

**Planning Application PL15/025350 - 9-11 Williamsons Road  
Doncaster – Use and development of the land to construct a  
twelve-storey building comprising 137 dwellings and ground  
level retail premises, plus basement car parking and a waiver  
of associated loading/unloading facilities.**

Responsible Director: Director Planning & Environment

File No. T16/203

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

**Land:** 9-11 Williamsons Road, Doncaster  
(Lot 1 TP143327E)

**Zone** Activity Centre Zone (ACZ1)  
Development Contributions Plan  
Overlay (DPCO1)  
Parking Overlay (PO1)

**Applicant:** SPEC Property Developments

**Ward:** Koonung

**Melway Reference:** 33D12

**Time to consider:** 23 October 2016

## SUMMARY

*It is proposed to use and develop land known as 9-11 Williamsons Road with a twelve (12) storey building comprising 137 dwellings and ground floor retail (131.6sqm). The dwellings span each level of the building, with communal open space areas offered at both ground and rooftop levels. There are (3) levels of basement car parking, with the uppermost basement level incorporating townhouse style dwellings with independent entries accessed via Carnarvon Street. Car parking is provided in accordance with the Manningham Planning Scheme, but permission is sought to waiver requirements for loading/unloading facilities associated with the retail component.*

*The application proceeded to public notification and the formal referral process in June 2016. This process attracted two (2) objections, with grounds relating to traffic congestion along Carnarvon Street, building bulk, and amenity impacts upon the approved building to the south in terms of overshadowing and overlooking. Council's internal Urban Design and Engineering referral advice also expressed some design and layout issues.*

*In response to these objections and, more particularly, referral comments, the applicant amended the proposal under Section 57A of the Planning & Environment Act 1987 (the Act) superseding the originally submitted development plans and making some adjustments to address concerns. The application was not formally re-advertised pursuant to Section 57B of the Act as the changes resulted in a smaller building footprint and fewer amenity impacts. One objection was withdrawn following discussions with the applicant.*

*An officer assessment of the application (as amended under Section 57A) concludes that the proposal is consistent with the relevant objectives of state and local planning policies and generally complies with the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre. Further, objector concerns have or can be mitigated.*

*The proposal is considered to be an appropriate design response for the site, and as such, it is recommended that Council supports the proposal subject to a series of conditions.*

## **1 BACKGROUND**

- 1.1 The site is located on the western side of Williamsons Road, and is bound by Lawford Street to the north and Carnarvon Street to the west. The site is irregularly shaped and has a frontage to Williamsons Road of 35.86m, a frontage to Lawford Street of 50.81m, and frontage to Carnarvon Street of 57.48m . This yields an overall site area in the order of 2,662sqm.
- 1.2 The site has a significant fall of approximately 6.0m from east to west, with the Williamsons Road frontage being the highest point of the site.
- 1.3 The site is occupied by a two storey commercial brick building, which has been most recently used as a gymnasium. The building is placed in the northern portion of the site, with at-grade and undercroft sealed parking situated to its south. Two double crossovers service the car park via Carnarvon Street (no other street frontage provides vehicular access), with a redundant single crossover also located in the vicinity of the southern boundary.
- 1.4 The site is fenced with a low wire mesh fence to the Williamsons Road frontage in part, incorporating pedestrian stair connection from the footpath to the significant drop down to the car park that has been benched into the slope.
- 1.5 The area to the west of the building is notably vegetated, containing four mature Eucalypts and dense understorey planting. It is noted that the Title boundary does not extend right up to the footpath along Carnarvon Street, however appears to, due to the continuation of the site's landscaping into the nature-strip reserve area. The landscaping provides some screening of the building and car park from Carnarvon Street.
- 1.6 Three immature street trees are located outside the site in Carnarvon Street. The Lawford Street frontage contains indented kerb-side parking in what would otherwise be a nature strip, presumably to make additional parking available to the site and its previous commercial uses.
- 1.7 There are no easements or other restrictions registered on title.
- 1.8 The site has only one direct abuttal and this is to the property to the south. The land (No.5-7 Williamsons Road) is currently vacant, containing only car parking and landscaping. The site has been issued with Planning Permit PL13/023469 which allows for the construction of an eleven storey building comprising 69 dwellings and associated basement car parking. The Permit is yet to be acted upon and currently has an expiration date of 3 February 2018 to commence construction.

- 1.9 Opposite the site to the west at No. 3 Carnarvon Street, is a contemporary townhouse development comprising of eight, three storey dwellings. Ground level garaging is accessed via a double crossover and shared driveway area centrally along the frontage. No. 1 Carnarvon Street to its north contains a two storey brick dwelling of typical late 1970's construction, and forms part of a multi-unit development to its rear.
- 1.10 To the north of the site, on the opposite side of Lawford Street is the Shoppingtown Hotel. A substantial area of sealed, terraced car parking is located in proximity to Lawford Street, with the Hotel itself located beyond at the northern end and consisting of a series of buildings (Bottle-Shop, Bistro and Accommodation) which step down the site with the west-ward slope.
- 1.11 To the east of the site, on the opposite side of Williamsons Road, is Westfield Shopping Centre.
- 1.12 Williamsons Road is a Primary Arterial Road under the jurisdiction of VicRoads. In the vicinity of the site, it contains three traffic lanes in each direction, separated by a vegetated median strip. Peak directional 'clearway' restrictions apply on both sides. Williamsons Road is classified as pedestrian, bus and bicycle priority route as per the VicRoads SmartRoads Network Operating Plans (October 2012).
- 1.13 Carnarvon Road is a local road that runs in a north-south direction between Doncaster Road and Lawford Street. In the vicinity of the site, it has one traffic lane in each direction with kerbside parallel parking permitted along the western side and 'No Sopping' restrictions along the east. Beyond the site to the south, it operates in a one-way (northbound only) configuration between Doncaster Road and Firth Street.
- 1.14 Lawford Street is a local street with one traffic lane in each direction, and indented kerbside parallel parking permitted on both sides in the vicinity of the site.
- 1.15 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans along the main arterial roads (Doncaster Road, Tram, Elgar and the Williamsons Road corridors) and forms a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with Council's vision, evidenced by the redevelopment of Westfield and construction of several residential apartment towers within the precinct. The subject site is located quite centrally within the Activity Centre, and therefore is surrounded by land which falls within the same Activity Centre Zoning (ACZ). Albeit, the land opposite to the north, east and west is within different precincts of the ACZ, which mandate differing building heights and general requirements catered specifically to each.
- 1.16 In terms of public transport, the subject site is well service by bus routes operating along Williamsons Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex directly opposite the site. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, the site is well serviced by other community and local facilities include Lawford Reserve, Schramms Reserve, Carawatha Reserve, Doncaster Primary and Doncaster Secondary College.

### Planning History

- 1.17 The proposal was presented at the pre-application stage to the Sustainable Design Taskforce in May 2015. The application as presented to taskforce and initially lodged was quite conceptual in the level of detail, consequently the extent of feedback provided was more general in nature. Between lodgement and public notification, the applicant engaged a different Architect, resulting in a substantial design shift in relation to the basement design, material palette and design element presentation.
- 1.18 Following public notification, the applicant submitted amended plans pursuant to Clause 57A of the Act on 25 August 2016. The amended plans sought to address particular Council officer concerns and concerns mirrored in referral comments, in addition to the objections lodged. The changes to the plans include:
- Setbacks to southern boundary typically increased to minimum 4.6 metres (with angled elements in southwest corner regularised).
  - Front setback from Williamsons Road reduced to podium. Building line set back 6.1 metres (previously 7.5m), framing elements to balconies now set back 5 metres (previously 5.7m) and balconies set back 4.6 metres (previously 5.7m).
  - Design element redesigned to better mirror northern half of element. Minimum setback increased from 7.35 metres to 10 metres (not including slight protrusion of curved element into the setback).
  - Internal reconfigurations to reflect building footprint changes.
  - Additional landscaping opportunities to Lawford Street through the introduction of planter boxes; Williamsons Road through continuation of planting theme along frontage, and the southern boundary through addition of planter boxes capable of accommodating trees. This was accompanied by correspondence from Tract Landscape Consultants confirming there is sufficient soil depth within the planters boxes to accommodate tree planting.
  - Design element area reduced to 14.9% of the rooftop area.
  - Revised colour of render to substation.
- 1.19 The amended plans were accompanied by a formal withdrawal of one of the initial objections to the application.
- 1.20 The amended plans were not advertised pursuant to Section 57B of the Act, as changes were not considered to cause increased detriment to the amenity of adjoining or nearby property owners. Specifically, the changes proposed along the southern elevation will reduce amenity impacts on the southern adjoining property, as the building now maintains a south setback of at least 4.5m for its entirety, and the setback of the design element at levels 8 and 9 has increased by 2.65m in most part from the southern boundary. The building line and framing elements along the front elevation have been pushed closer toward Williamsons Road, however as this change has been

made to specifically meet the expected 'uniform 5.0m setback to a podium frontage' as required to create the 'Boulevard character' in the ACZ.

- 1.21 The applicant has engaged in discussions with the objector to the south and advised that a withdrawal of objection to the amended plans has been indicated, however this has not been received by Council to date.

## 2 PROPOSAL

- 2.1 It is proposed to develop the land with a 12 storey building comprising 137 dwellings, in addition to the use and development of a retail premises, and a waiver of associated loading/unloading facilities. The building takes the form a U-shape, centred around a ground level communal open space area toward the west of the site, located centrally to the Carnarvon Street frontage. An overview of the decision plans is as follows:

### Residential Use

- 2.2 A total of one hundred and thirty seven (137) apartments are proposed across 12 levels (Basement 1 and 2, Ground to Level 9). The dwelling mix encompasses:
- 15 x 1 bedroom apartments;
  - 106 x 2 bedroom apartments; and
  - 16 x 3 bedroom apartments.
- 2.3 Included in this are seven, two level townhouses located to the west of Basements levels 1 and 2. Each contains a courtyard within the Carnarvon Street frontage which also has independent entries directly accessible from the street.
- 2.4 The apartments vary in area from 48sqm to 105sqm, with the four, three bedroom penthouses larger again at 120-132sqm in area. The penthouses form the design element.
- 2.5 Dwellings are all provided with balconies or courtyards between 8sqm and 94.5sqm, with the exception of Dwelling 2.05 which is 7.1sqm in size. Most are provided with an outlook toward each site boundary, however some with an internal outlook toward the communal courtyard.

### Retail Use

- 2.6 A retail premises is proposed at the northern end of the ground level, being 130sqm in area and directly accessible from the site frontage to Williamsons Road.

### Development

- 2.7 The building presents a 10 storey form to Williamsons Road and 12 storey form to Carnarvon Street. The proposed building height is 28.3 metres (excluding the design element). Including the design element, the building reaches an overall maximum building height of 34.7 metres. The U-shape of the building essentially creates a northern and southern core, with separate stair and lift access servicing each.

### Basement Levels

- 2.8 The building is proposed to have four (4) basement levels. Vehicle access is provided from Carnarvon Street via a proposed double-width crossover.

Access between the basement levels is available via internal double-width ramps.

- 2.9 Basement levels are generally constructed to the north, south and east boundaries (with exception of Basement 4), and feature an angled wall which follows the Lawford Street title boundary. A total of 171 car spaces are provided. Storage cages are provided either at the end of car spaces or within designated stand alone spaces. In summary, each basement provides:

**Basement 4**

- A total of 27 car spaces;
- 35 storage cages (6 cubic metres each);
- Fire tank storage, 30,000 litre rainwater tank and services area;
- A total footprint of 1145sqm, constructed to northern and southern boundaries and well offset from east and west boundaries.

**Basement 3**

- A total of 66 car spaces;
- 10 vertical mounted bike racks (Ned Kelly model);
- 51 storage cages (6 cubic metres);
- Fire pump room and domestic hot water storage;
- A total footprint of 2,524sqm built to each title boundary (with varying setback between 300mm and 3.4m to east).

**Basement 2**

- Vehicle entry to the basement from Carnarvon Street is provided at the southern end of this level, via a 6.1m crossover and entrance ramp. A pedestrian ramp into the basement car park is provided adjacent. Due to the westward slope, this level effectively presents at-grade to Carnarvon Street.
- A total of 41 car spaces, with 13 allocated to visitors and 5 allocated to the retail premises (including one accessible space);
- 18 storage cages (6 cubic metres);
- Waste Rooms 1 and 2, being 19.9sqm and 35.2sqm in net area respectively, with direct waste chutes provided from the levels above;
- There are (7) townhouse dwellings (TH01-07) located to the west of the basement car park. Each contains direct access from the car park, with the adjacent car spaces generally allocated to these dwellings.
- From Carnarvon Street, the townhouses are setback 5.0m with the intervening space providing each with a terrace/courtyard. The terraces are enclosed by a 1.7m high

metal picket fence and pedestrian gates defining the entry points. To manage the level difference between the footpath and entries, six pedestrian pathways are excavated into the road reserve, with stair connections within each terrace.

- The total footprint is 1,874sqm, with the basement car parking area constructed to boundaries generally as per the level above.

#### **Basement 1**

- This is the top basement level and provides a total 37 car spaces;
- 17 vertical mounted bike racks (Ned Kelly model);
- 43 storage cages (6 cubic metres);
- Main switch room;
- The second storey of the 7 townhouses located to the west of the car park;
- 2 x two-bedroom dwellings to the north of the car park fronting Lawford Street;
- Total footprint is 1,568sqm, with the basement car parking area generally constructed to boundaries as per the level above. Townhouses are setback 5.0m from Carnarvon Street, with projecting balconies setback 3.2m. Dwellings are setback between 2.5 and 4.5m from Lawford Street, with terraces extending within the setback area.

#### **Ground Level**

- 2.10 The main pedestrian entry of the development is centrally located along the front façade and directly accessible from Williamsons Road. An internal amenities area (75.5sqm) is a central feature within the lobby, offering a sitting/lounge space partially enclosed by glass walls. Beyond this is the outdoor communal area (205sqm) which features seating and landscaping with an open westerly aspect. From the central lobby space, the building branches out into the northern and southern cores and their respective lift /stairwell access points.
- 2.11 This level comprises 13 residential apartments, consisting of 11 x two - bedrooms, 1 x one-bedroom and 1 x three bedroom.
- 2.12 The retail floor area (130.4sqm) is proposed to the north-east of the ground level and is open-planned. The main entry point is provided within the glazed façade, accessible via the Williamsons Road frontage, with a secondary entrance internal to the building.
- 2.13 A fire booster and substation are positioned at the southern end of the frontage.
- 2.14 Minimum ground level setbacks (excluding balconies) are as follows:
- Eastern boundary – 5.0 metres;
  - Northern boundary – 3.5 metres;

- Southern boundary – 4.5 metres;
- Western boundary – 5.0 metres.

**Levels 1-3 (Podium)**

- 2.15 A total of 17 apartments provided at each level, consisting of 3 x one-bedroom, 13 x two-bedroom and 1 x three-bedroom apartments.
- 2.16 Apartment sizes range from 52.9sqm to 100.5sqm.
- 2.17 Minimum building setbacks are as follows:
- Western boundary – 6.1 metres (5.0m to framing features);
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 5.0 metres.

**Levels 4-6 (Tower)**

- 2.18 A total of 16 apartments are provided at each level, comprising of 1 x one-bedroom, 14 x two-bedroom and 1 x three-bedroom apartments.
- 2.19 Apartment sizes range from 51sqm to 100.5sqm.
- 2.20 Minimum setbacks are as follows:
- Eastern boundary – 9.0 metres;
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 5.0 metres.

**Level 7 (Tower)**

- 2.21 A total of 12 apartments in this level, comprising of 2 x one-bedroom, 7 x two-bedroom and 3 x three-bedroom apartments.
- 2.22 Apartment sizes range from 50sqm to 106.4sqm.
- 2.23 Minimum setbacks are as follows:
- Eastern boundary – 9.0 metres;
  - Northern boundary – 3.5 metres;
  - Southern boundary – 4.5 metres;
  - Western boundary – 10.6 metres.

**Levels 8-9 (Design Element)**

- 2.24 The Design Element is separated into two building platforms. They feature largely curved and glazed exteriors and are generally spaced above the northern and southern cores of the building. Between the two building elements is a central communal rooftop garden (120sqm), providing landscaping, steel pergola structures, timber feature walls and communal BBQ and seating/dining spaces.
- 2.25 Situated within the Design Element Area are four, three-bedroom apartments (two in each of the building platform) which are at least 120sqm in area.



Each dwelling is provided with a westerly aspect to their living spaces and adjacent rooftop terraces.

- 2.26 The Design Element equates to 14.9% of the rooftop area, and provides for generous boundary setbacks between 7.3m and 18.5m.

#### **Materials & Finishes**

- 2.27 The building proposes to draw on a varied palette of materials, including precast concrete with textured ribbing, metal cladding, reconstituted timber cladding, glazed ceramic brickwork, and a renderock FC concrete finish. The colour scheme is based on whites, greys and charcoals with timber accents. Perforated metal screens are featured as an operable louver. Balcony balustrades are contrasted with both glass and metal fins.
- 2.28 The design element is largely glazed, with the primary feature being the operable louvers.
- 2.29 Submitted with the application are a range of reports dealing with such matters as Traffic and Car Parking, Waste Management, Sustainability and Landscaping. Information from these reports is referenced through this report where relevant.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Due to the submission of Amended Plans, the statutory time lapses on 23 October 2016.

### **4 POLICY IMPLICATIONS**

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:
- the relevant planning scheme, in this case being the Manningham Planning Scheme; and
  - the objectives of planning in Victoria; and
  - all objections and other submissions which it has received and which have not been withdrawn; and
  - any decision and comments of a referral authority which it has received; and
  - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
  - any significant social effects and economic effects which the responsible authority considers the use or development may have.

- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by a restrictive covenant.

## 5 MANNINGHAM PLANNING SCHEME

### Zoning

- 5.1 The site is located in the Activity Centre Zone – Schedule 1 (ACZ1).
- 5.2 In the ACZ1, a dwelling is a section 1 use – no planning permit required. A retail premises is a section 2 use – permit required, and must be in conjunction with one or more other Section 1 or 2 uses. A planning permit is required for buildings and works under the ACZ1 (Clause 37.08-5).
- 5.3 The relevant purposes of the Activity Centre Zone are:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *To encourage a mixture of uses and the intensive development of the activity centre:*
    - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
    - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
  - *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*
  - *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
  - *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*
- 5.4 Schedule 1, relevant to the Doncaster Hill Principal Activity Centre outlines the following objectives:
- Land use and development objectives to be achieved
- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
  - *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
  - *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*
- Land use
- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
  - *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive*

*and safe urban environment, increasing opportunities for social interaction.*

- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

#### Built form

- *To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.*
- *To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Principal Activity Centre.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*
- *To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.*
- *To encourage the provision of urban art within built form or in adjacent public areas.*
- *To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments.*

#### Environmental sustainability

- *To ensure Australian Best Practice environmentally sustainable design is met in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport.*

#### Public realm

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*
- *To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter*

*to the key boulevards of Doncaster Road and Williamsons Road.*

- *To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.*
- *To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.*

#### Open space and landscaping

- *To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.*
- *To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.*
- *To maximise opportunities for landscaping in the public and private realm.*
- *To ensure each precinct has ready access to well designed public open space.*

#### Transport and access

- *To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.*
- *To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.*
- *To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.*

5.5 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The application site, together with all land on the south side of Doncaster Road west of the application site is within Precinct 7.

5.6 Under the ACZ1, the subject site is located in *Precinct 5: Williamsons Road West*, and more particularly, *Sub-precinct 5D*. The objectives for Precinct 5 (Clause 5.5-2) are as follows:

- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
- *To encourage high density development along the Williamsons Road ridgeline, with less dense development progressively stepping down the hill towards the west.*

- *To capitalise on broad views and vistas obtained from strategic points along the Williamsons Road ridgeline, including from public urban spaces/plazas.*
- *To provide for an improved pedestrian network with stronger links to Westfield Doncaster, public transport interchanges, and nearby open space*
- *To create a significant area of public urban space/plaza both within and convenient to the precinct to help cater for the proposed high-density development in the surrounding precincts*
- *To create a landmark gateway building at the southern end of the precinct.*
- *To provide a pedestrian network that will provide positive linkages to the adjacent precincts in particular the Westfield Doncaster site, the public transport interchanges and Lawford Reserve*
- *To encourage the inclusion of public open space abutting Williamsons Road that accommodates vistas to the city and has convenient links to Westfield Doncaster*

- 5.7 Table 5.5-3 of the Scheme sets out the following precinct requirements for Sub-Precinct 5D:

<b>Maximum height (excluding basement)</b>	<b>Design Element Height:</b>	<b>Setbacks</b>
29.0m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5.0m from rear boundary

- 5.8 In addition to guidelines at clause 65 and clause 37.08.10 of the Scheme, clause 8 of the ACZ1 (Decision guidelines) directs the responsible authority to consider the following:

Use

- *Whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Principal Activity Centre;*
- *Whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses;*
- *The contribution that the proposal made towards the achievement of residential population targets as set out in the Doncaster Hill Strategy (October 2002) and as envisaged by this scheme;*

- *Whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm;*
- *The contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the Doncaster Hill Strategy (October 2002, Revised 2004);*
- *Whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.*

#### Design and built form

- *Whether the proposed development:*
  - *creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development;*
  - *is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography;*
  - *incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers;*
  - *ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority;*
  - *provides overhead weather protection features adjoining key pedestrian walkways and nodal points;*
  - *ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres;*
  - *complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site;*
  - *meets the objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.*

#### Signage

- *Whether the design and siting of any advertising sign/s satisfies the following design principles:*
  - *signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;*
  - *signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;*

- *signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;*
- *signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).*

#### Access

- *Whether the proposed development:*
  - *incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated;*
  - *integrates car parking requirements into the design of buildings and landform by encouraging the use of under-croft or basement parking and minimises the use of open lot/half basement/ground floor car parks at street frontage;*
  - *provides vehicular access to buildings fronting key boulevards off side streets or via rear access;*
  - *limits the number of vehicle crossings to each development.*

#### Overlays

##### Development Contributions Plan Overlay

5.9 Clause 45.06 Development Contributions Plan Overlay affects the subject land. The purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

5.10 The Development Contribution Plan Overlay Schedule 1 (DCPO1) outlines development contributions for various infrastructure works within Doncaster Hill.

5.11 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule (Condition #).

##### Parking Overlay

5.12 Clause 45.09 Parking Overlay applies to the land. The purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*

- *To identify areas where financial contributions are to be made for the provision of shared car parking.*
- 5.13 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.14 Schedule 1 to the Parking Overlay applies to land in the Doncaster Hill Principal Activity Centre. Clause 2 sets out the number of car parking spaces required relative to the land use, requiring the following:
- One or two bedroom dwelling – 1 car space per dwelling;
  - Three bedroom dwelling – 2 car spaces per dwelling;
  - Visitor (resident spaces) - 1 visitor parking space for ten dwellings;
  - Shop – 2.7 car spaces to each 100sqm of net floor area.
- 5.15 Clause 3 sets out the application requirements and decision guidelines for permit applications.
- State Planning Policy Framework (SPPF)**
- 5.16 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- 5.17 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.18 It is a requirement of this Clause, as well as other Clauses within the SPPF, to have regard to, as relevant, the following policy documents:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)
  - Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)
  - Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)
- 5.19 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 6 of this report.
- 5.20 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability*



- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.21 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.22 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 5.23 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.24 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.25 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

- *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
  - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
  - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.26 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
  - *Encourage the development of well-designed medium-density housing which respects the neighbourhood character.*
  - *Improves housing choice.*
  - *Makes better use of existing infrastructure.*
  - *Improves energy efficiency of housing.*
  - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
- 5.27 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.28 Clause 18.01-1 (Integrated Transport) seeks to create a safe and sustainable transport system by integrating land-use and transport.
- 5.29 Clause 18.02-1 (Movement networks) seeks to promote the use of sustainable personal transport.
- 5.30 Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
- 5.31 The clause includes several strategies to achieve this objective including to:
- *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.*
- 5.32 Clause 18.02-4 (Management of the road system) seeks to manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.
- 5.33 Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

**Local Planning Policy Framework (LPPF)  
Municipal Strategic Statement (Clause 21)**

- 5.34 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 ageing 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.
- 5.35 This increasing pressure for re-development 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.
- 5.36 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. In particular, Doncaster Hill Principal Activity Centre will:
- *Challenges mainstream community planning and building design to achieve desired environmental outcomes.*
  - *Provides more local jobs to reduce journey to work trips.*
  - *Provides housing where residents may walk to facilities and services.*
  - *Encourages reduced levels of car ownership and increased public transport usage.*
- 5.37 The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:
- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
  - *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*
  - *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
  - *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
  - *To encourage high density, high rise residential development.*
  - *To provide a greater diversity of dwelling types.*
  - *To alleviate pressure for more intense residential development in established urban areas.*
  - *To reduce travel demand and change travel behaviour.*

- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
  - *mixed uses within buildings, particularly along boulevard locations*
  - *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
  - *additional commercial/office floor space*
  - *flexible floor spaces within buildings to ensure life cycle adaptability.*

5.38 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 relate to:

- *Building energy management*
- *Water sensitive design*
- *External environmental amenity*
- *Waste management*
- *Quality of public and private realm*
- *Transport.*

#### **Local Planning Policy**

5.39 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

5.40 Clause 22.09 (Access for disabled people) is relevant to this application and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### **Particular Provisions**

5.41 Schedule Clause 52.01 (Public Open Space Contribution and Subdivision) applies to all land in the Doncaster Hill Activity Centre. At the time of land subdivision, a 5% public open space contribution is required to Council for the purpose of funding public open space.

5.42 Clause 52.06 (Car Parking) is relevant to this application and must be read in conjunction with Schedule 1 to Clause 45.09 Parking Overlay – Doncaster Hill Principal Activity Centre. The design standards for car parking provided at Clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise

- 5.43 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. It is under this Clause that the applicant is seeking to waive the need for an loading/unloading area associated with the commercial tenancy in the building.
- 5.44 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to Williamsons Road under the jurisdiction of the Roads Authority (VicRoads).
- 5.45 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings.
- 5.46 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) requires a development of four or more storeys to be accompanied by an urban context report and a design response.

#### **General Provisions**

- 5.47 Clause 65 (Decision Guidelines) 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.*

## **6 ASSESSMENT**

- 6.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 5 of the Doncaster Hill Principal Activity Centre where the site is located. The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height. The requirements establish a three dimensional building envelope for each site. A permit may be issued where a preferred (not mandatory) requirement is not met.
- 6.2 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1:
- Building Height - met**
- 6.3 The maximum building height, as outlined earlier in this report, is a mandatory maximum requirement. The maximum building height permitted for this site by the ACZ1 is 29m, with a further height allowance of 5.8m attributed to a design element providing a number of criteria can be satisfied.
- 6.4 The proposed building height reaches a maximum of 28.3m, with this tallest element placed toward the rear of the building. The design element, whilst being 6.5m in height, is placed toward the frontage, ensuring that the total

height remains at or below the 34.8m total permitted. The requirement relating to maximum building height in the ACZ1 is therefore achieved.

- 6.5 Furthermore, sectional drawings demonstrate that there is no encroachment above the 3.6m permissible height for lift overruns or any plant equipment. The roof area occupied by such equipment is 42.8% and is to be appropriately inset and screened.
- 6.6 In accordance with Clause 4.4 of the ACZ1, the design element should also:
- *Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;*
  - *Be based on contemporary architectural and innovative urban design techniques that incorporate ecologically sustainable design principles;*
  - *Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Principal Activity Centre;*
  - *Not occupy greater than 15% of the overall roof area of the building.*
  - *Not substantially increase the visual mass of the building; and*
  - *Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.*
- 6.7 The design element has undergone a significant redesign from the original planning submission. One of the most significant changes (and improvements) to the proposal has been the shift in architectural language of the design element.
- 6.8 Assessing the Design Element against the abovementioned criteria reveals the following:
- The architectural language and prominence of the design element is considered to make a substantial contribution to the overall built form expression. The element will be a unique feature, providing a high level of visual interest by virtue of its dual components and curved fascia. The use of two built form components is considered a fitting response to the larger proportions of the site and building width, and its u-shaped expression.
  - There is a sense of distinction in building materials by the predominant reliance on glazing for the external skin coupled with directional, perforated metal louvers. This combination provides lightness to its presentation, with the operable louvers creating a sense of movement as one passes the site. The design element is also able to essentially transform its appearance, depending on the direction of the louvers, or whether they are open or shut, which is an extremely clever and interesting response. Its curved façade will create a suitable balance between points of prominence and recess,

and offers contrast to the more rectangular proportions and bolder material palette of the remainder of the building. This response will create a point of interest, without substantially increasing the visual mass of the building.

- The positioning of the design element at the eastern end of the building is consistent with the desire to create the greatest built form presence toward Williamsons Road, at the higher end of the ridgeline.
- The design element will not produce additional shadows to adjacent and nearby properties and public spaces at 12 noon on 22 June.
- The design element is proposed to account for 14.9% of the total roof area of the building. This is within the limits, however noting that the communal rooftop garden area is omitted from this calculation. This is considered reasonable, as the garden space will not particularly contribute to the overall appearance of the design element at a human scale.

### **Buildings Setbacks**

#### **Front Setback - met**

- 6.9 A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and a 9 metre setback to the tower are both mandatory requirements. However, there is scope for:

*Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule*

- 6.10 The building 'fronts' Williamsons Road where the main pedestrian access is located. At ground level, the building is setback the required 5.0m. However, the site has a 7.23m length splay at its north-eastern corner. Due to the angled nature of the splay, the retail component of the ground floor is setback 3.0m at this point. It is generally accepted that a single splay does not form part of the 'frontage', therefore a reduction at this point is seen as reasonable. Activating retail space in proximity to the frontage is also beneficial in engaging the public realm. It is also noted that the floor levels above include an indent which effectively achieve a consistent 5.0m setback from the splay.
- 6.11 The remaining podium levels above propose a 6.1m front setback. Balconies project 1.5m into this setback as permitted. Instead of relying on the front façade to form a distinct podium, the design relies on feature framing elements around the balconies to define the podium. These framing elements achieve a uniform 5.0m setback and extend from levels 1 to 3 to a height of up to 13.3m. Whilst a different approach, the relatively bold and solid nature of the framing elements is considered to achieve the intended podium presentation.
- 6.12 The front façade defines the 9.0m setback of the tower element as per the requirements. Like the podium, there are several balconies and some wing

walls that project partly within the 9m setback, but this is limited and the projection generally helps provide the building articulation and visual interest.

**Side and Rear Building Setbacks – met, subject to conditions 1.1, 1.2 & 1.3**

- 6.13 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side boundary is 4.5m while the minimum setback from a rear boundary is 5.0m. As per the front setback, there is provision for elements such as balconies, sunshades and screens to be constructed within the specified setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 6.14 In terms of the rear, the building is compliant with the required minimum setback of 5m from Carnarvon Street. There are some relatively strong two storey framing features around townhouses at Basement Levels 1 and 2 (presenting as ground/first floor to Carnarvon Street) which project some 1.2m into the setback area. These are considered a positive feature which more clearly defines each townhouse to provide a sense of identity to each.
- 6.15 Setbacks to the south boundary from the ground level and above are provided at a minimum 4.5m. Balconies are incorporated into the main footprint so as not to encroach into this setback. This is particularly important to maximise the separation between the proposed building and the approved building (yet to be constructed) to its south at 5-7 Williamsons Road. The approved neighbouring building incorporates an angled façade which, at points, is setback less than 4.5m from the shared boundary. Maintaining a minimum 4.5m setback inclusive of balconies will therefore achieve a sharper sense of separation between the buildings which can be appreciated from the Williamsons Road ridgeline. Level 7 of the building is also stepped in to 5.0m for the most of the south boundary, with the design element pulled in to 10.0m for most parts, offering greater relief as building height increases.
- 6.16 An exception to these south setbacks are the basement levels, which are to be built hard up to the boundary. Basement Level 2 projects partially above the natural ground level at the western end. Basement level 1 projects quite substantially above the natural ground level (up to 4.0m) for the remaining boundary length. These projections above ground and within the desired setback have the potential to impact detrimentally on development to the south, however being similarly affected by slope constraints, the approved development at No. 5-7 Williamsons Road also proposes basement projections upon the shared boundary, negating the projections as an issue.
- 6.17 In making a decision whether the setbacks are appropriate Council needs to turn its mind to why the setbacks are required and whether reducing them has an unreasonable impact on achieving the reasons. The reasons for the side setbacks include:
- *To provide a separation between buildings that can be appreciated from the public realm (particularly from along the ridge line of Williamsons Road, where glimpses to the Melbourne CBD skyline are to be maintained).*
  - *To provide landscaping that can soften built form.*



- *To provide future residents light access, an outlook and a reasonable level of privacy when tall buildings are constructed next to each other.*
  - *To provide equity in achieving the above outcomes.*
- 6.18 Requiring Basement Level 1 to be offset from the boundary where it directly abuts the simultaneously constructed boundary wall is futile, as there will be no benefit in achieving any of the above. The area of contention, however, is a 7.0m extension of the Basement level 1 beyond the adjoining simultaneously constructed wall, and its impact upon one particular dwelling approved within No. 5-7 Williamsons Road (dwelling LG.03) by way of restricting light access and dominating outlook.
- 6.19 There is no guarantee that the adjoining development will be built, however some weight must be placed on potential amenity impacts and the issue of equity. Regardless of the wall, this dwelling (LG.03) will inevitably be in shadow due to its ground level location. To improve the outlook from the dwelling there is indicative screen planting shown within the raised garden bed lining the northern edge of the terrace. Given screening plants typically reach a height of 3-4m, it can reasonably be expected that the wall will be largely concealed with greenery. Further, future owners of the dwelling could implement additional treatments to reduce the visual impacts of the wall such as creepers or the like.
- 6.20 Given the likelihood and potential for the wall to be screened, modifications to the proposed basement are not considered necessary. However, to avoid any additional sense of height and bulk, offsetting the metal fence and associated screen planting of apartment G.08 is considered necessary. This should be inset at least 500mm from the boundary, leaving the wall with a simple parapet. A condition to this affect will be required (Condition 1.1).
- 6.21 In addressing the remaining considerations for the reduced setback, the impacts of the proposed basement boundary construction are negligible. Given it sits beneath the natural ground level at the Williamsons Road frontage, the wall projections created by the land slope would not be read from Williamsons Road. Nor would it impede City views from the frontage, or the sense of spacing read between the two buildings.
- 6.22 The ability to provide landscaping to soften built form can still be achieved in the form of raised planters atop of the basement roof. To some degree, raising the level of the planting above the sloping landform may actually improve its effectiveness in creating a visible landscape buffer, particularly as seen from Williamsons Road.
- 6.23 From Lawford Street, the building is setback less than the 4.5m recommended, being between 3.5m-4.5m for both the podium and tower components. The basement construction upon the northern boundary also results in hard edge wall projections above the natural ground along parts of Lawford Street (although lower in height compared to the southern boundary). Townhouse 7 at the Basement Level 1 also includes a visible 2.5m setback at the western end of the boundary.
- 6.24 With Lawford Street essentially being a secondary frontage, the above-mentioned considerations for a reduced side setbacks are of little relevance, as there are no amenity or equity considerations, and Lawford Street itself will retain the desired viewing corridor toward the city skyline beyond.

- 6.25 It can reasonably be said that a 3.5m setback to a secondary frontage is a fair reduction. However, the projection of the balcony framing elements (similar to those framing the front podium level) does bring the built form forward to 2.5m from the frontage. These framing elements offer interest and privacy between balconies, however some modification is deemed necessary to improve the sense of depth and relief to the streetscape. This could be achieved by way of removing, or reducing the depth of the two outer frames (eastern-most and western-most) by at least 500mm. This would also provide an added benefit of offering these balconies further views toward the eastern or western aspects. Condition 1.2 will therefore require the framing elements be modified as such.
- 6.26 The basement projections above the natural ground also cause some restrictions in the ability to achieve a reasonable depth of space allocated to landscape softening. The inclusion of indented planters along this frontage will be of some benefit, however some further modifications to the basement projections and balcony planters are considered appropriate to improve this interface, without requiring modification to the basement footprint itself, as discussed in further detail below.
- 6.27 The upper level of Townhouse 7 proposes a setback of only 2.5m from Lawford Street in part. This will be quite a prominent projection, particularly given the wall sits relatively close to the natural ground level at this point along the street. An increased setback is considered necessary to ensure this wall either sits flush with, or not far beyond the adjacent framing elements which will be reduced or removed (as per the requirement discussed above). Condition 1.3 will therefore require that the northern wall of Townhouse 7 be increased to a minimum of 3.0m. This modification will not compromise the usability of the affected dwellings bedroom.

**Overshadowing land outside of the activity centre – met**

- 6.28 This is a preferred maximum requirement that development avoid casting shadows on adjacent properties outside the activity centre between 11:00am and 2:00pm on 22 September.
- 6.29 Shadow diagrams provided with the application demonstrate no shadowing over land outside the activity centre during the control period and therefore the preferred requirement is achieved.

**Boulevard Character – met, subject to condition 8**

- 6.30 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Road.
- 6.31 Along Williamsons Road, the development provides for a 5m wide setback from the building's frontage in which to facilitate the boulevard tree planting sought by the Scheme. Indicative boulevard tree planting has been notated on the development plans to demonstrate the achievability and commitment towards this strategic streetscape outcome. The basement (B1) is proposed to sit directly below the southern-most *Autumn Glory Tree*, and the central one in part. A sectional view of the basement shows that the basement ceiling height will be lowered in the location of the southern-most tree to accommodate a soil depth of 2.0m deep by 1.5m in width. It is envisaged that this would be of a sufficient soil volume to enable the tree to grow to its intended height and spread.

- 6.32 The area between the paved promenade and front wall of the building has been treated with pavements and landscaping improvements, and a consistent 'human' scale of buildings adjacent to the street frontage

**Landscape Design – met with conditions 1.4, 1.5, 1.6 & 1.7**

- 6.33 A generally well considered landscape response, as prepared by Tract Consultants, was submitted with the application. A particular feature of the design is the inclusion of the large communal garden amidst the two building cores. The pedestrian spaces are completed with spreading feature shade trees with seasonal variations, and complimentary understory plants. The space will be useable by future building occupants but will also provide a pleasant "green" outlook from within the building.
- 6.34 A linear corridor of glass is provided from the building entrance through to the communal garden, potentially allowing views of the landscaping to be appreciated from aspects along the street frontage. Outlooks toward the building from Carnarvon Street will also be softened by this planting.
- 6.35 The rooftop courtyard will also incorporate complementary planting. The row of magnolias lining the front edge of the courtyard in particular will provide a subtle softening between the design elements. It is anticipated that raised planters will be required to enable the trees to be adequately established within the communal spaces. This detailing is to be provided on the Landscape Plan.
- 6.36 The southern boundary incorporates a garden bed with a 1.0m width adjacent to the terraces of dwellings G.06 to G.08, including three intermittent planters with a 2m x 2m sizing and 1.0m depth. Whilst these widened planters can accommodate small-medium tree within each, the landscape plan indicates that the remainder of the garden bed will contain low scale native plantings. Increasing the width of the narrow garden bed sections to the required 1.5m width is considered necessary, as the intention of this requirement is to enable screen planting to be established. This can be reasonably achieved with little consequence the terrace areas of these dwellings, as they are substantially sized. Condition 1.4 will require changes to this affect.
- 6.37 Correspondence from Tract Consultants confirms that the proposed three larger planters are of a sufficient soil volume to enable the suggested medium trees to grow to their intended height. Further evidence to this effect will also be required (Condition 1.5) to demonstrate that the remainder of the garden bed can also accommodate screening plants or trees. The plans, however, will need to demonstrate that the planter depths will not result in any increase in the south boundary wall height.
- 6.38 Similar to the southern elevation, the boundary along Lawford Street will be defined by a series of basement wall projections. Forming the edge of the north-facing terraces, metal fencing is proposed above these walls for the most part of the boundary. The northern edges of the terraces incorporate 600mm wide planter beds which are shown to contain upright grasses and climbing plants, with 5 larger indentations intermittently along the length of the frontage to incorporate small to medium sized trees. There is concern that the landscape solution may be insufficient in adequately softening this 'hard-edge' street presentation.

- 6.39 The first obvious solution is to increase the width of the narrower garden bed adjacent to the terrace of apartments B1-08 and B1-09 and TH07 to at least 1.0m. This would enable a more layered and substantial landscape theme to be provided adjacent to the frontage. The second solution is to setback the steel fencing by 700mm from the frontage, and to 2.0m where tree planters are proposed. This also addresses potential maintenance issues, ensuring the more contributory parts of the landscaping are kept in common property, whilst the remaining 300mm of garden bed can be made available to each terrace. Conditions 1.6 will require these changes.
- 6.40 Lawford Street itself could also make a more causative landscape contribution by way of reinstating street trees into the indented parking bays adjacent to the site. Given the initial need for these car spaces has changed as land uses have evolved, a loss of some parking is not of concern. The inclusion of at least two street trees should therefore be provided at the cost of the developer, and to the design and satisfaction of the Responsible Authority. This will be required by Condition 1.7.

**Wind Effects – met**

- 6.41 The Wind Effect Statement submitted in support of the application The Statement concludes that wind impacts within the development are reasonable, particularly in relation to the usability of the communal rooftop elements.

**Access and Mobility – met subject to condition 1.10**

- 6.42 As relevant to this application, Clause 4.4 of the ACZ1 requires new development to provide a high level of accessibility at the principal front entry for any residential development and to comply with the Australian Standard AS1428 Part 2 provisions for access and mobility.
- 6.43 As the proposal provides at grade access to its front entry and to the retail component across Williamsons Road, the proposal would appear to achieve a high level of access for persons of limited mobility.
- 6.44 It is also noted that the building entry achieves the requirements of Council's Local Planning Policy with respect to public safety and access for disabled people. The lobby provides passive surveillance to Williamsons Road and adjacent spaces.
- 6.45 The secondary pedestrian entry access via Carnarvon Street, however, may not achieve the required gradients and will therefore require amending to show a gradient of 1:14 (Condition 1.10)

**Clause 8 Decision Guidelines**

- 6.46 Clause 8 of the ACZ1 sets out a series of Decision guidelines, requiring the responsible authority to consider a series of guidelines under the headings of use, design and built form, and access (Subdivision not being relevant to this application). Consideration of the proposal against these guidelines now follows:

**Use - met**

- 6.47 The land use objectives for Doncaster Hill in the ACZ1 seek a vibrant 'mixed use' centre. The retail use, in conjunction with the provision of 137 residential apartments, is consistent with the following key objective of the ACZ1:

- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

- 6.48 The provision of retail at ground level with residential above will complement and support the strategic role of Doncaster Hill, noting its complementary location opposite Westfield Doncaster.
- 6.49 The number of residential dwellings will make a significant contribution towards the achievement of the residential population targets as set out by the Doncaster Hill Strategy, which envisaged the provision of over 4000 apartments within the Activity Centre.
- 6.50 The open planned layout of the retail floor space and the size of it also provides for flexibility to enable the space to be adaptable to any potential future occupants.
- 6.51 The use of land for retail has car parking implications which are discussed further under the relevant heading. Car parking for the retail use is to be provided within the basement car park of the building in conjunction with the residential parking.

**Design and Built Form – met subject to condition 1.8**

- 6.52 The twelve storey, mixed-use residential and retail building will provide a robust development along the Williamsons Road streetscape.
- 6.53 In terms of height and scale, the proposed building will fit in comfortably with the neighbouring development approved to its south. In this regard, the building will make its contribution towards the emphasis of the dramatic landform of Doncaster Hill by it stepping down with the natural fall toward the west.
- 6.54 Following some adjustments from the original submission, the proposal now provides a legible distinction between the tower /podium levels and design element in a manner greater resembling that contemplated by the ACZ1. The façade articulation is generally well expressed with protruding balcony forms of contrasting materials and colours, creating a strong pattern of texture on the north, east and west facades. A vertical indent runs through the central core of the front façade, providing a distinct break in the facade length, which is cohesive with the dual core theme of both the building and design element.
- 6.55 An angled façade is applied to the north-west corner of the building which perceptively addresses the adjacent corner splay and provides a receding built form in the approach toward the Carnarvon/Lawford Street intersection. The contrasting of these angled walls with bold, linear projecting canopies provides an exciting design feature.
- 6.56 The rear elevation will see the building mass largely dispersed by its parting into two separated components toward Carnarvon Street. These two building components essentially present a uniform 5.0m setback for a 9 storey height, before being substantially recessed at the top three levels. From a height perspective, this approach is reasonable, however there is scope to provide a more subtle relationship between Levels 6 and 7. The architectural framing elements provide a bold projection from the building that extends up to Level 6, and will effectively screen Level 7 from a westerly perspective.

- 6.57 To show a more gradual stepping down toward the west and its lower landform, it is considered that the framing element should cease at the finished floor level of Level 6. Anything above this could then be treated with alternative, less prominent canopy projections/blades. These should not project more than 500mm beyond the façade, and utilise contrasting colours and generally more understated materials to achieve a sense of recess at this level. This would effectively reduce the perceived building height as viewed from the lower scale dwellings to the west, and give a more distinct sense of stepping down with the land slope. Changes to this affect will be required by Condition 1.8.
- 6.58 The southern elevation is of reasonable architectural quality, with the angled walls central to the elevation balancing the more linear and repetitive sections on the outer sides. Vertical white concrete elements offer some articulation. With the adjoining approved building angling much of its windows to have outlooks toward the north-east and north-west, this visibility of this elevation from the public realm is limited.
- 6.59 It is concluded from the above that the proposal can make a positive architectural contribution to its respective streetscapes and the wider Doncaster Hill Activity Centre.

#### **Car Parking and Access - met**

- 6.60 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 171 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this provision (including 153 resident spaces, 13 visitor spaces and 5 commercial spaces). The development supplies a total of 171 car parking spaces across four levels of basement car parking and thereby meets the statutory requirement. Unlike some other approved mixed use development on Doncaster Hill, no sharing of residential visitor and commercial visitor spaces is proposed.
- 6.61 It is noted that the visitor parking is well located and easily accessible from the access driveway on entry to the building. Pedestrian safe zones within the basements offer pedestrians waiting for lifts protection from vehicle movements. The one disabled visitor space is provided on entry and opposite the lift area. No tandem spaces are provided.
- 6.62 Clause 52.06 provides guidance in terms of car parking design and sets out a number of design standards that a permit application should meet such as aisle widths, parking space dimensions and maximum gradients. The proposal has been considered against these requirements by Council's Engineers and the proposal is considered compliant in most instances. There are a couple of minor modifications require as per the referral advice outlined in Section 7 of this report.
- 6.63 Access to the car park is via a single entry off Carnarvon Street that is sufficiently wide for two-way vehicle movements and offers appropriate sightlines. Council's Engineers have raised no issue with the arrangement.

#### **Pedestrian Access - met**

- 6.64 Pedestrian access is provided via a centrally located lobby fronting the boulevard (treatment) along Williamsons Road. It is appropriately sized and identifiable due to its recessive and covered design. From the entry, there is

easy and direct access to Westfield via a set of pedestrian lights 70m north of the site.

- 6.65 Inside the building there is generous lobby area filled with natural light and views over the shared landscaped courtyard. Lifts in the lobby access each floor and descend into the basement.

**Loading and Unloading (Clause 52.07) – waiver supported**

- 6.66 The Clause requires Council consider loading and unloading areas associated with the commercial tenancy in the building. The small retail space (130sqm) is likely to be used to sell convenience items or as a small cafe, and it is unlikely to generate the need for frequent deliveries via a dedicated loading area or a large vehicle.
- 6.67 Small delivery vans associated with the retail space should be able to stop and prop within the basement for a short time without interfering other vehicle movements (similar to the waste vehicle), or, more likely, to stop within the indented parking on Lawford Street. There is no need to provide a dedicated loading/unloading area for a retail space of this size.

**Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)**

**Amenity Impacts - met**

- 6.68 The Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) provide design criteria for assessing amenity impacts. The most critical issues are protecting neighbours from overlooking and overshadowing.
- 6.69 The Guidelines seek 'equitable access' in relation to outlook and sunlight (objective 2.6) and suggest new development be designed to achieve Clause 55 requirements in relation to overlooking and overshadowing secluded private open space. The notion of 'equitable' is particularly important in relation to the adjacent properties as they are also within Doncaster Hill and therefore provided opportunities for higher density development.
- 6.70 The site itself is relatively unique as it has no direct neighbours. Some weight can, and should, be given to the approved development to the south, but it is limited as there is no guarantee that the development will be constructed, or constructed in the form currently approved. The only nearby site that requires specific protection and assessment under the control is the dwelling at 1 Carnarvon Street and the modest apartment building at 3 Carnarvon Street. These properties are to the west and opposite the site.

**External Amenity - met**

*Overshadowing*

- 6.71 The proposal will not cause any unreasonable overshadowing. The shadow diagrams provided with the application indicate that there is no overshadowing of buildings or private open space outside of the activity centre after 11am on the 22 September.
- 6.72 Within the Activity Centre, some shade will be cast over the site to the south where a development approval has been granted (No.5-7 Williamsons Road), however, this is inevitable where titles are aligned in the manner they are. The applicant has made changes to the design to reduce the

unreasonableness of this shade, including setting back the design element and top level of the building. Further, the approved building to the south has been designed with open space and windows orientated to the north-east and north-west, rather than directly north, virtually predicting and acknowledging shade will be cast over this boundary. The level of shading over this neighbouring property meets an 'equitable' test, and will not unreasonably impact future residents should both buildings be constructed.

*Overlooking*

- 6.73 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9m radius of habitable room windows and balconies (the same as Clause 55).
- 6.74 There are no opportunities for direct overlooking other than towards the proposed building approved to the south, and the applicant has been sensitive to this to minimise impact. Due to the narrow nature of the land title to the south, proposed north-facing windows and open space will be within a distance of 9m (7m being the minimum separation). However, to protect residents of both buildings, the applicant has chosen to recess balconies within the building footprint, rather than having them projecting. This minimises oblique angle views, and the direct views will be screened by operable screens.
- 6.75 Further, similar to the approved building to the south, windows have been orientated south-east or south-west, rather than south to limit opportunities for direct overlooking. The limited viewing arrangement in the proposed building, and the interface between the two buildings more generally should they be constructed, is acceptable.

**Internal Amenity and Servicing – met subject to condition 1.20**

- 6.76 In terms of dwelling diversity, the proposal offers appropriate variation across the spectrum of apartment levels. The proposal includes a combination of single, two and three bedroom apartments. A number of apartments include study nooks and some extra service space. Similar to most apartment offerings, the larger premium apartments are generally located on the upper levels, or face west with views over the Melbourne skyline.
- 6.77 The internal amenity provided to the apartments is generally high. Many apartments are located within a corner of the building where cross ventilation can be achieved. Further, there is no reliance on borrowed light or light courts throughout the design. Where bedrooms rely on a light corridor (and this is limited to two per floor), the corridors are short and wide, maximising the amount of natural light that will enter the rooms. All apartments have a pleasant outlook, either views over Doncaster Hill or views over an internal landscaped courtyard. Internal overlooking is generally avoided by the considered placement of windows and balconies, which also offers some level of solar protection. Balconies are generally limited to around 10sqm, although larger offerings are provided to the premium apartments.
- 6.78 Solar penetration to the lobby area at each level will provide for a good level of daylight to the internal corridor/walkway. Lifts are situated centrally and two are provided, together with an adjoining emergency stairwell, and a waste chute.



- 6.79 In relation to storage, the basement design provides the necessary number of storage facilities per apartment. Storage is provided in cupboards/or cages to the rear of car parking spaces and in dedicated areas which is superior to the above bonnet style that is sometimes accepted.
- 6.80 Given the site's main road location, a condition will require an acoustic report to ensure habitable rooms in the apartments facing Williamsons Road are protected from vehicle noise (Condition 1.20)
- 6.81 Waste and recycling will be stored in a dedicated waste room in the basement car park at ground level. The Waste Management Plan (WMP) provided with the application indicates waste and recycling bins will be collected from the designated bin storage area 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 store post-collection.
- 6.82 A Sustainability Management Plan (SMP) has been provided that outlines how the building will achieve the sustainability objectives of the ACZ1 in the areas of Building Energy Management, Water Sensitive Urban Design, Indoor Environment Quality, Waste Management, Quality of Private and Public Realm, Transport, and Demolition and Construction.
- 6.83 As the building is within Yarra Valley Water's mandated third pipe recycled water scheme area it can minimise potable water demand through connecting to the scheme when it becomes available. The SMP will need to be amended to reflect this, as well as the Doncaster Hill District Energy Service.

## 7 REFERRALS

- 7.1 Public Transport Victorias (PTV) is the statutory referral authority under the Manningham Planning Scheme.
- 7.2 The application as initially advertised, and as amended under Section 57A of the Act were both referred to PTV. No objection was raised in both instances, subject to the inclusion of the following condition:
- *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamsons Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicate to Public Transport Victoria fourteen (14) days prior.*
- 7.3 The application (as originally advertised prior to amending) was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical-Drainage	<ul style="list-style-type: none"> <li>• Point of discharge (drainage) is available for the site;</li> <li>• Provide an on-site stormwater detention system (Condition 12).</li> <li>• All areas are to be drained to the point of discharge.</li> </ul>

Service Unit	Comments
Engineering and Technical- Vehicle Crossing	<ul style="list-style-type: none"> <li>• A "Vehicle Crossing Permit" is required and any redundant crossings are to be removed (Conditions 17 and 18).</li> <li>• Tree removal within naturestrip to be carried out to the satisfaction of the Responsible Authority</li> </ul>
Engineering and Technical – Access & Driveway	<ul style="list-style-type: none"> <li>• Driveway grades to be revised to ensure 1:10 grade provided within 5m of frontage. (Condition 1.9).</li> <li>• Proposed footpath grade required at 1:14 to provide disabled access. (Condition 1.10).</li> <li>• Shared spaces of Disabled car space required a bollard. Refer to the AS2890.6-2009.</li> </ul>
Engineering and Technical – Traffic, Car & Bicycle Parking	<ul style="list-style-type: none"> <li>• No traffic issues having considered the proposal in the context of the traffic and surrounds.</li> <li>• Proposed car parking provision are in accordance with table 1 of Clause 52.06.</li> <li>• Car parking spaces are appropriate having regard to Design Standard 2.</li> <li>• Proposed bicycle parking is compliant with Clause 52.34.</li> <li>• Disable car space to be signed and directed.</li> <li>• Pedestrian signage required at the entrance to the bicycle parking area, lift and stairway entrances (Condition 1.13).</li> </ul>
Engineering and Technical - Car Parking Layout	<ul style="list-style-type: none"> <li>• Visitor car parking spaces, retail car spaces and visitor bicycle spaces are required to be signed and directed. (Condition 1.13).</li> <li>• Lift and fire exits to be signed and directed. (Condition 1.13).</li> </ul>
Engineering and Technical – Construction Management	<ul style="list-style-type: none"> <li>• Requires the submission and approval of a Construction Management Plan as a condition of permit (Condition 6).</li> </ul>
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> <li>• Requires Waste Management Plan to be submitted generally in accordance with that submitted with application, though to specify that no bins be left outside the development boundary or left unattended at any time on any street frontage for any reason (Condition 5).</li> </ul>
Engineering and Technical- Easement	<ul style="list-style-type: none"> <li>• The easement over the land should be removed should future subdivision occur.</li> </ul>
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> <li>• Comments overall were supportive of the design, façade treatment and articulation, however areas of improvement were identified relating to the following:</li> </ul>

Service Unit	Comments
	<ul style="list-style-type: none"> <li>○ Massing of south elevation;;</li> <li>○ Design element footprint and southern treatment;</li> <li>○ Podium treatment;</li> <li>○ Cladding/colour treatment of sub-station;</li> <li>○ Availability of light into communal area;</li> <li>○ Landscape buffer along south boundary;</li> <li>○ Boulevard planting and extent of car parking.</li> </ul> <ul style="list-style-type: none"> <li>● The submitted Section 57A amendment included a number of design changes that were made directly in response to these comments. It is noted that Council's Urban Designer was involved in a meeting held between the applicant and the Council Officer during this re-design period, during which input was given to confirm that the amended design adequately addressed the more significant items above-mentioned.</li> </ul>
Strategic Sustainability Planner	<ul style="list-style-type: none"> <li>● Has reviewed the Sustainability Management Plan (SMP) by Urban Digester (dated 11 April 2016) and original development plans.</li> <li>● Requires some minor adjustments to the report to the satisfaction of the Responsible Authority. (Condition 3).</li> </ul>

- 7.4 There are no significant issues that are raised in these responses that cannot be addressed via conditions. In response to concerns relating to vehicle movements, a further swept path analysis has been submitted and demonstrates suitable accessibility to all car spaces queried in the referral advice.

## 8 CONSULTATION

- 8.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of one (1) large notification sign along the Williamsons Road frontage, and two small signs along the Carnarvon Street and Lawford Road frontages, for a 3 week period in June 2016.
- 8.2 The original application attracted two (2) objections from:
- 8.2.1 5-7 Williamsons Road, Doncaster; and
- 8.2.2 91 Carnarvon Street, Doncaster.
- 8.3 As already discussed above, the re-advertising of the amended application lodged under Section 57A was not deemed necessary given improvements proposed. The objection from No. 91 Carnarvon Street (on grounds of traffic congestion and visual bulk) was withdrawn upon lodgement of the Section 57A amendment.

- 8.4 The objection grounds raised from 5-7 Williamsons Road, Doncaster include:
- Overshadowing affecting the north elevation of approved residential development to the south
  - Overlooking affecting the north elevation of approved residential development to the south
  - Overdevelopment due to lack of setbacks and landscaping along southern interface
  - Enclosed communal garden creating safety issues
  - Impact on local infrastructure

A response to these grounds of objection now follow:

#### **Overshadowing**

- 8.5 As already discussed in the previous sections of the report, the development to the south will be impacted by some shadowing, however this is inevitable where land adjoins on this axis. The amended plans have made efforts to increase setbacks to the south from Level 7 and above, noting that the design element is now offset some 10m from the shared boundary which will effectively reduce shadowing impacts to some degree.
- 8.6 Further, the proposed building has been designed in a manner that reduces shadow by enclosing balconies within the building footprint and not having them project within the 4.5m preferred setback.

#### **Overlooking**

- 8.7 There are limited examples of where direct overlooking between the developments will occur, largely due to the angled nature of balconies on the approved building to the south, and provision of operable privacy screens upon much of the proposed south balcony elevations. The western-most dwellings on the south elevation will have bedroom windows which are separated some 8.6m from the approved north facing bedroom windows. Views at such a distance would not be considered of any detriment, particularly given that the windows are offset from each other, and are to bedrooms, rather than any primary living areas. Operable screens are a clever choice, allowing directional views to be obtained whilst ensuring only oblique views to the south are available.

#### **Overdevelopment, setbacks and landscaping along southern interface**

- 8.8 The substituted Section 57A plans propose more generous south boundary setbacks at level 7 and from the design element, exceeding the 4.5m requirement. The western end of the building also removes any previous encroachment of the built from within the 4.5m side boundary setback. As previously discussed, it is reasonable for the garden bed lining the common boundary to be conditioned to require a width of at least 1.5m to ensure that the envisaged screen planting can be established to soften the interface between the buildings. The objection also makes mention of the building exceeding the maximum permitted building height, however the development is compliant in this regard.

#### **Existing Infrastructure strains**

- 8.9 The pressure on existing infrastructure and the need for improvements and new infrastructure has been and will continue to be carefully considered in the strategic planning of Doncaster Hill.
- 8.10 Council's Drainage Engineers have checked the proposed development, and have raised no issues with the sites drainage capacity and stormwater system.

## 9 CONCLUSION

- 9.1 It is recommended Council issue a Notice of Decision to Grant a Permit as the proposal is acceptable subject to changes that can be implemented through conditions.
- 9.2 As a built form expression, the mixed-use building will be robust, but visually stimulating. It will sit comfortably within the surrounding (emerging) physical development context at its key position within Doncaster Hill. The proposal arrives at an acceptable balance between observing the amenity of adjoining and nearby properties, with its attention to the internal amenity of future occupants.
- 9.3 The development will enable an increase in housing density and diversity in a location that has good access to services being opposite Westfield Doncaster and along several Smart Bus routes.
- 9.4 It follows from the assessment in this report that the proposal achieves an acceptable level of compliance against the relevant considerations as expressed in the Manningham Planning Scheme. As such, it is Council officers' recommendation that the proposal be supported, subject to conditions.

## RECOMMENDATION

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued to Planning Application No.PL15/025350 relating to 9-11 Williamsons Road, Doncaster, for the use and development of the land to construct a twelve-storey building comprising 137 dwellings and ground level retail premises, plus basement car parking and a waiver of associated loading/unloading facilities in accordance with the endorsed plans and subject to the following conditions**

1. **Before the use and development starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (*Drawn by Bruce Henderson Architects, Job No 36023, dated March 2016 and as received by Council on 23 August 2016*) but modified to show:**
  - 1.1. **The metal fence and adjacent garden bed south of the G.08 terrace to be setback at least 500mm from the south boundary.**
  - 1.2. **The two outer framing elements upon the north elevation removed, or reduced in depth by at least 500mm, with any internal overlooking addressed where necessary.**

- 1.3. The northern setback of TH.07 at Basement Level 1 increased from 2.5m to at least 3.0m.
- 1.4. The 1.0m wide planter beds south of the terraces of G.06, G0.07 and G.08, widened to at least 1.5m and of a depth demonstrated as being capable of accommodating screen planting.
- 1.5. Further details to demonstrate that any planter beds along the south boundary will not increase boundary wall heights.
- 1.6. The planter beds north of the B1.08 and B1.09 and TH.07 terraces increased to at least 1.0m in width. The associated metal facing is to be setback from the northern boundary to provide a garden bed of at least a 700mm width in front, in addition to the widened tree planters.
- 1.7. The implementation of two street trees within the indented parking bay along Lawford Street, in accordance with Condition 33.
- 1.8. The west elevation of Level 6 modified so as that the feature framing elements do not to extend above the balcony finished floor levels, with alternative, less prominent treatments to any canopy projections/blades above. These should not project more than 500mm beyond the façade, and utilise subtle colours and materials.
- 1.9. The accessway to achieve a 1:10 gradient where within 5.0m of the Carnarvon Street frontage.
- 1.10. The pedestrian entry accessed via Carnarvon Street to achieve a gradient of 1:14.
- 1.11. A plan notation that explains how the proposed car parking area will be secured given the mix of residential, office and visitor car parking spaces;
- 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required;
- 1.13. The location and details of signage to assist pedestrians/motorists in the following locations;
  - 1.13.1. on either side of the vehicle crossover to assist pedestrians to safe refuge along Carnarvon Street;
  - 1.13.2. location of visitor parking spaces, retail parking spaces and visitor bicycle spaces;
  - 1.13.3. the location of the lift and stairwell
  - 1.13.4. bicycle parking space allocation;
  - 1.13.5. the location normal and emergency exits;
  - 1.13.6. directional signage within the basement levels.
- 1.14. A detailed design of the Design Element (at a scale of 1:50) illustrating its composition in respect of all building elements including materials and finishes with the general distances between blades dimensioned.

- 1.15. Any planting above a floor level to demonstrate that planters can accommodate a sufficient soil volume relative to the species, with suitable supporting evidence demonstrating as such.
  - 1.16. A detailed design in plan, sections, or perspectives of the two communal garden areas.
  - 1.17. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled;
  - 1.18. Demonstration of the integration of all infrastructure, including the fire booster cupboard, into the building to the satisfaction of the Responsible Authority;
  - 1.19. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
  - 1.20. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Williamsons Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
2. All use and development must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.

#### **Sustainability Management Plan**

3. Prior to the approval of Condition 1 plans, two (2) copies of an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Sustainability Management Plan (SMP) prepared by Urban Digestor (dated 11 April 2016) but be amended to include the following:
- 3.1. LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external temperatures and contain mercury.
  - 3.2. Latest drawings to reflect 13kW (approx. Area 107m<sup>2</sup>) Solar PV array for communal area energy.
  - 3.3. Stormwater/ Rainwater reuse - YVW requires all toilets and laundry to connect directly to the recycled 'purple' pipe (not via rainwater tanks) with an interim cross connection to mains water. 30,000L rainwater storage harvested from minimum 1,061m<sup>2</sup> will then be connected to a 'green' pipe and reused for hotwater, landscaping and/or car park hose down (refer to pdf "Doncaster Hill Water Plan Information Pack" <http://www.doncasterhill.com/publications> );
  - 3.4. Provide raingarden standard drawings with filter media types and depth in compliance with FAWB guidelines;
  - 3.5. Raingardens to be compliant with the drainage and landscape plans.

4. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### **Waste Management**

5. Before the development starts, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by Leigh Design (dated 11 April 2016) but be amended to specify that no bins be left outside the development boundary or left unattended at any time on any street frontage for any reason

#### **Construction Management**

6. Before the development starts, two (2) copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
  - 6.1. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
  - 6.2. Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);
  - 6.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 6.4. On site facilities for vehicle washing;
  - 6.5. Delivery and unloading points and expected frequency;
  - 6.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - 6.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
  - 6.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 6.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 6.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
  - 6.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste



- materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
- 6.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
  - 6.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
  - 6.14. An agreed schedule of compliance inspections.
7. The Management Plans approved under Conditions 3, 5 and 6 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

#### Landscaping

8. Prior to the approval of Condition 1 plans, a landscaping report and landscape plan/s must be prepared by a suitably qualified landscape architect and must be submitted to and approved by the Responsible Authority. Once approved, the landscape report and plan/s will be endorsed and will then form part of the permit. The report and plan/s must be consistent with the development plans and generally in accordance with the report and plans prepared by Tract Consulting Architects, dated 22 August 2016, but modified to show:
  - 8.1. Any details as relevant or directed by any other condition of this Permit;
  - 8.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
  - 8.3. Details of soil depths for all planter beds proposed above basement/floor levels, accompanied by suitable evidence that the soil volumes are sufficient for each relevant chosen species;
  - 8.4. Details of paved and surface treatments;
  - 8.5. Continuation of the general planting theme established in respect of Doncaster Road by the Doncaster Hill Strategy (October 2002), along the Williamsons Road frontage to the satisfaction of the Responsible Authority;
  - 8.6. Canopy trees to be planted adjacent to Williamsons Road to be situated no less than 1.2 metres from the edge of kerb in accordance with Condition 39 of this permit;
  - 8.7. Details of irrigation and any water sensitive urban design treatment for the site consistent with the Sustainability Management Plan required by Condition 4 of this permit;
  - 8.8. The use of landscaping to screen any water meters or similar infrastructure from unsightly view to the satisfaction of the Responsible Authority;
  - 8.9. An ongoing maintenance regime for the entire landscaping of the site;

- 8.10. The inclusion of screen plants capable of reaching at least 4.0m in height within the garden bed along the south boundary ;
- 8.11. A layered planting theme within the garden bed along the northern boundary.

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.

#### **Engineering Works & Drainage**

9. All engineering works relating to access, parking and drainage must be carried out in accordance with detailed construction plans approved by the Responsible Authority prior to the commencement of site works.
10. The owner must provide onsite 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:
  - 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 No. 10 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. 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.

#### **Completion of Landscaping**

13. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained thereafter to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the uses allowed by this permit, or the occupation of the building hereby permitted, an in-ground, automatic watering system must be installed to the main garden areas to the satisfaction of the Responsible Authority.

#### **Landscape Bond**

15. Prior to the release of the plans approved at Conditions 1, 3, 5 and 6 of this permit, a \$20,000 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.

#### **Development Contributions**

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

#### **Vehicle Crossings**

17. Prior to the construction of any vehicle crossing, the applicant must obtain a Vehicle Crossing Permit and construct the vehicle crossing to the satisfaction of the Responsible Authority.
18. All redundant crossovers must be removed and reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority.

#### **On-site car parking and bicycle parking**

19. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
  - 19.1. be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - 19.2. be line-marked, numbered and signposted and maintained as such at all times to the satisfaction of the Responsible Authority;
  - 19.3. be made available for such use at all times and not used for any other purpose;
  - 19.4. be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - 19.5. be drained and sealed with an all weather seal coat.

#### **Lighting**

20. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
21. The development must be provided with lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, building entrance and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### **Noise**

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

**Site Services**

23. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
24. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
25. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from any street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
26. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
27. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
28. No individual dish antennas may be installed on balconies or walls.
29. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
30. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority.

**General**

31. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
32. Buildings, engineering works, privacy screens, obscure glazing, fencing and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
33. The implementation of two street trees within the indented parking bay along Lawford Street must be designed and installed to the satisfaction of, and at no cost to the Responsible Authority.

**Public Transport Victoria Condition**

34. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamsons Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicate to Public Transport Victoria fourteen (14) days prior.

**Permit Expiry**

35. This permit will expire if:
  - 35.1. the development does not start within two (2) years of the date of the issue of this permit;

**35.2. the development is not completed within two (2) years of the date this development was started; and**

**35.3. the use is not commenced within two (2) years of the development being completed.**

**The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.**

“Refer Attachments”

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