

0.0 Planning Application PL16/026934 at 1 & 2 Winbrook Court, Doncaster for the construction of nine, two-storey and part three-storey dwellings

File Number:	IN18/180
Responsible Director:	Director City Planning
Applicant:	Sky Hao C/- Sky Architects Pty Ltd
Planning Controls:	General Residential Zone Schedule 2, Design and Development Overlay Schedule 8-2
Ward:	Koonung
Attachments:	1 Locality Map 2 Objector Map 3 Decision Plans 4 Legislative Requirements 5 Clause 55 and Clause 52.06 Assessments

EXECUTIVE SUMMARY**Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 1 & 2 Winbrook Court, Doncaster and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions.

Proposal

2. The proposal is for the use and development of the land at 1 & 2 Winbrook Court, Doncaster for the development of the land with nine dwellings comprising of two buildings divided by a central driveway. The western building is two-storey in scale, and the eastern building is generally two-storeys, except for three dwellings which are three-storey in scale. A total of 19 car parking spaces are provided in undercroft garages, comprising 18 resident spaces and one visitor space off the central driveway to the rear of the western building.
3. The development is proposed in an intact suburban streetscape of detached, low-rise dwellings, generally with one dwelling per lot. It is noted that this would be the first development in the street that would implement the strategic objectives for urban consolidation, and medium density housing in accordance with the State and Local Planning Policy and the Design and Development Overlay Schedule 8.
4. The land has a total area of 1, 629 square metres, and comprises of two separate lots containing one existing single storey dwelling per lot. The proposal has a site coverage of 50%, Garden Area of 35%, a site permeability of 37% and a maximum building height of 10.4 metres.

Key issues in considering the application

5. The key issues for Council in considering the proposal relate to:
 - Compliance with the relevant State, Local Policy Frameworks (SPPF, LPPF);

- Design and Built Form;
- Open space and landscaping;
- On-site (internal) amenity and Off-site amenity (Clause 55 assessment);
- Car parking, access, and traffic; and
- Objector concerns.

Objector concerns

6. At the time of writing, twenty-seven objections have been received, with multiple objections repeating the interests of five properties. Therefore, a total of seventeen properties are involved in the objections for the application. It is noted that of these twenty-two objections were for the original proposal, which was advertised in 2017. The current amended proposal was advertised in March 2018 with three new objections, and ten further objections were received. None of the original objections have been withdrawn. These objections are summarised as:
- a) Over-development;
 - b) Design and Height of Building and Neighbourhood Character;
 - c) Traffic and Parking;
 - d) Infrastructure and Flooding;
 - e) Waste Collection;
 - f) Poor internal amenity;
 - g) Noise and Construction Phase issues; and
 - h) Overlooking of the J.W Thomson Reserve.

Conclusion

7. The proposed development features a contemporary design, which subject to conditions, meets the mandatory maximum building height prescribed for the overlay. The development complies with all the objectives and standards of Clause 55 of the Scheme, and provides sufficient resident and visitor car parking spaces in accordance with the requirements of Clause 52.06 of the Scheme.
8. The development of the land with a medium density terrace-style development, comprising two buildings is consistent with planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the General Residential Zone Schedule 2 (GRZ2) and the objectives of the Design and Development Overlay Schedule 8 (DDO8) subject to conditions, which will require minor changes to the building.
9. It is recommended that the application be supported, subject to the following conditions.

RECOMMENDATION

That Council:

Issue a NOTICE OF DECISION TO GRANT A PLANNING PERMIT in relation to Planning Application PL16/026934 at 1 & 2 Winbrook Court Doncaster for the

construction of nine dwellings subject to the following conditions –

1. Before the development starts, two copies of amended plans (scale 1:100 and dimensioned, must be submitted to 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 Sky Architects Pty Ltd, Job No. S176, dated 7 March 2018, TP05-TP14, but modified to show the following:
 - 1.1 Removal of timber paling fencing on the eastern boundary and redesign of retaining walls to provide no more than two entrances from the shared pedestrian path to J.W. Thomson Reserve;
 - 1.2 The east boundary fence adjacent to the secluded private open space area of Unit 9 to be no higher than 1.8 metres and at least 70% transparent;
 - 1.3 The internal boundary fence between the secluded private open space of Dwellings 4 and 9 relocated at least 3.4 m west;
 - 1.4 The retaining wall at the southern end of the driveway relocated an additional one metre to the south;
 - 1.5 The basement level and gyms to Dwellings 1, 2, 3 and 4 setback at least 4 metres from the western boundary;
 - 1.6 Landscape beds between the western walls of Dwellings 1-4 and the paths;
 - 1.7 Reduction in the width of the driveway to 3 metres within frontage of the lot, north of each building to provide for additional landscaping beds.
 - 1.8 Fixed clotheslines to the secluded private open space of each dwelling, with obscure glazed balustrades along a minimal extent of each balcony to screen clotheslines and air conditioning units from view of the public realm;
 - 1.9 Notation clearly indicating the retention of Tree 29, and retention of the natural ground level within 3.14 metres of the trunk of this tree (i.e. no excavation), and associated relocation of retaining walls and external stairs to the south, out of the Structural Root Zone of this tree;
 - 1.10 The location, design and finish of mail boxes, building services and metering (including any fire services, gas, water and electricity), positioned in discrete manner and screened using cabinets etc. that are integrated with the overall building design to the satisfaction of the Responsible Authority.
 - 1.11 Notation indicating permeable pavers to the shared pedestrian paths east and west of the dwellings;
 - 1.12 Plan changes specified in the Sustainable Design Assessment submitted with the application as per Condition 3 of this permit.

- 1.13 Relocation of the power pole and relocation of the parking sign out of the proposed vehicle crossover and driveway;
- 1.14 Deletion of references to 'Saxon Street Reserve';
- 1.15 A materials, colours and finishes schedule (to be provided in colour) which must be fully compliant with the restrictive covenants registered to the Certificate of Title. The schedule must include details of all building and facade treatments, paving, fencing, screening and retaining wall treatments. The plans must be cited by a legal practitioner or property law expert and their confirmation that the plans accord with the restrictive covenants registered to the Title provided.

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 prior written consent of the Responsible Authority.

Sustainable Design Assessment

3. The development must be constructed in accordance with the Sustainable Design Assessment approved and forming part of this permit (Project number 11672, dated 16 January 2018), and all of its requirements 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.

Completion

4. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
5. Privacy screens and obscure glazing as required in accordance with the approved plans 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. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Landscape Plan

6. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the landscape concept plan LC2148 prepared by Memla Pty Ltd, dated 16 February 2018, and modified to show:

6.1. The retention of Tree 29 and relocation of stairs and retaining walls

- in accordance with Condition 1 of the permit;
- 6.2. Native canopy tree species to replacing exotic tree species;
 - 6.3. 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;
 - 6.4. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 6.5. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 6.6. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 6.7. A minimum of three (3) canopy trees, of a species indigenous to Manningham capable of reaching a minimum mature height of 8 metres, within the front setback of the site. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 6.8. A minimum of one (1) canopy tree of a native species, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
 - 6.9. Native, drought tolerant plants and screen plantings along the western and southern boundaries, to be a minimum height of 0.5 metres at the time of planting;
 - 6.10. Native, drought tolerant plants along the eastern side boundary and shared pedestrian area, to be a minimum height of 0.5 metres at the time of planting, and not exceeding a height of 1.6 metres at maturity;
 - 6.11. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.

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

7. Before the release of the approved 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.

Construction Management Plan

8. Before the development starts, 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:

- 8.1. Element A1: Public Safety, Amenity and Site Security;
- 8.2. Element A2: Operating Hours, Noise and Vibration Controls;

- 8.3. Element A3: Air Quality and Dust Management;**
- 8.4. Stormwater and Sediment Control and Tree Protection;**
- 8.5. Element A5: Waste Minimisation and Litter Prevention; and**
- 8.6. 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.

Management Plan Compliance

- 9. The Management Plan approved under Condition 5 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.**

Drainage

- 10. The owner must provide on-site stormwater 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:**
 - 10.1. Be designed for a 1 in 5 year storm; and**
 - 10.2. Storage must be designed for 1 in 10 year storm.**
- 11. Before the development starts, a construction plan for the system required by Condition 7 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.**
- 12. The 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.**
- 13. 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.**

Vegetation and tree protection

- 14. No vegetation (including street trees), apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.**
- 15. Except with the prior consent of the responsible authority, the existing street trees must not be removed or damaged.**
- 16. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on the land and adjoining properties (including J.W. Thomson Reserve) are made aware**

of the need to preserve the vegetation and to minimise impacts through appropriate work practice.

Site Services

- 17. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 18. The relocation of the power pole must be undertaken with the written consent of the relevant service authority, as the developer's cost.**
- 19. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively, to the satisfaction of the Responsible Authority.**
- 20. Any PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering, to the satisfaction of the Responsible Authority.**

Completion and Maintenance

- 21. 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:**
 - 21.1. All privacy screens and obscured glazing must be installed, noting the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';**
 - 21.2. All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and**
 - 21.3. All landscape areas must be fully planted and mulched or grassed.**
- 22. Once the permitted development has commenced it must be completed to the satisfaction of the Responsible Authority.**
- 23. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.**

Permit Expiry

- 24. This permit will expire if one of the following circumstances applies:**
 - 24.1. The development is not started within two (2) years of the date of this permit; and**
 - 24.2. The development is not completed within four (4) 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.

1. BACKGROUND

- 1.1 The planning application was originally submitted on 5 December 2016, for the construction of ten, three-storey dwellings. The Applicant has sought to address design and flooding issues, and the application was amended (prior to notice) under Section 50 of the *Planning and Environment Act 1987* on 9 August 2017 for an increased eleven, part two-storey and part three-storey dwellings, which was notified on 17 August 2017.
- 1.2 The Applicant subsequently has sought a further amendment to the application after notice under Section 57A of the *Planning and Environment Act 1987* on 9 October 2017 to address design issues, with the current design reducing the development back to nine dwellings which was re-submitted in 8 March 2018.
- 1.3 Notice of the application to adjoining properties and objectors was given over a two-week period which concluded on 28 March 2018.
- 1.4 The statutory time for considering a planning application is 60 days, which lapsed on 8 May 2018.
- 1.5 The land title is affected by two restrictive covenants, Restrictive Covenant E221703, and Restrictive Covenant 2050132.
- 1.6 Restrictive Covenant E221703 states that: *'Any building having external walls of any materials other than brick, brick veneer or stone...'* Restrictive Covenant 2050132 states that *'Any building other than a private dwelling house or dwelling houses with the usual outbuildings or garage.'*
- 1.7 The proposed development would be constructed of brick at ground floor level and finished in stone cladding on the upper levels. Subject to a conditional requirement that a detailed schedule of materials, colours and finishes table be provided that illustrates compliance with the covenant, it is considered that the above covenants will not be breached by the proposal. **Condition required.**

2. THE SITE AND SURROUNDS

- 2.1 The proposed site is comprised of two lots (Lots 2 & 3 on Plan of Subdivision 089025), situated on the southern side of Winbrook Court, west of the intersection of Saxon Street and J.W. Thomson Reserve.
- 2.2 The site has a combined frontage width of 39.27 metres (the northern boundary), metres, rear boundary length of 39.08 metres (the southern boundary), eastern boundary with a length of 39.67 metres, and western boundary with a length of 43.68 metres. The site has a total area of 1,629 square metres, and is not covered by an easement.
- 2.3 Each lot is occupied by a detached dwelling single storey in scale (with No. 1 Winbrook Court as split level), constructed of brick with hipped roofs of tile.

Large, mature eucalyptus trees are located in the frontage of each lot, and to the rear of each dwelling.

- 2.4 Each lot has access to Winbrook Court via existing single width crossovers, which are separated by an island containing a power pole. The pole also contains a parking sign which indicates that there is permit parking only from Monday 8 am to Sunday 6 pm (including public holidays).
- 2.5 The topography rises to the rear of the site by 3 to 4 metres, with a 4.13 metre cross fall from west to east.

The Surrounds

- 2.6 The surrounds are as follows:

Direction	Address	Description
North	Nos.19-28, 22, 29, 30, 30A & 31 Winbrook Court	<p>Nos. 19-31 Winbrook Court contain single detached dwellings, one to two storeys in scale, constructed of brick with hipped or gable roof forms. These dwellings have large backyards to the rear of dwellings with established landscaping.</p> <p>No. 29 Winbrook Court is north west of the land, and is currently vacant but has permission (PL15/025474) to construct two, semi-detached two-storey dwellings constructed of brick with a hipped roof form of tiles.</p> <p>No. 30 and 30A Winbrook Court contains two detached double storey units.</p> <p>No. 22 Winbrook Court is north east of the site, opposite J.W. Thomson Reserve. The site contains a two storey dwelling constructed of brick with a hipped roof form oriented to Saxon Street.</p> <p>Planning Permit PL13/023830 approved construction of six, two-storey brick dwellings at No. 10-12 Saxon Street, oriented around a shared driveway. The site is vacant.</p>
	10-12 Saxon Street	
South	Westfield Drive and Grosvenor Street.	<p>The pattern of development in the street is similar to Winbrook Court, with the following exceptions:</p> <p>No. 27 Westfield Drive contains a two storey building comprising of four dwellings, attached with a shared driveway to the east.</p> <p>No. 33 Westfield Drive contains three</p>

		<p>attached dwellings with a shared driveway to the east, with a gable roof and dormers.</p> <p>No. 36-40 Westfield Drive contains a three storey dwelling comprised of 20 dwellings with basement car parking.</p> <p>Westfield Shopping Centre and associated car park are located 100-140 metres south west of the site. This forms part of the Doncaster Hill Activity Centre where high density housing development is sought.</p> <p>No. 1 Grosvenor Street is located 65 metres south east of the land, abutting J.W. Thomson Reserve. The site contains a three to ten storey apartment building with 185 dwellings and associated basement car parking.</p>
East	J.W. Thomson Reserve	The reserve contains large mature gum trees, a childrens playground and sealed paths providing access to Winbrook Court, Saxon Street, Westfield Drive and Grosvenor Street.
West	No. 3-14 Winbrook Court	The site contains single and double storey detached dwellings constructed of brick with hipped or gable roof form of tiles. Nos. 15-16 have roof forms of flat or shallow gables of steel. These dwellings have large backyards to the rear of dwellings with established landscaping.

3. THE PROPOSAL

3.1 It is proposed to clear the site of existing buildings and all but one *Eucalyptus cinerea* or Argyle Apple tree (Tree 29) in the north west corner to develop the land with two buildings separated by a central driveway. This would comprise of nine, two-storey to three-storey dwellings over an undercroft garages at sub-basement level, with pedestrian entrances to Winbrook Court and the side elevations.

Development summary

3.2 A summary of the development is provided as follows:

	Western Building	Eastern Building	Car spaces provided
Number of Dwellings:	Four: Units 1, 2, 3 & 4	Five: Units 5, 6, 7, 8 & 9	18 resident car spaces 1 visitor car space

Two Storey scale with garage at basement level:	Units 1, 2, 3 & 4	Units 5 & 6	Six double garages
Three Storey scale with garage at basement level:	n/a	Units 7, 8 & 9	Three double garages
Maximum Building Height:	6.4 m	10.4 m	
Number of Bedrooms:			
<ul style="list-style-type: none"> • 3 bedrooms: • 1 • 4 bedrooms: • 3 		<ul style="list-style-type: none"> • 3 • 2 	<ul style="list-style-type: none"> • 2 per dwelling (8) • 2 per dwelling (10) • One visitor space
Dwelling Size (excluding garages and balconies):	Floor areas ranging from 106.7 m ² to 179.5 m ²	Floor areas ranging from 110.2 m ² to 145.3 m ²	

- 3.3 It is noted that the proposed location of the shared driveway and associated vehicle crossover requires relocation of a power pole. This would need to be undertaken at the developer's cost and with consent of the relevant power company. The proposed crossover would remove the existing vehicle crossover to No. 1 Winbrook Court, which will be reinstated with kerb and nature strip.
- 3.4 The buildings are proposed to be constructed of brick, with brown face brick generally at ground floor level, and upper levels finished in sandstone cladding or grey stone veneer with a flat roof form of Colorbond steel. Subject to a conditional requirement that a detailed schedule of materials, colours and finishes table be provided that illustrates compliance with the covenant, it is considered that the above covenants will not be breached by the proposal. **Condition required.**

Submitted plans and documents

- 3.5 The proposal is outlined on the plans prepared by Sky Architects, Job No. S176, dated 7 March 2018, TP05-TP14, and landscape plan prepared by Memla Pty Ltd, Job No. LC 2148 dated 16 February 2018. Refer to Attachment 1.
- 3.6 The following most recently updated reports were submitted to support the revised application:
- arboricultural report prepared by Consultant Arborist Paul Jameson of Bluegum, dated 27 February 2017;
 - car parking and swept path report prepared by TTM Consulting Pty Ltd, dated 15 February 2018;
 - sustainable design assessment prepared Horizon Pb Consultants, dated 17 January 2018;

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 4 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).

5. REFERRALS

External

- 5.1 There are no relevant external referral authorities.

Internal

- 5.2 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"> No objection subject to conditions that have been included in the recommendation, including the provision of a stormwater retention system.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation, including the removal of any redundant vehicle crossings and the footpath and nature strip reinstated
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation, including setting back the north facing retaining wall an additional metre to provide more convenient vehicle movements.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> No objection to the proposal.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> No objection to the proposal and no conditions required.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> No objection to the proposal subject to the provision of a construction management plan.
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> No objection
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> It was recommend that private waste collection is required. This is discussed later in the report.
Open Space Planner	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the provision of appropriate fencing and pedestrian gates along the reserve.
City Parks	<ul style="list-style-type: none"> No objection subject to conditions that have been included in the recommendation including the protection of nature strip trees.

Waste Collection

- 5.3 The development is similar to a four to five unit development across two single width lots which typically do not require private waste collection. The street frontage would be a combined 39.27 metres which would be able to accommodate two bins per dwelling within the nature strip, and therefore a Waste Management Plan will not be required as Council waste collection is considered reasonable for the site.

6. CONSULTATION

- 6.1 Notice of the application was initially undertaken over a two-week period in August-September 2017, by sending letters to nearby properties and displaying a large sign on site. Twenty-two objections were received.
- 6.2 The current version of the plans (amended under Section 57A of the *Planning and Environment Act 1987*) were re-notified in March 2018, by sending letters to objectors and to adjoining properties.
- 6.3 Twenty-seven objections have been received to date, with multiple objections repeating the interests of five properties. The current amended proposal was advertised in March 2018 with three new objections, with 10 further objections received. None of the original objections have been withdrawn. There are a total of seventeen properties are involved in the objections for the application, the objections have been summarised in the executive summary.
- 6.4 A Consultation Meeting was held on 7 May 2018. The objectors concerns remain unresolved.

7. ASSESSMENT

- 7.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 7.2 The following assessment is made under the headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
 - Design and Built Form
 - Open space and Landscaping;
 - On-site and Off-site amenity;
 - Car parking, access and traffic;
 - Objector concerns.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 7.3 Key objectives of the SPPF and LPPF seek to intensify Activity Centres as a focus for a higher density style of development and encourage increased activity as a way to achieve broader urban consolidation objectives.
- 7.4 The subject land is in the periphery of the Activity Centre Zone Schedule 1 (Doncaster Hill Precinct), being within 150 metres of the Westfield Shopping

Centre. Winbrook Court is within the General Residential Zone Schedule 2 and the Design and Development Overlay Schedule 8-2 (DDO8), an area (Precinct 2, Sub-Precinct A) where Residential Policy at Clause 21.05 of the Manningham Planning Scheme anticipates medium housing density to provide a gradual transition in density and scale of multi-level apartments such as the existing apartment building at No. 1 Grosvenor Street, which is approximately 65 metres south east of the subject land.

- 7.5 The proposed development would be the first medium density development in Winbrook Court. However this is a reasonably modest development for a 1629 m² site, similar to a four to five attached townhouse development per lot given that the eastern and western buildings are within the lot boundaries of the two separate lots. The density and form of development is not dissimilar from a four attached townhouse development that has occurred at No. 27 Westfield Drive, south of Winbrook Court.
- 7.6 It is noted that the area is starting to change in its development pattern, with the following developments constructed in the nearby area:
- three units south of the land at No. 33 Westfield Drive;
 - seven units at No. 2 Saxon Street;
 - six units at 4-6 Saxon Street;
 - six units at No.10-12 Saxon Street; and
 - six units at No. 6 Hill Court.
- 7.7 Several of these developments have been constructed or are under construction on lots between 890 m² and 1800 m². The proposed increase in housing density is therefore considered reasonable given the policy context and emerging built form in the neighbourhood.
- 7.8 Local planning policy at Clause 22.12 (Environmentally Sustainable Development) of the Scheme seeks to encourage consideration of sustainable design principles with regard to energy performance, water resources, indoor environment quality, stormwater management, transport and urban ecology.
- 7.9 One measure indicated in the policy is for a Built Environment Sustainability Scorecard (BESS) Assessment with an overall score of at least 50% (Best Practice) and minimum scores in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. The proposed development achieves an overall BESS Score of 61%, with scores in each category exceeding the minimum scores.
- 7.10 **Permit conditions** will require sustainable design measures to be shown on the planning drawings, for example the location of all rainwater tanks, water efficient plant selections and drip irrigation, outdoor compost bin/s, outdoor clotheslines and notations showing double glazing to each dwelling. The plans show bicycle parking racks/mounts for each dwelling and for visitors. **Permit conditions** will require replacing exotic tree and plant species with native drought tolerant species.

Design, Built Form and Landscaping

- 7.11 The consideration of these issues at a micro level are driven through consideration of policy objectives at Clause 43.02 – Schedule 8 of the Design and Development Overlay as follows:

Clause 43.02 Schedule 8 to the Design and Development Overlay

Design Element	Level of Compliance
<u>Building Height and Setbacks</u>	Not Fully Met <ul style="list-style-type: none"> • Building height is more than 10 m (10.4 m). • A 6.0m front setback is achieved.
<u>Form</u>	Met <ul style="list-style-type: none"> • Site coverage is below 60%. • Upper levels well are articulated and there are no buildings on boundaries.
<u>Car Parking and Access</u>	Not Fully Met <ul style="list-style-type: none"> • One crossover per frontage proposed. • Garages to Units 1 & 6 not recessed at least 1.0m behind primary facades.
<u>Landscaping</u>	Met <ul style="list-style-type: none"> • Two canopy trees can be planted in the street frontage. • There is opportunity for screen planting along the side and rear boundaries as shown in the landscape plan.
<u>Fencing</u>	Met <ul style="list-style-type: none"> • No front fence is proposed.

7.12 The objectives of the DDO8 indicates support for two storey townhouse style dwellings with a higher yield within sub-precinct A, where the minimum land size of 1800 m² cannot be achieved. The proposed development generally complies with this objective as the majority of dwellings, and general appearance of the development is two-storeys. A third storey is supported in this context as:

- it is limited to three dwellings (Units 7, 8 and 9);
- is setback at least 17.9 metres from Winbrook Court;
- is recessed on the eastern, southern and western elevations;
- is less than 75% of the floor area of the lower levels of these dwellings; and
- primarily abuts a public open space reserve.

7.13 The overall building height of the eastern building would slightly exceed the building height limit of 10 metres in the DDO8 in the order of 400mm due to the slope of the land. This is located on the eastern elevation of Unit 7 which faces J.W. Thomson Reserve. Overall building height facing adjoining properties and Winbrook Court do not exceed the required building height and therefore a variation is recommended as this minor discrepancy in height would not be discernible in a park setting characterized by large eucalyptus trees. The buildings would be less than the maximum height in the General Residential Zone Schedule 2, which is 11 metres, and complies with the three-storey building limit in this zone.

7.14 The garages to Units 1 and 6 would not be recessed from the front wall of these dwellings, but are generally aligned with the front wall. A variation is supported as the garages are not oriented to the street, and their side walls would appear recessed due to the architectural features used to highlight the dwelling entrances and associated balconies, and through use of planters and landscaping. The highlight windows to the side wall of the garage to Unit 6 would also reduce the extent of blank wall facing the street.

Open space and Landscaping

- 7.15 The mandatory requirements for Garden Area in Clause 32.08-4 of the General Residential Zone have been met, with 35% of the site set aside as Garden Area.
- 7.16 The development does not adequately respond to the interface with J.W. Thomson Reserve at ground floor level, proposing a 1.9 metre high solid timber paling fence on the eastern boundary. **Permit conditions** will require removal of the fence and will require redesign of the shared pedestrian path to allow direct access to the reserve via 1-2 pedestrian gates. East facing fencing to Unit 9 on this elevation should not be constructed of paling fences, must not exceed 1.8 metres in height, and must be at least 70% transparent. This would improve engagement and passive surveillance of the reserve in line with Safer Design Guidelines in the state planning objectives.
- 7.17 **Permit conditions** will also require the retention of Tree 29, a *Eucalyptus cinerea* (Argyle Apple) in the north-west corner of No. 2 Winbrook Court. This is required as the plans do not clearly indicate retention of Tree 29, and show works that would adversely affect the tree, including excavation and retaining walls near the tree trunk. A condition will require retention of natural ground level within 3.14 metres of the trunk (i.e. no excavation), and to relocate retaining walls and stairs south of the Structural Root Zone of the tree. Permeable pavers will be required along the pedestrian paths.
- 7.18 The transition in landscaping from J.W. Thomson Reserve and the site should be improved. The landscape plan does not show Tree 29, and features exotic tree species in the street frontage and east of the buildings, namely Chinese Elms, Ornamental Pears and Plane trees. **Permit conditions** will require native canopy tree species in these areas, and drought tolerant plants to provide a seamless and gradual transition from the reserve to the subject site in line with DDO8 objectives to soften and integrate the development into the neighbourhood, and to implement sustainable design measures in the BESS Assessment.

On-site and Off-site amenity

- 7.19 On-site and Off-site amenity impacts have been assessed in accordance with Clause 55 and meets all of the required standards (See Attachment 5). The design response does not impose unreasonable amenity impacts to adjoining dwellings.
- 7.20 Aspects of non-compliance primarily relate to the Building Height exceeding 10 metres, which has been discussed in the Built Form assessment and considered satisfactory; Open Space, due to the inadequate presentation and connection to J.W. Thomson Reserve has been discussed; and on-site amenity with regard to non-compliance with Clause 55.05-5 Solar Access to Open Space at Unit 9.
- 7.21 The secluded private open space area of Unit 9 is located south of the eastern building at natural ground level. The space would be setback less than the required setback at Standard B29 from the first and second floor walls in the order of 3-5 metres for part of the space. A variation is supported subject to **permit conditions** to relocate the internal boundary fence between the secluded private open space 3.4 metres west to provide additional space to Unit 9 opposite the driveway to provide solar access to the space.

Car parking and traffic

- 7.22 Car parking space provision and driveway design comply with the requirements of Clause 52.06 (Car Parking) of the Scheme. Refer to Appendices. Council's

Engineering and Technical Services Unit recommended that the retaining wall at the end of the driveway be setback an additional 1 metre south to provide more convenient movements for the southern car space at Unit 9. This will be addressed by **permit conditions**.

Objector issues / concerns

Overdevelopment

- 7.23 As outlined in the policy assessment of this report, the proposed development is of an appropriate scale and density for a site near the Activity Centre Zone, and is similar in scale and form to other approved developments in the wider neighbourhood.
- 7.24 The proposal satisfies the requirements of Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an over development of the site. State Government Policy, as well as Council Policy supports increased densities in areas with good access to public transport and other services. The proposed articulation, reduction in upper levels, mixture of building materials and proposed setbacks are considered to be sufficient to address visual bulk concerns.

Design and Height of Building and Neighbourhood Character

- 7.25 The height of the building is only marginally higher than the maximum recommended building height of 10 metres in the DDO8 (10.4 metres) and as discussed in the planning assessment is considered appropriate in its context.
- 7.26 The preferred neighbourhood character objectives as set out in the Design and Development Overlay Schedule 8 are generally met, with some design changes required to address J.W. Thomson Reserve, and to alter the landscape concept to respond to the park setting. The development is located across two lots and is generally two storeys high facing Winbrook Court. The sense of separation between the built forms, and two storey scale are generally consistent with the detached pattern of development in the neighbourhood. The contemporary form of architecture is encouraged by the DDO8, with the neighbourhood undergoing a transition from traditional low density dwelling forms to medium density, as seen in Saxon Street, Westfield Drive and Hill Court, Doncaster.
- 7.27 The side and rear setbacks generally exceed the minimum requirements at Standard B17 at Clause 55.04-1 of the Manningham Planning Scheme, as demonstrated in the table below.

	Ground Floor	First Floor	Second Floor
<u>West (side)</u>			
Rescode B17	1 m	1.84 m (max)	n/a
Proposed	3 m	3.74 m to 4.85 m	n/a
<u>East (side)</u>			
Rescode B17	1 m	2.84 m (max)	5.09 m (max)
Proposed	3 m	4.79 m	5.94 m to 7.68 m
<u>South (rear)</u>			

Rescode B17	1 m	1.67 m to 2.45 m	2.74 m - 4.24 m (max)
Proposed	3.1 m to 6.43 m	4.63 m to 8.62 m (max)	4.64m - 5.76m (max)

- 7.28 The proposed quality of the finishes (brick, stone cladding) is adequate, as the palette of building materials are limited to avoid breaching the restrictive covenant registered on the land.

Traffic and Parking

- 7.29 The proposed development satisfies Clause 52.06 of the Manningham Planning Scheme in respect to the provision of car parking. The development provides appropriate on-site car parking relative to the number of bedrooms in the existing and proposed dwellings. Each 3-4 bedroom dwelling is provided with two car parking spaces on the land in the undercroft garages. This complies with the requirements of Clause 52.06 (Car Parking) of the Scheme. One visitor parking space is required for every five dwellings in the Scheme – the visitor parking space has been provided on the land south of Unit 4, off the central driveway.
- 7.30 The concerns regarding potential visitors parking within the street, and potential obstruction of emergency and waste collection vehicles can be addressed through 'No Standing' Signs on one side of the street, given that this is an existing issue in the street.
- 7.31 Council's Engineering & Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The proposal provides for all its parking needs as set out in the Manningham Planning Scheme on site and would not be reliant on on-street parking.
- 7.32 The design of car spaces and driveways comply with the requirements of Clause 52.06-9 (Car Parking) of the Scheme, with the central driveway being 6.4 m wide adjacent to each garage. **Permit conditions** to set the retaining wall at the end of the driveway back 1 metre will address ease of movement issues with vehicle manoeuvres from Unit 9's garage.
- 7.33 **Permit conditions** will require reduction in the width of the driveway to 3 metres within frontage of the lot, forward of each building. This would provide for additional landscaping beds to soften the interface with Winbrook Court, minimising views down the central driveway and adjoining garages.

Infrastructure

- 7.34 The capacity of services in the area is a matter for the relevant servicing authorities. The applicant will be required to ensure appropriate connections at the subdivision stage. The application has also been referred to Council's Engineering & Technical Services Unit to assess the likely impact on drainage. Engineering & Technical Services have no objection subject to the installation of an on-site stormwater detention system.

Waste Collection

- 7.35 The development is similar to a four to five unit development across two single width lots which typically do not require private waste collection. The street frontage would be a combined 39.27 metres which would be able to accommodate two bins per dwelling within the nature strip, and therefore a Waste

Management Plan will not be required as Council waste collection is considered reasonable for the site. The passage through the street could be addressed through 'No Standing' Signs.

Poor internal amenity from the size of dwellings and private open space areas

- 7.36 Each dwelling would provide at least three bedrooms with a main living area at ground floor level (Units 1-4) or first floor level (Units 5-9), with sufficient space for an open plan kitchen, dining, living room, a bedroom and a bathroom on that level. The upper levels have sufficient space for 2-3 bedrooms a family bathroom and master ensuite. The size of the dwellings is appropriate, and the secluded private open space areas (balconies and yards) exceed the requirements of Clause 55 of the Scheme. Balconies are more than 8 square metres and at least 1.6 m wide, and the yards are more than 3 m wide with at least 25 m² of secluded private open space. The dwellings have easy access to a reserve east of the site for additional recreational opportunities.

Noise and Construction Phase issues

- 7.37 Concerns have been raised regarding the potential noise generated from the dwelling/s after occupancy. The consideration of this planning application is confined only to the construction of the dwelling/s, the residential use of the dwelling/s does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. However in addition to these requirements a Construction Management Plan is recommended as a **permit condition**.

Overlooking of the J.W Thomson Reserve

- 7.38 As discussed in the assessment of open space and landscaping, State Planning Policy encourages passive surveillance of parks to create safer urban spaces.

Other matters

- 7.39 Other matters were raised that did not relate to the assessment of the planning merits of the application.

8. CONCLUSION

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

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.