pm; and
  - Tuesdays: closed.
- 4.20 Staff numbers are proposed to not exceed seven at any given time.
- 4.21 Internal and outdoor areas are proposed and details of internal layout, including kitchen area and indicative seating layout is provided. It is noted that the layout does not include amenities which would appear to be an oversight (**Condition required**).
- 4.22 A disability ramp (1:14 grade) is shown to facilitate accessible entry to the restaurant from a newly created footpath within the Andersons Creek Road reservation. At grade accessibility is easily achieved from the restaurant's car park.
- 4.23 Restaurant car parking constitutes twenty car spaces, including one disabled car space. This space is positioned immediately opposite the restaurant entry. Car spaces and the associated accessway are proposed of all-weather concrete incorporating wheel stops within parking bays. Areas dedicated to landscaping surround the restaurant car park. Two wall mounted visitor bicycle racks are proposed behind the restaurant's entry.

### Vehicle Access

- 4.24 It is proposed to remove the existing two crossovers servicing the site and replace them with two new crossovers.
- 4.25 Both crossovers are proposed to be 6 metres wide and are to have a grade of 1 in 10 for the first five metres followed by steeper sections thereafter.
- 4.26 The southernmost crossover is proposed to service the restaurant use only. This crossover facilitates access to twenty car spaces (including one disabled car space).
- 4.27 The northernmost crossover will provide access to the residential uses, i.e. to the basement for the multi-level building and to the garages of the individual townhouses.

### Landscaping

- 4.28 An interesting and varied landscape response has been proposed for the redevelopment site.
- 4.29 New canopy trees are proposed within the majority of all ground level secluded private open space areas. Canopy trees are a combination of native and exotic species with the use of Callery Pear trees proposed across the property's Anderson Creek Road frontage and adjacent to the ground level restaurant.

- 4.30 The use of hedge screen planting is proposed along the western property boundary in the one metre setback between the basement level and 350 Blackburn Road, Doncaster East.
- 4.31 Planter boxes and other smaller spaces throughout the redevelopment site are generally well provided for with future landscaping. A variety of species and densities are proposed.
- 4.32 Development plans appear to indicate the retention of some vegetation in the eastern tip of the land (although these trees are not reflected on the proposed landscape plan). Their retention or otherwise will need to be clarified by permit condition.

### **Design Detail**

#### **Multi-level building**

- 4.33 The proposed building features a contemporary architectural design, incorporating a range of materials, colours and finishes to propose a highly visual and stimulating built form expression across all elevations. In particular, the facades utilises an impressive number of different cladding finishes encompassing:
- Silver/Grey Alucobond Cladding;
  - Natural Vertical Timber (Stain Finish) cladding;
  - Burnt Orange/Brown Vertical Ruukki Cor-ten Cladding;
  - Burnt Orange/Brown Vertical Perforated Ruukki Cor-ten Cladding; and
  - Wintec UltraClad Aluminium Cladding.

#### **Townhouses**

- 4.34 The townhouses will generally draw on the same material schedule to provide continuity and integration with the multi-level building, although white render as a finish is to be introduced across some townhouses at second and third levels. Balconies are emphasised with burnt orange/brown perforated or vertical Ruukki cladding and several townhouses will be decorated with the use of either timber or Alucobond cladding.
- 4.35 As with the multi-level building, large areas of fenestration is proposed particularly at the townhouses' upper levels commensurate with the location of second or third level habitable spaces. Raked roofing is a characteristic of all townhouses and in combination with the variety of materials to the façade of townhouses, offers these dwellings with a very high level of articulation.

#### **Submitted Plans and Documents**

- 4.36 The proposal is detailed on the plans prepared by 2BScene Design, as amended in June 2017 and as received by Council on 3 July 2017). Refer to Attachment 2.

4.37 In addition to the architectural plans, the following documentation was submitted in support of the application:

- Town Planning Report (Clause 1 Planning, May 2017);
- Traffic Engineering Assessment (*TraffixGroup*, dated February 2017);
- Waste Management Plan (*WasteTech Services* dated 9 May 2017);
- ESD Management Plan (*EcoResults*, dated 24 June 2016);
- Arboricultural Report (*Landscapes By Design*, dated 24 August 2016);  
and
- Landscape Plan (*Landscapes By Design, Revision D*, dated 23 June 2017).

## 5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Attachment 3.

5.2 Under the Zone, a permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 32.04-2 (**Mixed Use Zone**), a permit is required to use the land as a restaurant, given the floor area proposed exceeds the Section 1 “as of right” area of 150 square metre.
- Clause 32.04-6 (**Mixed Use Zone**), a permit is required to construct two or more dwellings on a lot.
- Clause 32.04-8 (**Mixed Use Zone**), a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

5.3 A planning permit is also required pursuant to Clause 52.29 Land Adjacent to a Road Zone, Category 1 for the proposed creation and alteration of access to the subject site from Andersons Creek Road. Pursuant to this clause, an application to create or alter access to Andersons Creek Road warrants a referral to the Roads Corporation under Section 55 of the *Planning & Environment Act 1987*.

5.4 Given the proposal was lodged prior to the gazettal of VC136, and there has been no formal amendments to the planning application pursuant to either Section 50 or Section 57A of the Planning and Environment Act 1987, the proposal has the benefit of the transitional provisions set out at Clause 32.04-6 of the Manningham Planning Scheme. As such, the high rise building component of the application is not subject to Clause 58 of the Manningham Planning Scheme but rather will be assessed against the Higher Density Guidelines.

## 6. REFERRALS

**External**

**VicRoads**

- 6.1 The proposal was referred to VicRoads as a determining referral authority.
- 6.2 By letter dated 5 March 2018, VicRoads advise they are generally satisfied that the proposed use of two crossovers is reasonable and that the turn lane treatments accord with the Austroads Guide to Road Design Part 4A.
- 6.3 VicRoads requires four conditions to be applied to any favourable decision made by the Responsible Authority. These conditions call for, amongst other things, the southernmost access point to be relocated northwards to at least the location of the existing southern access point. The various engineering design plan requirements, crossover works and a general condition requiring compliance with VicRoads' policy, procedure and standards are to be adhered to.
- 6.4 While these conditions will be applied to Council's decision, the condition requiring the proposed crossover's relocation to the existing crossover has implications for the existing design response which will be returned to in the assessment section of the report.

### United Energy

- 6.5 The presence of an electricity easement along the northern boundary of the site necessitates a mandatory referral to the relevant authority. In this instance this is United Energy.
- 6.6 By letter dated 1 August 2017, United Energy advise of no objection to the proposal subject to the inclusion of two (2) standard conditions relating to electricity supply. This will be conditioned accordingly.

### Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention and the construction of outfall drainage works to Council's approval.</li> <li>To prevent flooding, the provision of a flow path by alteration to garage levels or the proposed accessway levels immediately forward of townhouses 15 and 18 is also sought.</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>No objection subject to conditions that have been included in the recommendation including the removal and reinstatement of any redundant vehicle crossovers.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>No objection subject to a Construction Plan being submitted regarding the proposed footpath along Andersons Creek Road, which has been incorporated into the recommendation.</li> </ul>
Engineering & Technical Services Unit –	<ul style="list-style-type: none"> <li>No objection</li> </ul>

Service Unit	Comments
Traffic	
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>• No objection subject to some adjustments within the basement car park to increase the aisle width to at least 6.4 metres and appropriate modifications to improve visitor and the northernmost car spaces to enable vehicles to egress the site conveniently in a forward direction.</li> <li>• Demonstrate the operability of the revised restaurant car park (as shown on the Discussion Plan, 3 May 2018) and modify particular car spaces, if required.</li> <li>• These requirements have been adopted into the recommendation.</li> </ul>
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• No objection subject to a requirement for the provision of a Construction Management Plan which is recommended.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>• No objection subject to an amended Waste Management Plan being provided. This has been included in the recommended conditions of approval</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>• No objection subject to conditions that have been included in the recommendation</li> </ul>
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> <li>• No objection to the proposal</li> </ul>

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period, concluding on 15 August 2017, by sending letters to the owners and occupiers of nearby properties and displaying two large signs across the property's frontage.

7.2 To date, thirty-three objections have been received from the following properties:

- 350 Blackburn Road, Doncaster East;
- 2, 3, 5, 8, 11, 18, 23, 24 Halcyon Ct, Doncaster East;
- 18, 20, 47, 141 Andersons Creek Road Service Road (East);
- 4, 6 Ramsay Cl, Doncaster East;
- 7, 8 Dobell Pl, Doncaster East;
- 8, 19 Longstaff Ct, Doncaster East;
- 8 Catherine Ave, Doncaster East;
- 12 Streeton Lane, Doncaster East;

- 3, 7, 11 McCubbin Tce, Doncaster East;
- 56, 141 Landscape Drive, Doncaster East;
- 101, 126 Polaris Drive, Doncaster East;
- 8 Lambert Pl, Doncaster East;
- 10/17 Fullwood Pde, Doncaster East;
- 1 Roper Place, Doncaster East;
- 157 Mills Street, Albert Park;
- 37 Korroroit Creek Road, Caroline Springs;
- 37 Lillian Street, Bulleen;

7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

- Insufficient setback and presentation to the western property boundary with 350 Blackburn Road, Doncaster;
- Loss of Privacy;
- Overdevelopment/Density/Out of Character/Building Height;
- Design response;
- Overshadowing;
- Change of Use (Commercial to “mixed commercial and intense residential”);
- Impact on Views;
- Traffic Impacts;
- Insufficient Car Parking Provision;
- Insufficient Infrastructure Provision;
- Drainage;
- Waste Collection concerns;
- Overpopulation of the area;
- Noise and Air Pollution;
- Environmental Impacts;
- Increase in Crime;

- Fire Risk; and
- Devaluation of Surrounding/Nearby Properties.

7.4 A response to the grounds of objection is included throughout the assessment section of this report.

## 8. ASSESSMENT

### State planning policy

- 8.1 The development responds favourably to a number of the broad state provisions of the Scheme, including Clause 11.02 Urban Growth, 11.06 Metropolitan Melbourne, Clause 12 Environmental and Landscape Values, Clause 15 Built Environment and Heritage, Clause 16 Housing, Clause 17 Economic Development, Clause 18 Transport and Clause 19 Infrastructure.
- 8.2 Most relevantly, the proposed development generally achieves good architectural and urban design outcomes that contribute positively to the public realm and adequately consider the development context in accordance with the objectives of Clause 15 Built Environment and Heritage. Further consideration of the specific aspects of the design is provided under the subsequent assessment headings.
- 8.3 The inclusion of dwellings introduces a residential component to an existing commercial area, providing the opportunity for future residents to reside atop a commercial use within an immediately well-serviced area. The mixed use nature of the development, incorporating both commercial and residential uses, contributes to both economic well-being and housing diversity in an effective and efficient manner. The dwelling mix by way of apartment and townhouse style of housing is a further positive element of the proposal. In light of this, the development complies with the objectives of Clause 16 Housing of the Scheme.
- 8.4 For the above reasons, the proposal is considered to be broadly consistent with the State Planning Policy Framework.

### Local Planning Policy

- 8.5 The proposal is generally consistent with Council's Municipal Strategic Statement (MSS) and relevant local planning policies. The proposal facilitates additional residential living opportunities in a location earmarked for higher density living which is well serviced by public transport.
- 8.6 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 8.7 This increasing pressure for redevelopment raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents

- 8.8 Clause 21.05 (Residential) outlines the vision for residential areas in Manningham, including land zoned Mixed Use. The overview acknowledges that managing change and growth is a key issue faced by Council. It identifies there will be a need for a greater mix of housing in the form of medium and higher density residential developments. It notes that higher density housing will be encouraged in close proximity to activity centres and along major roads and transport routes.
- 8.9 The objectives which earmark well located sites for higher density must, however, also respond positively to their context, be well designed, site responsive and not adversely impact on neighbours, the surrounding environment and the streetscape.
- 8.10 Map 1 (Part 2) – Residential Character Precincts nominates the site as being located within Precinct 4 – post 1975 Residential Areas. However, the residential Framework Plan 1 excludes it from an area of incremental change.
- 8.11 In respect of the objectives at Clause 21.05-2 Housing, the proposal reinforces the state planning policy objectives and achieves a high level of compliance by serving to accommodate an increasing population through urban consolidation, the provision of housing choice, quality and diversity, providing higher density housing along main roads and providing affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- 8.12 Clause 21.09 (Activity Centres and Commercial Areas) applies to the site due to its identification as a commercial area. The proposal features a number of the attributes sought by the MSS in respect to new commercial development namely:
- It activates the Andersons Creek Road frontage by virtue of its integration with the streetscape and creation of a footpath in the road reservation immediately forward of the site;
  - It proposes an accessible building;
  - It offers on-site car parking and appropriate linkages to public transport; and
  - It provides for some planting opportunities with the front and rear setbacks.
- 8.13 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management;
  - Water sensitive design;
  - External environmental amenity;
  - Waste management; and
  - Quality of public and private realm
  - Transport.
- 8.14 The proposal features a range of ecologically sustainable development initiatives as evidenced in the submitted Sustainability Management Plan to generally meet the requirements of Clause 21.10 (subject to conditions).



- 8.15 Clause 22.01 (Design and Development Policy) of the Scheme applies to all development within a Mixed Use Zone. This policy provides guidance for the scale, form and appearance of a development. The development responds favourably to the objectives of Clause 22.01 by virtue of:
- Its location on a major road serviced by public transport which reduces car dependency and the need for multi-purpose trips;
  - The scale and massing of the part five/part six storey mixed-use building which has been intentionally sited at the south-western corner of the land well removed from the residential properties across the northern interface of the site;
  - Its adoption of a contemporary architectural style combined with a range of building and architectural techniques which provide a high level of visual interest;
  - Its mixed use function which will offer a restaurant use at the ground floor which can be utilised by future residents;
  - Its proposal of townhouse style housing adjacent to the residentially zoned land to the north with appropriate measures applied to protect existing properties from unreasonable overlooking (subject to condition);
  - There being no shadow implication to any residential property;
  - The design response's engagement with Andersons Creek Road evidenced by the levels of the building meeting the natural ground levels across the property boundary and the plan details which illustrate various elements such as landscaping, pathways and other services to illustrate connectivity with the streetscape;
  - No significant vegetation loss; and
  - Careful consideration of vehicle access, car parking provision and the opportunities to ensure these are adequately drained. Permit conditions can be applied to ensure appropriate construction techniques are undertaken and implemented.
- 8.16 Clause 22.01 references the need for new development to respect the height and massing of surrounding development where this is a recognised and valued feature. Given the physical and planning contexts for the site, it is not considered that this site is one where the scale of built form around it needs to be recognised or replicated. Rather, the site is an underutilised parcel of land which is appropriately zoned to facilitate a high rise building.
- 8.17 There are also objectives in Clause 22.01 which make reference to views. The Clause calls to discourage development that restricts significant views from main roads. While some properties located on the south side of Andersons Creek Road will have their current view disturbed by the proposal to some extent, this has been limited by the span of the built form and its siting mainly opposite the Landscape Drive intersection.
- 8.18 The proposed restaurant within the building complies with the objectives of Clause 22.06 Eating and Entertainment Premises Policy of the Scheme. The location of the restaurant within an existing commercial area abutting a Road Zone is encouraged by all relevant policy. The floor space of 200 square metres and patronage of sixty (60) is considered acceptable particularly noting that the restaurant replaces two existing restaurants on the land. Car parking, traffic

management and access have been considered and will be discussed later in this report.

- 8.19 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. While a number of items are not relevant to this application, a number of the requirements in relation to building design are, including “*Buildings be orientated to maximise surveillance of entrances and exits from streets*” and “*The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces*”. It is considered the design response is consistent with the requirements of this clause with a concerted effort made to ensure the public and private realms interact.
- 8.20 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments. The design response here has engaged with this policy proposing ramped access into the foyer of the building from Andersons Creek Road and at grade access to the restaurant from the restaurant car park. Further, the townhouses have also been designed, where possible, to achieve at grade access although it is acknowledges this style of housing presents its challenges and is unlikely to be favoured by persons of limited mobility.

#### **Clause 32.04 Mixed Use Zone**

- 8.21 One of the key purposes of the MUZ is to provide for housing at higher densities. A further purpose is to encourage development that responds to the existing or preferred neighbourhood character of the area. In this Zone, a key challenge is to strike the right balance in order to facilitate an appropriate planning outcome. The Zone provides discretion as to whether or not a planning permit should issue for the restaurant and residential use as well as the residential development component (apartment and townhouses). In exercising this discretion, an assessment against the relevant guidelines (in this case *The Design Guidelines for Higher Density Residential Development 2004* and *Rescode – Clause 55 of the Manningham Planning Scheme*) is highly relevant and influential to the ultimate conclusion.

#### **Mixed Use High Rise Building**

- 8.22 The Design Guidelines for Higher Density Residential Development 2004 provide design criteria for assessing higher density developments of five or more stories. An assessment against the objectives contained within is set out at Attachment 4 of this report.
- 8.23 Overall, the building has been assessed as providing a high level of articulation, site responsiveness and amenity without creating any unreasonable off-site amenity impacts.

#### **Townhouse Development**

- 8.24 Clause 55 Two or More Dwellings on a Lot and Residential Buildings applies to an application to construct two or more dwellings on a lot, establishing the

planning controls for on-site and off-site amenity through the application of objectives and standards. In this application, Clause 55 is applicable to the assessment of the townhouse component of the proposal. A full assessment of all objectives is set out at Attachment 4 of this report. It is considered appropriate to address in some detail the response to some Clauses, which now follows:

#### **Clause 55.03-2 –Building Height**

- 8.25 As there is no maximum building height specified in the Zone or the Schedule to the Zone (and there is no overlay applicable), the default height in Standard B7 is 10 metres on a sloping site (not mandatory). The Standard also refers to the provision of graduation between existing buildings and new buildings. Given the physical and planning contexts, it is considered that this site offers a unique opportunity to achieve development at a higher density. In the absence of a maximum building height, there is clearly discretion offered by the Scheme to exceed Standard B7 on an appropriate site, subject to the appropriate design response.
- 8.26 Given the setbacks offered by the townhouses on this site to all property boundaries, and the lack of consequential off-site amenity impacts due in part to these setbacks, it is considered acceptable to allow some of the townhouses to exceed the 10 metre height limit.
- 8.27 Height exceeding 10 metres occurs mainly across the internal elevations, and hence there will be limited external elevations where this occurs. It is noted that overall townhouse heights are in the range of 10.2 – 12.1 metres across the northern internal elevation. These same dwellings, however, reduce in height across the northern external elevation to no greater than 10.5 metres (Dwelling 20).
- 8.28 Building heights across the streetscape elevation are in the range of 9 metres to 10.7 metres above natural ground level.

#### **Clause 55.03-3 – Site Coverage**

- 8.29 The overall site coverage nominated by the architect as 66.1% is in excess of the default 60% specified by the Standard. However, the calculation of site coverage does include the high rise development which is considered to greatly increase that percentage and hence is not an accurate reflection of the coverage of the site generated by the townhouse component alone.
- 8.30 It is clear that there is sufficient space surrounding the proposed townhouses and for this reason, it is considered that the objective is met.

#### **Clause 55.03-8 Landscaping**

- 8.31 There are several positives of the landscape design response across the overall development.
- 8.32 Firstly, the front setback provides space in which to locate a number of canopy trees in the front gardens of Dwellings 1 to 8. The landscape plan submitted with the application illustrates the use of Callery Pears which is considered appropriate.

- 8.33 Secondly, perimeter landscaping opportunities are plentiful across the northern boundary (including in the triangular north-eastern corner) and the landscape plan has also capitalised on this space where a range of canopy trees of varying maturity heights and canopy spreads are proposed.
- 8.34 Thirdly, the one metre setback along the western boundary is proposed to accommodate a Red Robin hedge treatment for most of this boundary which is also considered appropriate. A permit condition should however be included to facilitate maintenance access from the basement. Condition required.
- 8.35 Fourthly, there is also some canopy and lower level planting provided adjacent to the internal driveway, abutting individual dwellings and around/within the playground space which further complements the overall landscape response for the site.
- 8.36 Council's Landscape Planner has reviewed the Landscape Plan and is satisfied it proposes an appropriate density and range of plants and trees to ensure the future built form is appropriately softened at key interfaces while enhancing the private spaces around and within the dwellings for future occupants and their visitors.

#### **Clause 55.04-6 - Overlooking**

- 8.37 A number of the townhouses across the development have the benefit of presenting to Andersons Creek Road and hence are well removed from adjoining properties to the north. Therefore, dwellings which are within 9 metres of the Halycon properties are limited to Dwellings 13 to 21 (across the northern boundary).
- 8.38 A review of the northern external elevation plan for Dwellings 13 to 21 shows that these properties have some screening measures applied to the ground level and first floor to mitigate overlooking to the north. At the uppermost level of these dwellings, the proposal has not applied screening measures to north facing bedroom windows and this is considered a matter that should be overcome by permit condition. To that end, a permit condition will require Bedroom 2 of Dwellings 13 to 20 inclusive be screened/redesigned in accordance with Standard B22 to avoid direct views into the secluded private open spaces of Halycon properties. In respect of Dwelling 21, the north facing outlook is to a living room which should also be conditioned to satisfy B22.
- 8.39 Balconies associated with Dwellings 7 and 8 have been reviewed but do not require screening. Dwelling 7's balcony overlooks the restaurant car park which is reasonable while Dwelling 8's balcony is more than 9 metres away from the boundary with 5 Halycon Court.
- 8.40 There is no overlooking concerns to the west where dwellings have limited fenestration across the western elevation. In any case, the outlook to the west is to the Indoor Play Centre car park which is not protected by this standard.

#### **Clause 55.04-7 Internal Views**

- 8.41 Given the configuration and internal layout of the development, a very close assessment to ensure there are no unreasonable internal views is critical to this application. A permit condition will be required to ensure that a physical barrier

(1.7m high) is applied between all adjacent balconies to avoid internal overlooking.

- 8.42 The northern row of dwellings have an interface (within 9 metres) with the balconies associated with Dwellings 9-12 and Dwelling 4 to 7. As all of the balconies are unscreened, it is important to protect the privacy of the other dwellings by ensuring south facing bedroom 1 windows to the northern row of dwellings are obscured or highlighted as they presently are not. A condition to this effect will also be included.

#### **Clause 55.05-1 Accessibility**

- 8.43 Given the townhouses are three and four storeys, they are unlikely to be a dwelling type that is suited to persons with limited mobility. However the apartments within the mixed use building would be better suited to persons of limited mobility, and for that reason, it is considered that the objective is satisfied.

#### **Clause 55.06-1 Design Detail**

- 8.44 The proposal demonstrates a high level of detailed design work to showcase its ability to be an appropriate addition to Andersons Creek Road. It provides interesting treatments to side and rear elevations to ensure that it will present both interestingly and respectfully to the private realm.
- 8.45 The use of an interesting and varied mix of materials, colours and finishes accentuates the level of articulation across all elevations. The combined use of five types of cladding in combination with elements of white render will provide a high level of visual interest (and contrast). A combination of cantilevering and recessing of upper levels relative to levels below has been employed in the overall design response to achieve a good level of articulation. The raked roofing also adds to the articulation and is considered an important design element in this development.
- 8.46 In terms of siting and massing, the level of separation between the two rows of dwellings across Andersons Creek Road (on either side of the accessway) is well balanced and offers important spacing to avoid a linear, continuous built form across the streetscape.
- 8.47 A similar approach has been adopted across the northern interface where the dwellings are separated into three pods achieving two significant visual breaks of 4.5 metres and 3 metres at the upper most level which is considered to be respectful of the preferred neighbourhood character (given the interface to residential immediately to the north).
- 8.48 It is observed that some garages sit forward of the front entry of the dwellings, but given the overhang of balconies at the level immediately above, the proposed entry and garage layout is considered acceptable. Furthermore, a high level of visual interest is offered at the pedestrian entry point by the variation in colours and materials provided at this human scale which offers a high degree of visual interest.
- 8.49 There is an opportunity to ensure the dwellings are complimented by their surrounds with a similar level of sophistication by capturing the finer grain detail in respect of materials and finishes to roadways, paths, fencing, privacy

screening, retaining wall and other finishes, etc, and this can be applied as a condition of permit.

#### **Clause 52.06 Car Parking**

- 8.50 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.51 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 8.52 Visitor car parking is required at a rate of one car parking space for every 5 dwellings. Four visitor car spaces are provided for both the apartments and the townhouses.
- 8.53 In respect of the restaurant use, 0.4 car spaces is required per patron. The restaurant is proposed to accommodate 60 patrons, and therefore the car parking rate to satisfy the use is 24 car parking spaces. There are 20 car spaces provide at grade for restaurant patrons and a further four spaces provided in the basement of the mixed-use building which are nominated for restaurant staff. The proposed car parking provision satisfies Clause 52.06-5 of the Scheme.
- 8.54 The apartments' residents are all provided with one car parking space located within the basement. Apartments 401 and 402 being the only three bedroom apartments are provided with two car parking spaces each. Adjacent to these spaces, the residents are indicated to have access to a store although there is no further detail with regard to what this will appear like and how it will function. A permit condition can clarify this matter.
- 8.55 The apartment visitor spaces are provided opposite the vehicular entry and meet the requirements of the Clause in respect of their dimensions
- 8.56 Council's Approvals Engineer has reviewed the car parking arrangement in both the basement and for the townhouse component and deemed them generally acceptable subject to some changes (see referrals section of this report).
- 8.57 An assessment against the relevant design standards at Clause 52.06-9 of the Manningham Planning Scheme is contained at Attachment 4.

#### **Clause 52.29 Land Adjacent to a Road Zone, Category 1**

- 8.58 The views of the Road Authority have been sought in considering the appropriateness of the proposal, including its access arrangement. As outlined above, VicRoads have required an adjustment to the location of the southernmost crossover location which is intended to service the restaurant use.
- 8.59 VicRoads require the existing crossover to be utilised for the restaurant access, rather than the proposed crossover which is positioned less than three metres from the southern boundary. This condition has been reflected on the proposed decision as a Condition 1 requirement and the designer has provided a Discussion Plan in demonstration of how this adjustment can be made without compromising the overall development.

- 8.60 The 2bScene Design Discussion Plan, dated 3 May 2018, demonstrates that the design can be adapted to utilise the existing (southernmost) crossover. A copy of this plan is enclosed at Attachment 5 of this report.
- 8.61 There are some further improvements, however, which officers consider are necessary to ensure that safety considerations, car parking and design/landscaping improvements are incorporated. It is noted that the restaurant size decreases from 210 square metres to 178 square metres on the Discussion Plan but this does not affect the car parking rate which remains at 20 spaces based on a retained restaurant patronage of 60 persons.

#### **Clause 52.34 Bicycle Facilities**

- 8.62 In developments of four or more storeys, 1 bicycle space is required to each 5 dwellings (resident) and 1 bicycle space is required to each 10 dwellings (visitor). For the restaurant use, 1 space is required to each 100 square metres of floor area available to the public.
- 8.63 The proposal provides 6 wall mounted bicycle spaces within the basement, 10 bicycle spaces external to the building, adjacent to the basement entry, and a further two (2) spaces within the restaurant car park, thus exceeding the requirements of Clause 52.34.

#### **Clause 65 Decision Guidelines**

- 8.64 This Clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.
- 8.65 Clause 65 states because a planning permit can be granted, does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application, the Responsible Authority is required to consider up to twelve items which include “the matters set out in Section 60 of the Planning and Environment Act 1987”, “the orderly planning of the area” and “the effect on the amenity of the area”.

#### **Other Relevant Considerations**

- 8.66 Waste and recycling will be stored in two separate, dedicated waste rooms positioned within the basement car park. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected from the onsite loading bay (located adjacent to the basement vehicle entry) by a private contractor’s rear-lift vehicle during off-peak traffic periods. The Report specifies that collection staff shall have access to the bin store and will be responsible to transfer bins back to the relevant store post-collection. It is also considered appropriate for the restaurant to have a separate waste room from the residential. A condition to this effect will be included.

- 8.67 An external footpath has been proposed outside of the property boundary in the road reservation forward of the site. This is considered to be a positive element of the proposal but the details of the footpath construction and its particular positioning within the road reserve will need to be to greater detail. As a result, a permit condition will require a construction plan to be prepared to the satisfaction of the Responsible Authority. This Plan will also need to address how the remaining part of the road reservation will be finished. Condition required.

### **Objector Concerns**

- 8.68 As outlined above, a range of issues have been raised by objectors to the planning application.
- 8.69 In the officers' assessment of the proposal, it is considered a number of the matters raised by objectors have been considered and responded to. These relate to objections relating to density/population, development footprint, building height and setbacks, visual bulk, architectural design, overshadowing, proposed land uses, impact on views and environmental impacts.
- 8.70 A range of conditions will be applied to ensure that objector concerns such as overlooking/loss of privacy, water flow/drainage, noise and air pollution are adequately addressed and managed.
- 8.71 Council's Engineers (and VicRoads, as relevant) have considered the traffic, access, car parking and waste collection implications of the development. Their adjustments will be conditioned and serve to address the issues raised by surrounding residents and property owners.
- 8.72 Some of the matters raised (such as the insufficiency of associated infrastructure provision) are outside the scope of this planning application or are unsubstantiated (increase in crime, fire risk, devaluation of surrounding/nearby properties).

## **9. DECLARATIONS OF CONFLICT OF INTEREST**

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