

0.0 Planning Application PL16/026965 at 666 Doncaster Road, Doncaster for the use and development of the land for the construction of a 13-storey building comprising 161 dwellings, a restaurant and 3 retail premises, associated basement car parking, a reduction to the standard car parking requirements, variation to the carriageway easement E-2 on Title Plan 322585J, variation to the standard loading and unloading requirements and alteration of access to a road in a Road Zone, Category 1

File Number: IN17/482
Responsible Director: Director Planning and Environment
Applicant: Brabian Investments Pty Ltd
Planning Controls: Activity Centre Zone, Schedule 1 (ACZ1); Development Contributions Plan Overlay, Schedule 1 (DCPO1); Parking Overlay, Schedule 1 (PO1)
Ward: Koonung
Attachments: 1 Decision Plans
2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 666 Doncaster Road, Doncaster and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for the use and development of the land at 666 Doncaster Road, Doncaster for a 13-storey, mixed-use building providing 161 dwellings, a restaurant and three retail premises at ground level and basement car parking. The applications seeks a reduction to the standard car parking requirements and loading and unloading requirements in the Manningham Planning Scheme, a variation to the carriageway easement E-2 on Title Plan 322585J, and alteration of access to a road in a Road Zone Category 1.
3. The land has a total area of 3,257 square metres. The proposal has a site coverage of 58%, a site permeability of 8% and a maximum building height of 45.38 metres (inclusive of a 39.23 metre high tower and a 6.15 metre high design element). A total of 227 car parking spaces are provided over four basement levels, providing 179 car parking spaces for residents, 41 shared car parking spaces for visitors of the residential component of the development and the customers of the retail and restaurant component, and 7 car parking spaces for retail and restaurant staff.

Key issues in considering the application

4. The key issues for Council in considering the proposal relate to:

- policy (consistency with state and local planning policy);
- design and built form;
- guidelines for higher density residential development;
- parking, access, traffic, loading bay and bicycle parking; and
- objector concerns.

Objector concerns

5. Twenty-eight (28) objections have been received for the application to date, raising issues which are summarised as:
 - overdevelopment;
 - traffic, lack of on-street and off-street car parking, pedestrian safety, and loading and unloading of vehicles;
 - design and built form (building height, setbacks and opportunity for landscaping); and
 - off-site amenity impacts (including overshadowing, loss of daylight and sunlight, overlooking and loss of privacy, noise and safety, loss of views and outlook, and loss of property value).

Assessment

6. Development of the land with a mixed-use building is consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre.
7. The proposed development features a contemporary design, which meets the maximum building heights prescribed for the zone and presents a scale and design that complements other high density developments that have been approved and developed in the vicinity. Whilst the proposed building incorporates a setback from the rear site boundary that does not comply with the 5 metre set back requirement prescribed by policy, the proposed setback is considered to be acceptable for the site context (which has an angled rear boundary) and a minimum 9 metre separation between the proposed building and the adjoining building at 20-24 Hepburn Road is achieved. The proposed building setbacks allow the building to provide an appropriate balance between providing a reasonable level of amenity for nearby properties (that are located within the ACZ1) and a reasonable level of on-site (internal) amenity for the future occupants of the building.

Conclusion

8. The relevant planning controls seek an intensive residential or mixed use development for the subject site. The proposed development, which includes a contemporary designed, high-density, mixed-use building in Doncaster Hill, complies with the various requirements of the ACZ1 as they relate to siting, height and building presentation which scales appropriately to surrounding development. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring design changes to the building and the submission of management plans for Council approval.
9. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

A. Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL16/026965 at 666 Doncaster Road, Doncaster for the use and development of the land for the construction of a 13-storey building comprising 161 dwellings, a restaurant and 3 retail premises, associated basement car parking, a reduction to the standard car parking requirements, variation to the carriageway easement E-2 on Title Plan 322585J, variation to the standard loading and unloading requirements and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions –

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Plus Architecture, dated 8 June 2017 (received by Council on 9 June 2017), but modified to show the following:**
 - 1.1 Modification of the basement levels (and reconfiguration where necessary) to provide for in-ground planted canopy trees in accordance with the Doncaster Road boulevard treatment provisions, with the provision of deep soil areas below and around the canopy trees. Details (including cross-sections) must be submitted to show the deep soil and in-ground planting of these canopy trees together with a report prepared pursuant to Condition 13 of this permit. There must be no change to the setback of any basement level from site boundaries, and no reduction in the number of car parking spaces, bicycle parking spaces or storage cages approved under this permit.**
 - 1.2 Trees in the north-western corner of the site clearly shown as retained.**
 - 1.3 Deletion of landscaping located directly outside the ground level retail and restaurant tenancies.**
 - 1.4 Details of the boulevard treatment (including paving materials) along Doncaster Road, in accordance with the Doncaster Hill Strategy.**
 - 1.5 A minimum 2.1 metre headroom beneath overhead obstructions throughout the development and to the basement vehicle entrance.**
 - 1.6 Screening details for balconies and habitable room windows of dwellings at level 3 of the building and below, to demonstrate how overlooking will be limited within a 9m radius of the development, including to the south adjoining dwellings and dwelling to the south-east, with cross-sections/details to**

demonstrate compliance.

- 1.7 A car parking allocation schedule (including for each residential car parking space).
- 1.8 Allocation of storage to each dwelling.
- 1.9 Details (type, materials, dimensions and cubic volume) for each storage area enclosure and confirmation that each will be secure.
- 1.10 Any relevant changes as a result of the endorsed Sustainability Management Plan prepared under Condition 4 of this permit including (but not limited to) the size and location of the raingardens and the solar photovoltaic system.
- 1.11 Details of screening measures to all plant equipment and services on the roof (level 13).
- 1.12 External clothes drying facilities (with any clothes-drying racks or line systems located on a balcony or terrace designed to be lower than the height of the balustrade and not visible from off the site).
- 1.13 A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls.
- 1.14 A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe.
- 1.15 All recommendations and design changes as required by VicRoads, the SMP, the WMP, DA report, and acoustic report and any other report approved under conditions of this permit;
- 1.16 An updated traffic analysis information (as referenced in the preliminary comments from VicRoads) and plan changes as required, including:
 - 1.16.1 a queuing analysis of right turn movements into the subject site, demonstrating that sufficient lane storage is available;
 - 1.16.2 justification of traffic generation rates for the Restaurant and Retail tenancies;
 - 1.16.3 a SIDRA analysis indicating the impact of the proposed development on the operation of the signalised intersection between Council Street, Doncaster Road and the site access; and
 - 1.16.4 an electronic copy of all SIDRA files.

Endorsed Plans

2. The development and use as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. Before the development starts, two 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 planning permit. The Plan must address, but not be limited to the following:
 - 3.1 A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 3.2 Hours of construction;
 - 3.3 The point of ingress/egress to the site for construction vehicles and machinery in accordance with any specific requirements of VicRoads;
 - 3.4 Asset protection procedures for the public footpath in front of the site;
 - 3.5 Security fencing/measures to ensure that each building site is secure when not attended;
 - 3.6 Security fencing around areas of the site that are not being developed to prevent the dumping of rubbish;
 - 3.7 Delivery and unloading points and expected frequency;
 - 3.8 Any on-site facilities for vehicle washing;
 - 3.9 The location of parking and site facilities for construction workers;
 - 3.10 Measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 3.11 Measures to manage environmental issues on site in accordance with “Environmental guidelines for major construction sites, EPA 1996” or other relevant guidelines, particularly in relation to sediment and erosion controls and dust suppression;
 - 3.12 Measures to ensure the regular cleaning of any mud/dirt or other material which may be transferred onto Reynolds Road, including the road’s drainage channel/pits;
 - 3.13 Measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
 - 3.14 An outline of requests to occupy the front nature strip and any

anticipated disruptions to local services;

- 3.15 Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 3.16 Measures to ensure that the positioning/operation of any tower crane does not allow the crane's hoisting jib to extend over residential properties to the south of the site;
- 3.17 Recognition of the required tree/rootzone protection measures of this permit;
- 3.18 Adequate environmental awareness training for all on-site contractors and sub-contractors, particularly in relation to retained tree protection requirements.

Sustainability Management Plan

- 4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by prepared by jba Consulting Engineers, dated 1 December 2016 but modified to show the following:
 - 4.1 Commercial Areas
 - 4.1.1 The commercial areas in the development need to be entered into BESS and assessed in the management plan.
 - 4.2 Thermal Fabric Non-residential
 - 4.2.1 A commitment to achieving a 10% improvement on section J requirements of the National Construction Code (NCC);
 - 4.2.2 Provide a preliminary National Construction Code (NCC) Section J Deemed-to-satisfy or JV3 assessment or provide information on how energy efficiency requirements will be achieved.
 - 4.3 Heating & Cooling System
 - 4.3.1 The report indicates a 3-star minimum commitment while 4-stars has been entered into BESS. This is required to correspond.
 - 4.4 Energy 3.6 Internal Lighting – Residential Multiple Dwellings
 - 4.4.1 Provide further information in the report that a

commitment for maximum power density (w/m^2) will be 20% more efficient than minimum standards. Alternatively, the BESS entry must be amended to NO;

4.4.2 Fluorescent lamps should not be used as they contain toxic mercury, complicating their disposal.

4.5 Water 4.1 Fire Test System Water

4.5.1 Provide further information on measures being taken to reduce water consumption when testing fire safety systems. Alternatively, the BESS entry must be amended to NO.

4.6 IEQ 1.1 Daylight Access - Living Areas

4.6.1 DTS Daylight requires all living areas and bedrooms less than 8m deep (5m if south facing). There are a number of south facing living areas more than 5m deep. Amend the design or alternatively, the BESS entry must be amended to NO.

4.7 IEQ 1.2 Daylight Access – Bedrooms

4.7.1 Battle axe access ways should be at least 1.2m wide and no deeper than 1.5m from the window to the leading corner. Amend design or alternatively, provide daylight modelling that proves all battle-axe bedrooms meet SDAPP Daylight requirements.

4.8 Transport 1.1-2 Bicycle parking – residential and visitor

4.8.1 Numbers do not correspond between the report, BESS entry and plan details. This is required to correspond.

4.9 Indoor Environment Quality

4.9.1 Ensure that top floor apartments exposed glazing has sufficient shading/overhangs to avoid overheating and glare;

4.9.2 Provide adjustable external blinds/shutters on west facade to control glare and summer solar gains;

4.9.3 Ensure north glazing has adequate overhangs to control summer glare while allowing winter solar gains.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, two copies of the Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan (WMP) prepared by Leigh

Design (dated 14 December 2016) but be modified to include details of waste storage and collection for the restaurant and non-residential uses within the building. The developer must ensure that the private waste contractor can access the basement garage to access the waste bins and no waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, two copies of an Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Vipac Engineers and Scientists Limited dated 15 March 2017 submitted with the application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Disability Access

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, two copies of a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:

- 7.1 Vehicular and pedestrian access into the building;
- 7.2 Access to the lifts;
- 7.3 The provision of tactile indicators;
- 7.4 The provision of braille indicators for the lifts;
- 7.5 The use of contrasting paving materials to assist the vision impaired;
- 7.6 All emergency exits; and
- 7.7 Basement car parking.

Management Plan Compliance

8. The Management Plans approved under Conditions 3, 4 and 5 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
9. Before the approved uses start, a report from the author of the

Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures / commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

Completion

10. Before the occupation of any approved dwelling, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
11. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
12. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

Landscape Plan

13. Prior to the endorsement of plans under Condition 1 of the permit, a report prepared by a suitably qualified person to confirm that the trees to be planted within the title boundary to the Doncaster Road frontage can grow and survive within the specified deep soil areas.
14. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.
15. Before the development starts, two copies of an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plans prepared by GbLA Landscape Architects, dated 17 November 2016, but modified to show:
 - 15.1 Species, locations, approximate height and spread of proposed planting;
 - 15.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 15.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 15.4 A sectional detail of the canopy tree planting method which

includes support staking and the use of durable ties;

- 15.5 Details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter bed and floor materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
- 15.6 Continuation of the canopy tree planting along the southern boundary, adjacent to Townhouses 3 and 4;
- 15.7 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting;
- 15.8 The irrigation of the lightweight planter boxes controlled by sensors;
- 15.9 Details of the raingarden located on the southern side of the building, including maintenance details;
- 15.10 Tree Protection Zones and recommendations notated on plan for trees on adjoining properties and the road reserve in proximity to the site, as derived from the Arborist report required by Condition 17 of this permit.

Landscape Bond

16. Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Tree Protection

17. An Arboricultural Report prepared by a qualified arborist on the trees to be retained in the north-western corner of the site, providing an assessment on their health, structure, form and significance. The report must include construction techniques and recommendations to protect the trees during construction, having specific regard to the proposed development and construction works.
18. All trees shown as retained on the endorsed Site Plan must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.
19. All Tree Protection Zones on the subject land must be:
 - 19.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully

completed to the satisfaction of the Responsible Authority;

19.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".

20. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, to the satisfaction of the Responsible Authority:

20.1 The storage of materials or equipment;

20.2 The disposal of any contaminated waste water;

20.3 The use of a tree for temporary attachment of wiring or such like;

20.4 Open cut trenching, or excavation works (whether or not for the laying of services);

20.5 Changes to the soil grade level.

Stormwater – On-site detention (OSD)

21. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

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

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

Construction Plan (OSD)

22. Before the development starts, a construction plan for the system required by Condition 21 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

23. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

24. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining

properties.

On-site car parking and bicycle parking

25. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
- 25.1 be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - 25.2 be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority;
 - 25.3 be drained and sealed with an all-weather seal coat where appropriate.
26. Staff car parking spaces (for the commercial uses within the building) must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
27. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

Commercial Uses (Restaurant and Retail)

28. The uses must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, the hours of operation for the restaurant are:
- Monday to Sunday between 7.00am and 12 midnight
30. Except with the prior written consent of the Responsible Authority, the hours of operation for the retail (shop) tenancies are:
- Monday to Sunday between 7.00am and 12 midnight
31. Except with the prior written consent of the Responsible Authority, no more than 80 seats may be provided in the food and drink (restaurant) premises. This includes seats located inside and outside the premises.
32. All delivery and collection of goods associated with the restaurant and retail (shops) must be conducted within the subject land and within the operating hours approved under this permit.
33. All noise emanating from commercial premises within the building must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

34. The shop fronts for the retail and restaurant tenancies (which face Doncaster Road) must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.
35. The operators of the commercial premises must ensure that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation (should they be parked within the basement car parks) approved under another condition of this permit.
36. The exhaust system to the food and drink (restaurant) premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.
37. All retail and restaurant patrons must enter and exit the tenancies via the Doncaster Road frontage only.
38. The use of the land must not adversely affect the amenity of the neighbourhood, including through:
 - 38.1 the transport of materials, goods or commodities to or from the land;
 - 38.2 the appearance of any buildings, works or materials; and
 - 38.3 the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;to the satisfaction of the Responsible Authority.
39. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste management plan.

Development Contribution

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

Lighting

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

42. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

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

Department of Transport (condition 51)

51. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads (condition 52)

52. [Any conditions recommended by VicRoads - to be supplied]

Permit Expiry

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

53.1 The development is not started within two (2) years of the date of this permit; and

53.2 The development is not completed within four (4) years of the date of this permit.

53.3 The uses are not commenced within two (2) years of the development being completed.

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

2. BACKGROUND

- 2.1 A pre-application advice request was submitted to Council on 4 September 2015.
- 2.2 The proposal was presented to the Sustainable Design Taskforce meeting on 22 October 2015.
- 2.3 The application was submitted to Council on 16 December 2016.
- 2.4 A request for further information was sent on 11 January 2017 and raised preliminary concerns with the submitted proposal relating to the boulevard treatment along Doncaster Road, the size of the design element, building setbacks, access to bicycle spaces and amenity.
- 2.5 All requested further information was received by Council on 9 June 2017.
- 2.6 Notice of the application was given over a three-week period which concluded on 11 July 2017.
- 2.7 The statutory time for considering a planning application is 60 days, which lapsed on 22 August 2017.
- 2.8 The land title is not affected by any covenants or restrictions.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the southern side of Doncaster Road, at the intersection with Short Street, Doncaster.
- 3.2 The site has a consolidated frontage width of 64.07 metres, an 8.26 metre long splay at the corner of Short Street, a 32.91 metre side road frontage width, an angled southern rear boundary with a total length of 72.54 metres and a western

side boundary length of 49 metres. The site has a total area of 3,257 square metres.

- 3.3 A two-storey commercial building presently occupies the site with access via a signalised intersection at the western end of the northern frontage to Doncaster Road. The building increases to three storeys in height as it presents to the rear due to the slope of the land. A road extends through the site providing vehicle access to the commercial building at 660 Doncaster Road via a carriageway easement. The carriageway easement is located on the western side of the site with a minimum width of 6.11 metres and splays to Doncaster Road.
- 3.4 The site is affected by a 2.44 metre wide drainage and sewerage easement along the southern boundary, terminating 22.82 metres short of the eastern site boundary.
- 3.5 The topography falls approximately 4 metres from the Doncaster Road frontage to the rear southern boundary of the site.
- 3.6 There are no significant trees on the site, with the exception of three mature Eucalypt trees at the site frontage on the western side of the internal road. There are no fences fronting Doncaster Road or Short Street. The southern boundary is enclosed by a paling fence and the western boundary is open to the adjoining commercial building due to the existing carriageway easement layout.

The Surrounds

- 3.7 The site directly abuts two properties, to the west and to the south.
- 3.8 The property to the west at 660 Doncaster Road comprises a two-storey commercial building, which presents as three storeys to the rear due to the slope of the land. The building presents to the subject site as a continuous sheer wall with extensive glazing. The building benefits from access via two separate points over the carriageway easement on the subject site, along the western and southern boundaries of the subject site. Landscaping provides a buffer from the building on the western side of the internal road.
- 3.9 The property to the south at 20-24 Hepburn Road comprises a 14-storey apartment building 'Magnolia' (comprising 181 dwellings) and associated basement car parking on a 3,126 square metre lot. The building forms a 'U' shape with an open light court facing north towards the subject site and is setback approximately 4.5 metres from the common boundary with the subject site. Rooftop communal facilities are provided on the western side of the building, which is directly south of the midpoint of the southern boundary of the subject site.
- 3.10 To the south-west, approximately 14 metres distance from the subject site and separated by the driveway to 660 Doncaster Road, is an eight-storey office and residential building at 8 Clay Drive that was approved by planning permit PL01/012766 on 9 April 2002.
- 3.11 To the east, on the other side of Short Street, is 674 Doncaster Road, which is used and developed with a place of worship, and is affected by Heritage Overlay Schedule 46.

- 3.12 To the north of the site is Doncaster Road, an arterial road with three lanes of traffic in both directions. Directly opposite the internal road is a signalised intersection with Council Street. On-street car parking is restricted with a 'No Standing and Clearway' sign.
- 3.13 The character of the broader area is mixed, with a number of high rise developments to the west ('Nest', which is under construction at 642 Doncaster Road, and 'Pinnacle' at 632 Doncaster Road), existing housing stock to the south and east (both within and outside of the ACZ), some medium density housing south of Doncaster Road, and commercial uses along Doncaster Road.
- 3.14 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 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 construction of several residential apartment towers within the precinct. The subject site is located in the south-eastern section of the ACZ, with all surrounding land also zoned ACZ.
- 3.15 In terms of public transport, the subject site is well service by bus routes operating along Doncaster Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated within the Westfield Doncaster complex within 730 metres walking distance to the north-west. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, which itself is within 270 metres walking distance, the site is well serviced by other community and local facilities including Schramms Reserve and the proposed Hepburn Reserve, MC Square, Doncaster Primary and Doncaster Secondary College.

4. THE PROPOSAL

- 4.1 It is proposed to use and develop the land with a 13-storey, mixed-use building providing 161 dwellings, a restaurant and three retail premises and associated basement car parking. To facilitate this, the proposal requires a reduction to the standard car parking, loading and unloading requirements of the Scheme, a variation to the carriageway easement E-2 on Title Plan 322585J by allowing the building to encroach into the easement and simultaneously providing a minimum 3.5 metre vertical clearance, a alteration of access to a road in a Road Zone, Category 1.

Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by Plus Architecture, dated 8 June 2017 (received by Council on 9 June 2017) and landscape plans prepared by GbLA Landscape Architects, dated 17 November 2016. A plan of easement variation was prepared by M. J. Parsons and Associates Land Surveyors, Version No. 02. Refer to Attachment 1.
- 4.3 The following reports were submitted to support the application:
- planning report prepared by proUrban, dated 15 December 2016, updated on 30 March 2017;

- waste management plan prepared by Leigh Design, dated 14 December 2016;
- traffic report prepared by mga traffic Pty Ltd, dated 14 December 2016, supplemented by a letter dated 8 March 2017;
- sustainability management report prepared by jba Consulting Engineers, dated 1 December 2016;
- acoustic report prepared by Vipac Engineers and Scientists Limited dated 15 March 2017; and
- wind impact assessment prepared by Vipac Engineers and Scientists Limited dated 30 November 2016.

Development summary

4.4 A summary of the development is provided as follows:

Land Size:	3,257m ²	Tower Height:	39.23m, complies with mandatory 40m
Site Coverage:	58%	Design Element Height:	6.15m, complies with mandatory 8m
Permeability:	8%	Maximum Building Height:	45.38m
Number of Dwellings:	161	Street setback to Doncaster Road (north)	Basement – 0m Ground floor – 7m Podium (1-3) – 6.3m Tower (4-11) – 11.9m Design element (12-13) – 14.5m
• 1 bedroom:	43	Side road setback to Short Street (east)	Basement – 0m Ground floor – 3.735m Podium (1-3) – 5.4m Tower (4-11) – 3.778m Design element (12-13) – 27.2m
• 2 bedrooms:	102	Setback to southern boundary	Basement – 5.5m Ground floor – 3.12m Podium (1-3) – 3.565m Tower (4-11) – 3.565m Design element (12-13) – 12.75m
• 3 bedrooms:	16	Setback to western boundary	Basement – 4.1m Ground floor – 13.217m Podium (1-3) – 16m Tower (4-11) – 4.504m Design element (12-13)

			- 9.9m
Dwelling Density:	One per 20.23m ² Ranging from 50m ² to 270m ²	Total car parking spaces:	227
Total retail floor area:	350m ²	• Resident spaces:	179
Restaurant floor area:	224m ² (80 seats)	• Dwelling visitors, retail customers and restaurant patron spaces:	41
		• Retail and restaurant staff spaces:	7

Design layout

- 4.5 The ground level consists of three retail premises, varying from 101 square metres to 142 square metres in size and a restaurant with an area of 224 square metres, each with a frontage to Doncaster Road. Seven dwellings are provided at ground floor, four of these being duplex townhouses provided at ground and lower ground levels.
- 4.6 Podium levels 1 to 3 consist of 44 dwellings, with an indoor communal area provided at level 1 and storage cages enclosed in a central location on each level.
- 4.7 Tower levels 3 to 11 consist of 107 dwellings, and the design element levels 12 and 13 consist of three penthouse dwellings.
- 4.8 The dwellings incorporate a mix of layouts, consisting of one to three bedrooms which vary from 50 square metres to 110 square metres, and penthouses between 118 square metres and 237 square metres. Floor plates also vary from floor to floor, with unique layouts and balcony sizes provided that creates variety in order to achieve the desired external architectural form.

Pedestrian and vehicle access and layout

- 4.9 The pedestrian entry to the building is provided via a ramped footpath from Short Street. It leads to an airlock and lift lobby at ground floor.
- 4.10 Vehicle access is provided via the existing internal roadway within the carriageway easement. It leads to a 5.5 metre wide basement entry at lower ground floor that provides access to the basement car park. Lower ground floor consists of three spaces opposite the basement entry and three spaces within the basement car park, which are all allocated to visitors and customers. A retail waste room is provided as well as a narrow loading zone opposite the basement entry.
- 4.10 The development consists of four basement levels. The first basement level consists of car parking spaces available to visitors, customers and restaurant and

retail staff, together with bicycle spaces for residents and retail use. Resident storage facilities are provided, together with a retail store, resident waste room and a fire pump room. The remaining three basement levels consist of resident car parking and storage facilities.

Landscaping

- 4.11 The three Eucalypts in the north-western corner of the site are proposed to be retained. Canopy trees are proposed within the frontage to Doncaster Road to realise a boulevard treatment and also to part of the side road frontage to Short Street. Screen planting is proposed at the rear of the site. Communal areas are to be landscaped and provided with seating areas at levels 1 and 12.

Design detail

- 4.12 The proposed building features a contemporary architectural design, which is described in the submitted town planning report as “the west end of the tower spans over the easement, resting gently on an expressed heel. The edges of the tower have been sculpted to echo this dramatic sweep, with ribbon-style balconies pushing and pulling at the edges. From afar, the black tile patterning provides a strong geometric pattern to the façade by presenting a ribboning and dynamic movement to the building. These elements respond at the pedestrian scale and provide an intimate perception of detail up-close. Timber cladding is introduced onto the townhouses to differentiate their relationship to the rest of the form, and respond to the finer grain of Short Street”.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.

6. REFERRALS

External

- 6.1 Given the proposal involves the alteration of access to Doncaster Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have requested further information relating to the queuing of right turn traffic into the subject site, justification of traffic generation rates for the restaurant and retail tenancies and an analysis of the impact of the proposed development on the operation of the signalised intersection between Council Street, Doncaster Road and the site access (Condition 1.16). VicRoads conditions are anticipated to be provided during the week of Monday 18 September, and will be supplemented to the report as Condition 54 as an addendum.
- 6.3 As the proposal involves a residential development comprising 60 or more dwellings, it is a statutory requirement to refer the application to Public Transport Victoria as a determining referral authority.
- 6.4 Public Transport Victoria has no objection subject to a condition on any permit issued requiring the permit holder take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is minimised during construction.

Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (Condition 23). • Provide an on-site stormwater detention system (Condition 21).
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • A “Vehicle Crossing Permit” is required.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • The development will increase the queue length at the intersection of Doncaster Road and Council Street, the right turn lane needs to be increased to 75 metres with approval from VicRoads. • Adequate sight lines are available from the exit lane. • The width and internal radius of the driveway allow sufficient turning areas for all vehicles to reverse and exit the site in a forward direction. • At least 2.1 metres headroom beneath overhead obstructions is required (Condition 1.5).
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • The number of car parking spaces provided requires a reduction to the car parking requirements. The findings of the submitted traffic report are supported. • The dimensions of the car parking spaces comply. • There are no traffic issues in the context of the traffic and the surrounding street network.
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car parking layout is satisfactory.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> • A construction management plan is required (Condition 3).
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> • Private waste collection will be required within the development. • No private waste contractor bins can be left outside the property boundary for any reason. • A final Waste Management Plan needs to be approved as part of the permit (Condition 5).
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> • Build over easement approval is not required.

Service Unit	Comments
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> • The following amendments to the submitted Sustainability Management Plan are required before approval (Conditions 1.10 and 4): <p><u>Commercial Areas</u></p> <ul style="list-style-type: none"> • The commercial areas in the development need to be entered into BESS and assessed in the management plan. <p><u>Thermal Fabric Non-residential</u></p> <ul style="list-style-type: none"> • For a development of this size, a commitment to achieving a 10% improvement on section J requirements of the National Construction Code (NCC) is required. • Provide a preliminary National Construction Code (NCC) Section J Deemed-to-satisfy or JV3 assessment or provide information on how energy efficiency requirements will be achieved. <p><u>Heating & Cooling System</u></p> <ul style="list-style-type: none"> • The report indicates a 3-star minimum commitment while 4-stars has been entered into BESS. This is required to correspond. <p><u>Energy 3.6 Internal Lighting – Residential Multiple Dwellings</u></p> <ul style="list-style-type: none"> • Current commitment to efficient fittings does not necessarily result in lower energy use. Provide further information in the report that a commitment for maximum power density (w/m²) will be 20% more efficient than minimum standards. Alternatively, the BESS entry must be amended to NO. • Fluorescent lamps should not be used as they contain toxic mercury, complicating their disposal. <p><u>Energy 4.2 Renewable energy systems – Solar</u></p> <ul style="list-style-type: none"> • Detail on plans the size (7kW) of the solar photovoltaic system. <p><u>Water 4.1 Fire Test System Water</u></p> <ul style="list-style-type: none"> • Provide further information on measures being taken to reduce water consumption when testing fire safety systems. Alternatively, the BESS entry must be amended to NO. <p><u>Stormwater 1.1 Stormwater Treatment</u></p> <ul style="list-style-type: none"> • Provide notations on plans to indicate size and location of proposed 55m² raingardens.

Service Unit	Comments
	<p><u>IEQ 1.1 Daylight Access - Living Areas</u></p> <ul style="list-style-type: none"> • DTS Daylight requires all living areas and bedrooms less than 8m deep (5m if south facing). There are a number of south facing living areas more than 5m deep. Amend the design or alternatively, the BESS entry must be amended to NO. <p><u>IEQ 1.2 Daylight Access – Bedrooms</u></p> <ul style="list-style-type: none"> • A significant number of the bedrooms within the design are a battle axe configuration which restricts daylight access to the main area of the room. • Battle axe access ways should be at least 1.2m wide and no deeper than 1.5m from the window to the leading corner. Amend design or alternatively, provide daylight modelling that proves all battle-axe bedrooms meet SDAPP Daylight requirements. <p><u>Transport 1.1-2 Bicycle parking – residential & Visitor</u></p> <ul style="list-style-type: none"> • Numbers do not correspond between the report, BESS entry and what is on plans. This is required to correspond. <p><u>Indoor Environment Quality</u></p> <ul style="list-style-type: none"> • Ensure that top floor apartments exposed glazing has sufficient shading/overhangs to avoid overheating and glare; • Provide adjustable external blinds/shutters on west facade to control glare and summer solar gains. • Ensure north glazing has adequate overhangs to control summer glare while allowing winter solar gains.
<p>City Strategy Unit – Urban Design</p>	<ul style="list-style-type: none"> • With its ribbon-like facades, recessed and overhanging balconies, the building is attractive and will provide a positive contribution to the Doncaster Road view corridor. • There is insufficient space provided for the Doncaster Hill boulevard along the Doncaster Road frontage of the development. Plans and sections show the basement carpark extending to the front site boundary, effectively occupying 100% of the 5 metre zone that should be reserved for deep root planting. It is recommended that the basement carpark be redesigned to accommodate the two ‘deep planting tree(s)’ shown on TP100. Raised planters will not be acceptable (Condition 1.1).

Service Unit	Comments
	<ul style="list-style-type: none"> • There appears to be some level difference between the paved spaces on the Doncaster Road frontage of the development and the boulevard, as well as the incorporation of planting zone against the ground-level retail spaces. Unimpeded views and physical access from the Doncaster boulevard into the ground level retail spaces is essential to ensuring that this edge of the building is highly visible and activated. It is recommended that planting zones against the building be deleted and steps and ramps from the boulevard to the retail spaces be minimised (Condition 1.3). • The design element includes two levels of dwellings and is set back from the tower edge. Its location and design are in line with the requirements of the Doncaster Hill Strategy.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 11 July 2017, by sending letters to nearby properties and displaying two large signs on site.

7.2 28 objections have been received from the following properties:

- 101/20 Hepburn Road Doncaster;
- 204/20 Hepburn Road Doncaster;
- 312/20 Hepburn Road Doncaster;
- 404/20 Hepburn Road Doncaster;
- 406/20 Hepburn Road Doncaster;
- 502/20 Hepburn Road Doncaster (two separate objections);
- 513/20 Hepburn Road Doncaster;
- 514/20 Hepburn Road Doncaster;
- 614/20 Hepburn Road Doncaster;
- 801/20 Hepburn Road Doncaster;
- 813/20 Hepburn Road Doncaster;
- 814/20 Hepburn Road Doncaster;
- 1012/20 Hepburn Road Doncaster;

- 1106/20 Hepburn Road Doncaster;
- 1108/20 Hepburn Road, Doncaster;
- 1112/20 Hepburn Road Doncaster;
- 1205/20 Hepburn Road Doncaster;
- 1206/20 Hepburn Road Doncaster;
- 1304/20 Hepburn Road Doncaster;
- 1305/20 Hepburn Road, Doncaster;
- 1307/20 Hepburn Road Doncaster;
- 1309/20 Hepburn Road, Doncaster;
- 301/8 Clay Drive Doncaster;
- 601/8 Clay Drive Doncaster;
- 13 Elm Tree Road Doncaster;
- 58 Lawanna Drive Templestowe;
- 3 Irung Avenue Box Hill.

7.3 The grounds of objection are summarised as follows:

- Overdevelopment;
- Traffic, lack of on-street and off-street car parking, pedestrian safety, and loading and unloading of vehicles;
- Design and built form (building height, setbacks and opportunity for more landscaping); and
- Off-site amenity impacts (overshadowing, loss of daylight and sunlight, overlooking and loss of privacy, noise and safety, loss of views and outlook, and loss of property value).

7.4 A response to the grounds of objection are included in the assessment section of this report (sections 8.77 to 8.89).

8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.

8.2 The following assessment is made under the headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);

- Design and built form;
- Guidelines for higher density residential development;
- Car parking, access and easement variation, bicycle facilities and loading and unloading of vehicles; and
- Objector concerns.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy emphasises the need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre, in which the site is located. The use of the site for the purpose of a dwellings, retail and a restaurant is appropriate within the zoning of the land and the strategic context of the site. The site's location places it within very good proximity to access to public transport and existing services.
- 8.5 Council has, through its policy statements throughout the Planning Scheme, sought to implement this policy as it relates to Doncaster Hill at Clause 21.09 through Schedule 1 to the Activity Centre Zone.
- 8.6 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The site, together with all land within the ACZ on the south side of Doncaster Road east of Tram Road, is within Precinct 2.
- 8.7 Under the ACZ1, the subject site is located in Precinct 2C. The relevant objectives for Precinct 2C (Clause 5.2-2) are:
- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
 - *To encourage the greatest area of high-density development to locate along the Doncaster Road ridgeline.*
 - *To encourage the provision of cafes, restaurants and outdoor eating within the precinct.*
 - *To support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the western end of the precinct.*
 - *To create a public urban space/plaza with good solar access abutting the south side of Doncaster Road, with convenient access to the north side.*
- 8.8 The land uses proposed are supported under the ACZ1 and the subject site is located within the Doncaster Hill Principal Activity Centre which supports a mixed-use development within the activity centre. The proposal provides appropriate uses within a building in a location that is highly accessible to the

community and the proposal is consistent with the vision for the Doncaster Hill area. In particular, it supports the key vision objectives, which encourage high density, high-rise mixed-use development and innovative contemporary design.

- 8.9 The non-residential uses are located at ground level and front Doncaster Road. These uses also takes advantage of the sites northern aspect, and are therefore well located to activate the public realm. The commercial uses are consistent with the objective of the ACZ1 which seeks to encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.

Design and built form

- 8.10 The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.
- 8.11 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1, as outlined at Clause 4.4 (Design and Development), as well as the decision guidelines at Clause 8.0:

Building Height

- 8.12 In relation to building height, the maximum building height is a mandatory requirement. The maximum building height permitted for this site under the ACZ1 is 40 metres and there is a further height allowance of 8 metres (maximum) attributed to a design element.
- 8.13 Acknowledging the slope of the site, the proposed building reaches a height of 39.23 metres. This is within the prescribed maximum building height. The design element, which comprises three penthouses over two levels, adds a further height of 6.15 metres. This is within the mandatory maximum 8 metres. The overall maximum building height is therefore 45.38 metres. The proposal is fully compliant with prescribed building heights.
- 8.14 In relation to the percentage of the roof area of which the design element covers, the design element does not achieve the requirement which requires that *it occupies an area less than 15% of the overall roof area*. The proposed design element occupies 17.4% of the overall roof area.
- 8.15 The following calculations have been submitted for the design element area:
- Total roof area = 1,895sqm
 - Total floor area of levels 12/13 = 330sqm
 - Areas of levels 12 or 13 not included within design element are services cupboards / stairwells / waste rooms and supply shafts.
 - Areas of levels 12 or 13 which are included within the design element are the dwellings, lift core, circulation area and the level 12 change rooms and bathroom.
 - Design element % = $330\text{sqm} / 1,895\text{sqm} \times 100 = 17.41\%$

- 8.16 The rationale for the scale of the proposed design element is the same as that used by the applicant for the approved development at 682-686 Doncaster Road. The same approach to calculating the percentage of the design elements has been adopted. The calculation excludes internal space used for service cupboards, stairwells, waste rooms and supply shafts (64sqm) and external balconies and communal courtyard.
- 8.17 The architectural design of the design element is supported. It includes two (2) levels of dwellings within a curved shape upper level, set back from the lower levels at each elevation. The positioning of the design element is significant as it adds a degree of strength and weight to the building, with a design that provides continuity with the tower form.
- 8.18 The submitted size for the design element is 17.41% and policy supports 15%. The difference of 2.41% from the prescribed size is a reasonable concession given the high quality design and materials proposed for the building and because a significant portion of the design element includes a lift and servicing areas.
- 8.19 Overall, the location and design of the design element continues the theme of those in neighbouring developments within Doncaster Hill (along Tram Road and Doncaster Road) and is in line with the vision statement in the Doncaster Hill Strategy 2002 which seeks to emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.
- 8.20 An area of plant is shown above the design element, which include solar panels. The ACZ1 makes allowances for plant rooms, plant, screens and lift-overruns above the maximum building height if certain criteria are met (including occupying no more than 50% of the roof area, located in a position on the roof to minimise additional overshadowing of neighbouring properties and public spaces, not extend higher than 3.6m above the maximum building height and be designed and screened to the satisfaction of the responsible authority).
- 8.21 The plant has been integrated into the development and will be required to be screened to reduce its visual appearance (Condition 1.11).

Podium and Front Setbacks

- 8.22 A permit cannot be granted to vary the front setbacks for properties that abut Doncaster Road, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and an 11 metre setback to the tower are both mandatory requirements. Both the podium and tower front setbacks exceed these mandatory setbacks, enabling greater opportunities for retail and restaurant uses to integrate with the public realm. The podium has a minimum setback of 6.3 metres and the tower has a minimum setback of 11.9 metres. The mandatory requirements are met.
- 8.23 The ACZ allows for minor buildings and works within the setbacks (such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture setbacks) provided they are designed and located appropriately. The base of the tower at Level 4 incorporates extensive balconies to dwellings fronting Doncaster Road. These balconies encroach into the prescribed 11 metre setback by a maximum of 2.5 metres, across Dwellings 0406 to 0411. While this is an encroachment, the balconies are setback a further 3.5 metres from the edge of the podium, ensuring that the balcony balustrades will only be visible from the eastern and western sides, as they are located at the edge of the podium to

these interfaces. The balconies are therefore considered to be designed and located appropriately.

Side and Rear Building Setbacks

- 8.24 Policy includes 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 4.5 metres and the minimum setback from a rear boundary is 5 metres.
- 8.25 Building setbacks from the western boundary are compliant with the 4.5 metre side setback requirement at all levels.
- 8.26 Similarly, the north-eastern component of the tower is compliant with the 4.5 metre side setback requirement at all levels, however at its closest point, the south-eastern corner of the podium and tower maintain a consistent 3.778 metre side setback to all podium and tower levels. This variation to the preferred 4.5 metre side setback is considered acceptable as it has an interface to the side road boundary to Short Street and minimises any off-site amenity impacts to the adjoining property to the south by providing a minimum 6.044 metre rear setback to this wall, which exceeds the 5 metre rear setback requirement.
- 8.27 The rear setback varies the 5 metre setback requirement from the lower ground level to Level 10 at a central point along the southern boundary, maintaining a consistent 3.1 metre setback to the balcony. This is due to the angled return of the southern property boundary. While this is a reasonably significant setback reduction to the preferred 5 metre setback requirement in the context of the property's abuttal to the existing ACZ development at 20 Hepburn Road, this is clearly a deliberate design decision based on the existing built context. The 3.1 metre setback at this location has actually achieved a 9.462 metre setback to the adjoining development, which demonstrates a sensitivity to the existing setback of 20-24 Hepburn Road. Importantly, the remainder of the development complies with the 5 metre rear setback, and in the case of the section of the building east of this pinch point, the setback quickly increases to create a large void that assists to reduce the impact of the wall.
- 8.28 The level of visual bulk is considered to be reasonable for the site context and the massing of the proposed building is considered to be acceptable within the emerging dense urban environment. The proposal in its submitted form is appropriately site responsive and has adequately taken into account the expectations of residential amenity. Occupants within the development at 20 Hepburn Road located to the south of the site should be aware that they live in an Activity Centre Zone and within an area identified for high density growth and that the status quo of two and three-storey commercial buildings is unlikely to remain in the medium to long term. The setback of the building from the boundary common with 20 Hepburn Road is considered acceptable and reasonably manages off-site amenity impacts to 20 Hepburn Road by maintaining a minimum 9 metre building separation.

Overshadowing

- 8.29 The development is located on the southern side of Doncaster Road and will therefore not cast shadows on properties outside the activity centre, meeting the overshadowing requirements of the ACZ. An assessment of overshadowing within the ACZ will follow at section 8.38 to 8.41 of this report.

Boulevard Character

- 8.30 The proposed development provides a minimum 5 metre podium setback, a 3.6 metre wide paved promenade across the site frontage to replace the existing footpath and a landscaped boulevard in front of the building on Doncaster Road, as required by policy. The development contributes positively to the local urban character and enhances the public realm by providing an active frontage to Doncaster Road and creates a boulevard along Doncaster Road by providing a designated area for landscaping at the frontage of the site. It is unclear how canopy tree planting within the title boundary to achieve the required boulevard treatment can be accommodated due to the basement below and the lack of deep soil and inability to plant in-ground. To address this concern, a condition will require modifications to the basement to provide deep soil areas for the canopy trees along the boulevard. This is likely to require some internal reconfiguration to the basement layout, perhaps just on one level, however the condition will state that this should be achieved with no reduction to car parking spaces, bicycle parking spaces or basement setbacks (Condition 1.1). Subject to this condition, the provision of deep soil canopy trees along the boulevard will achieve the streetscape character and public realm appearance supported under the ACZ1.

Landscape Design

- 8.31 The ground level and roof level landscaped areas appear to be commensurate with other high density developments within Doncaster Hill. Ground level screen planting is provided giving a buffer between built form. Minimum 1.5 metre wide landscape buffers are provided to the south, incorporating numerous canopy trees and large to medium size shrubs. A well-landscaped frontage has also been achieved, however landscaping immediately outside the ground level tenancies, as shown on plans, impede views and physical access from the boulevard to the building. To address this, a condition will require these landscape areas to be deleted (Condition 1.3). A landscaping treatment has also been incorporated at the rear of the site within the communal area of Level 1, which will provide an appropriate level of visual interest and soften the built form environment, as viewed from the south.

Access and Mobility

- 8.32 A condition will require the submission of a Disability Access Plan that implements the recommendations of a Disability Access Audit (prepared by a suitably qualified person) that demonstrates compliance with the relevant Australian Standards for vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority (Condition 7). Disabled ramps are proposed at the Doncaster Road frontage and it is considered that any further external changes to the building recommended by the Plan and Audit will be designed appropriately so as not to have any unreasonable impact on the public realm.

Requirement of built form policy in the Scheme

- 8.33 The scale of the proposed building is generally consistent with the expectation of development outlined in the ACZ1. Notwithstanding the policy support for the site's redevelopment, urban consolidation is not the only relevant planning consideration. Good design, neighbourhood character and amenity considerations must also be considered (as outlined at clauses 15.01 of the Scheme) as well as supplementary guidance within the *Guidelines for Higher Density Residential Development* 2004.

- 8.34 These guidelines have been removed from the Scheme under Planning Scheme Amendment VC 139 which was gazetted on 29 August 2017, and were replaced by the *Urban Design Guidelines for Victoria 2017*, which focus on the design of public spaces and building design in relation to a building's interface with public spaces. These new guidelines are to be assessed in conjunction with the *Apartment Design Guidelines for Victoria 2017*, which focus on internal and external amenity.
- 8.35 However, the Apartment Design Guidelines do not apply to this application, as the application benefits from the transitional provisions where Clause 58 does not apply to application lodged before the introduction of Amendment VC136 gazetted on 13 April 2017. Given the responsibility to assess amenity and due to the Urban Design Guidelines 2017 not providing assessment criteria for amenity, and the Apartment Guidelines being not applicable to this application, this report will use the *Guidelines for Higher Density Residential Development 2004* to assess the proposal.

Off-site amenity

- 8.36 The *Design Guidelines for Higher Density Residential Development 2004* provide design criteria for assessing amenity impacts.
- 8.37 All land immediately abutting the site is located within the Activity Centre Zone, and residents living within this zone would expect to see mixed-use buildings with a commercial appearance. Primarily, it must be recognised that there is a strategic need to redevelop the subject site to the density proposed. The impact of the proposed development on the adjoining apartment building at 20 Hepburn Road will be discussed in the following paragraphs.

Overshadowing and loss of light to surrounding properties

- 8.38 The ACZ1 considers overshadowing on dwellings outside the activity centre only and the State Guidelines reference clause 55 of ResCode for consideration of the overshadowing impact (namely Standard B21) which seeks to ensure buildings do not significantly overshadow existing secluded private open spaces, regardless of the zone.
- 8.39 When constructed, the proposed development would impact on light to habitable room windows and overshadow secluded private open space areas of all north-facing dwellings within the new development at 20-24 Hepburn Road. This is due to the building height rather than the distance that the building is setback from the common boundary. In light of policy controls for the subject site and the south adjoining land and the slope of the land, it is considered likely that any built form on the subject site would substantially overshadow development on the south adjoining land.
- 8.40 Shadow diagrams submitted with the application demonstrate that overshadowing will occur throughout the day, with the eastern component of 20-24 Hepburn Road most affected in the morning and the western side most affected in the afternoon. This will mean that apartments will not be in complete shade throughout the day. Given the height of the building at 20-24 Hepburn Road, its roof level communal space will not be overshadowed, given the setback of the proposed tower and the substantial setback to the design element.
- 8.41 As the subject site and the adjoining property to the south are located within an activity centre, some degree of overshadowing from taller buildings within an

activity centre is inevitable. The extent of overshadowing is considered reasonable for the site context.

Overlooking (and loss of privacy)

- 8.42 Although ResCode does not apply to this application, the overlooking standard is an accepted planning principle to assess the impact on adjoining properties. Standard B22 of Clause 55 of the Scheme applies to views within a horizontal distance of 9 metres and a 45 degree arc and seeks to avoid direct views within this distance. This is reflected in the State Guidelines (objective 2.9), which states that *existing dwellings should be protected from potential overlooking in accordance with the requirements of Clause 55 of Planning Schemes*.
- 8.43 The proposal comprises balconies and windows orientated south to face the building at 20-24 Hepburn Road. All of these windows and balconies maintain a minimum 9 metre separation from the adjoining building, with the exception of ground level private open space areas at 20-24 Hepburn Road which are less than 9 metres in distance.
- 8.44 A condition will require details to be submitted to demonstrate that south-facing balconies and habitable room windows limit overlooking within a 9 metre radius, to the south adjoining development at 20-24 Hepburn Road, in line with planning requirements (Condition 1.6).

Noise

- 8.45 In interface areas where there are often points of conflict between different uses, there is a need to maintain the viability of existing commercial areas.
- 8.46 Future occupants of the proposed building would be aware of the subject site's proximity to potential noise sources including existing businesses located along Doncaster Road and its location on an arterial road as well as commercial uses proposed within the ground level of the building. The submitted acoustic report recommends glazing treatment for Levels 1 to 5, with no acoustic treatments required above Level 5. Noise from the restaurant at ground floor will be contained within the building and limited to background music, which is unlikely to exceed the prescribed limits. A condition will require the recommendations of the acoustic report to be adopted into the design of the building to limit the potential for noise disturbance to new residents as far as practicable (Condition 6).

Wind

- 8.47 A wind assessment was submitted with the application and considered wind tunnelling, wind generated by the building to pedestrians using the footpaths, wind within private balconies and to the Level 12 communal terrace. The report makes no recommendations for modifications to the building design with findings that demonstrate that wind levels for all parts of the proposed building are within the recommended criteria.

On-site (internal) amenity

- 8.48 The State Guidelines provides useful guidance with regard to on-site amenity. The following is provided in response to each element.

Building layout and design

- 8.49 An objective of the State's guidelines is to ensure that a good standard of natural light and ventilation is provided to internal building spaces. The guidelines

encourage the provision of direct light and air to all rooms wherever possible and encourages direct natural light and ventilation to all habitable rooms in the form of operable windows. The 'borrowing' of light and air should be avoided, particularly in ventilating. It is recognised that this may not always be possible for bedrooms.

- 8.50 The proposal includes a mix of dwelling sizes, which vary from 50 square metres to 110 square metres, not including the four lower level townhouses and three upper level penthouses. The building layout ensures that only two dwellings on each level have a single-aspect to the south, except at ground level where there are five dwellings with a single-aspect to the south. No rooms within the development have borrowed-light.
- 8.51 In relation to outdoor space, the recommended minimum area for a secluded private open space in a multi-unit development of 8sqm has been achieved in the proposed development. Communal areas are provided at Level 1 and on the roof terrace to be accessed by all residents in the building. This is a good amenity outcome especially for single-aspect southern dwellings. In addition to this, the development will have other benefits such as being centrally located to Doncaster Hill and close to services and facilities, and the subject site is within easy access to public open spaces, including Schramms Reserve.
- 8.52 Communal areas have been well located and designed to be easily recognisable and easily accessible for all residents. The width of the main entrance foyer from Short Street is adequate to accommodate pushchairs and wheelchairs. Lift access to all levels is provided from the basement car parks and from the main entrance foyer. All dwellings will have a single-floor layout, with the exception of four dwellings at lower and ground levels, and given that the building is serviced with lifts, all other dwellings will be adequately accessed by people with limited mobility.
- 8.53 Not all dwellings are large enough to provide adequate storage internally. Storage areas for dwellings are provided at basement level, each with a minimum volume of 6m³ within designated storage cages, with the remainder provided across Levels 1, 2 and 3. An allocation schedule has not been submitted. A condition will require an allocation schedule to demonstrate 1 to each dwelling and that all storage cages are properly secured (Condition 1.8 and 1.9).
- 8.54 There are no internal views due to the design and layout of the levels.
- 8.55 Overall, the dwellings are of acceptable sizes ranging from 50 square metres to 270 square metres, with limited instances of reduced amenity to single-aspect south facing dwellings, and reasonable private open space areas. Overall there is an acceptable level of amenity for future residents within the proposed development.

Circulation and services

- 8.56 In relation to corridor widths, State Guidelines recommend a width of 1.8 metres. All corridor widths vary from 1.5 metres to 2 metres. East-facing and south-facing windows are provided at the end of corridors at each level of the building to provide some natural daylight at the end of each corridor and a good amenity outcome for some residents.
- 8.57 Vehicle access to the car parking is provided on Doncaster Road. The proposed car parking and services provided (including bin storage) will be hidden from

public view. Site services are located to allow for ease of service and maintenance by private contractors.

Car parking, access and easement variation, traffic, Land Adjacent to a Road Zone Category 1, bicycle facilities and loading and unloading of vehicles

Car parking, access and easement variation

- 8.58 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined in Table 1 at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.59 The Scheme requires a total of 236 car parking spaces for the proposed development. The 227 car parking spaces proposed does not meet this requirement (by 9 car parking spaces) and a permit is therefore being sought to reduce the car parking requirement. The car parking requirement and number of spaces provided is detailed and summarised in the table below.
- 8.60 For the ACZ1 resident car parking are required at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. The proposal generates a requirement of **177** car parking spaces, which is exceeded by two spaces, and is allocated for within the basement levels.
- 8.61 Resident visitor car parking is required at a rate of one car parking space for every ten dwellings. For 161 dwellings this equates to the provision of **16** car parking spaces. Retail car parking is required at a rate of 4 spaces per 100 square metres. The 350 square metres of floor area equates to a need for **14** spaces. Restaurant car parking is required at a rate of 0.36 spaces per seat. For the 80 seat restaurant proposed this equates to **29** spaces.

Purpose	Scheme car parking requirement	Car parking provided
Dwelling	177 spaces	179 spaces
Dwelling visitors	16 spaces	41 shared spaces, plus 7 spaces for retail and restaurant staff
Retail shops	14 spaces	
Restaurant	29 spaces	
Total	236 spaces	227 spaces

- 8.62 The car parking layout adopts a shared approach to the provision of parking for short-stay uses including residential visitors, retail customers and restaurant patrons. Retail and restaurant staff are allocated separately. The rationale for shared use car parking is provided in the submitted traffic report. It is based on anticipated demand for the uses, which is summarised as a 50% demand for the required restaurant and residential visitor spaces during the day and no demand for required retail spaces in the evening. The maximum anticipated demand is

for 41 shared spaces, which is provided. It provides a number of spaces across the three uses that will provide for the reasonable demand. This rationale is supported by Council's Engineering department and it is not unusual for mixed-use buildings within the municipality.

8.63 To assess whether the on-site parking provision and a reduction to the Scheme's car parking requirement is appropriate, Clause 52.06 provides a series of decision guidelines. A full assessment of the proposal against the decision guidelines is provided as follows:

- There is an in-principle agreement of the Doncaster Hill modal shift plan to the sharing of visitor and commercial car parking spaces and the priority to public transport usage.
- It is more beneficial for all dwellings to be allocated their full complement of on-site parking rather than visitors which are only sporadically users in comparison.
- The lack of visitor parking within the basements of multi-unit residential developments of this nature with close proximity to public transport is not unusual. The location of the subject site lends itself well to the use of public transport.
- Providing high-density housing close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options.
- Prospective property owners will be made aware of the lack of on-site visitor car parking provision and be made aware that they will not be eligible to apply for on-street visitor parking permits.
- Restaurant patrons and customers of the retail units will be made aware of the on-site visitor car parking provision and will utilise alternative methods of transport, and it is reasonable to assume many of the patrons will be locals arriving on foot.

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

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> • The accessway to the basement car park meets the minimum width and height clearance requirements. • A minimum 5 metre by 7 metre passing area is provided at the entrance to the basement. • All vehicles are able to exit the site in a forwards direction. • An adequate visibility splay area is provided along the exit lane. • Within the basement, a 4 metre internal radius is provided at changes of direction.
2 – Car Parking Spaces	<ul style="list-style-type: none"> • Car parking spaces are provided in accordance with the requirements, with minimum dimensions of 2.6 metres wide, a length of 4.9 metres and

Design Standard	Assessment
	<p>accessed from an aisle width of at least 6.4 metres.</p> <ul style="list-style-type: none"> • There are no tandem spaces proposed.
3 – Gradients	<ul style="list-style-type: none"> • The existing access road provides appropriate driveway gradients. All other driveway gradients have been assessed as compliant with the standard.
4 – Mechanical Parking	<ul style="list-style-type: none"> • No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> • The development utilises existing access road infrastructure, which will not dominate the landscape. • Parking areas and the entrance to the basement are nestled at the rear of the building and will not be visible from the street.
6 – Safety	<ul style="list-style-type: none"> • Access to the residential basement levels is secured by a security gate. • Pedestrian access from the site frontage is clearly separated from the roadway.
7 – Landscaping	<ul style="list-style-type: none"> • Landscaping is well-placed around ground level car parking.

8.65 Easement E-2 on Title Plan 322585J is a carriageway easement providing vehicle access from Doncaster Road, through the subject site, to adjoining properties. A variation of this easement would allow buildings to be constructed above the carriageway, providing a minimum 3.5 metre vertical clearance above grade. The development actually provides for a 7.1 metre vertical clearance above grade. In deciding on the application for the variation of easement, the interests of affected people must be considered.

8.66 The variation to the easement will allow access to be maintained along the carriageway, and will enable the utilisation of land on the western side of the site for development purposes. Given that the west adjoining property is commercial, development of this portion of the site should not be unreasonably limited.

Traffic

8.67 The submitted traffic impact assessment identifies that the proposed development is expected to generate 47 vehicle movements per peak hour and up to 470 vehicles per day for the residential component. The retail and restaurant uses are expected to generate 3 to 4 vehicle movements in any peak hour. Therefore, the proposal is expected to generate up to 51 vehicle movements in any peak hour and 510 vehicle movements over an entire day.

8.68 The submitted traffic report submits that taking into account the existing uses operating on the access road and the anticipated direction of traffic of residential uses generally being opposite to the direction of traffic for retail and commercial uses, the traffic generated by the proposal is commensurate with the use of the existing use when fully tenanted.

8.69 Council's Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development as confirmed in the submitted report.

- 8.70 Overall, the traffic generated as a result of the proposed use and development, is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes.

Land Adjacent to a Road Zone Category 1

- 8.71 A permit is required under Clause 52.29 of the Scheme as the proposal involves the alteration of access to Doncaster Road, which is zoned Road Zone Category 1.
- 8.72 The decision guidelines of this clause include the views of the relevant road authority.
- 8.73 VicRoads are anticipated to provide conditional consent to the proposal, and will be supplemented to the permit as an addendum.

Bicycle Facilities

- 8.74 In developments for a residential building of four or more storeys, the Scheme requires 1 resident bicycle parking space to be provided for every 5 dwellings and 1 visitor space for every 10 dwellings. For the proposal this equates to 32 resident bicycle spaces and 16 residential visitor spaces, and a total of 48 spaces. The proposal does not generate a statutory bicycle parking requirement for retail or restaurant uses. The proposal provides on-site 58 bicycle spaces, which exceeds the requirements of the Scheme.

Loading and unloading of vehicles

- 8.75 The development has a statutory requirement for a loading area of 27.4 square metres (with a length of 7.6 metres, a width of 3.6 metres and a height clearance of 4 metres). The minimum width requirement has not been met, with the proposed loading area having a length of 12.8 metres, a width of 2.3 metres and a height clearance of 4.81 metres. The loading bay is located within the lower ground basement level, adjacent to the lift core and nearby the retail bin room. The extensive length of the loading area will enable adequate space for vehicles to align close to the adjacent wall, and will enable sufficient space for other vehicles to circulate around a loading or unloading vehicle. While the design of the loading bay area does not meet the requirements of the Scheme, and a reduction in the requirement is therefore being sought, the proposed layout is considered to be satisfactory and Council's Engineering Services Unit raise no concern as the functionality of the loading area can operate simultaneously with the movement of vehicles in the basement.

Objector concerns

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

Overdevelopment

- 8.77 The *Doncaster Hill Activity Centre Strategy October 2002*, the policy framework for the implementation of the Activity Centre Zone within the Scheme plans for the provision of more than 5,000 new apartments over the next 20 years within the municipality's only Principal Activity Centre. As such, Council officers do not see the proposal as an overdevelopment or an oversupply of accommodation.

Traffic, lack of on-street and off-street car parking, pedestrian safety, and loading and unloading of vehicle

- 8.78 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering Services Unit who both conclude that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated on the adjacent road network without creating any adverse traffic safety or capacity problems.
- 8.79 The number of car parking spaces provided, including having regard to the lack of on-street parking available, is satisfactorily contained on site. The proposal provides residential parking that is compliant with the statutory car parking requirements and provides a reasonable rationalisation of shared short-stay uses that is anticipated to meet the level of demand throughout the day. A suitable loading and unloading area is provided within the basement car park.
- 8.80 Pedestrian safety is managed by the existing signalised pedestrian lights at the site frontage, that crosses the access road and by providing separate pedestrian access to the building, from the front of the building for the retail and restaurant uses, and entry via Short Street for residential apartments.

Design and built form (building height, setbacks and opportunity for landscaping)

- 8.81 The building height meets the mandatory maximum 40 metre requirement stipulated in the Activity Centre Zone, with a design element that is within the 8 metre height requirement and is distributed to the front of the building, where its off-site amenity impacts will be reduced.
- 8.82 The proposed setbacks generally satisfy the setback provisions of the Activity Centre Zone, with the exception of a pinch point in a central location to the southern boundary, where there is a 3.12 metre setback to the southern boundary. While this falls short of the 5 metre rear setback requirement, this reduction is acceptable in the context of its interface to a high density development within the same zone, and particularly as a minimum 9 metre separation will be provided between both of the buildings, which minimises off-site amenity impacts.
- 8.83 The level of landscaping is generally acceptable, with a landscape buffer provided along the southern boundary. Additional landscaping is provided to the communal space at Level 1 to the southern edge of the building, which will also help to soften the built form appearance. The landscaping proposed in these areas, including the planting of advanced canopy trees within the southern boundary, meets the expectation of landscaping anticipated for development within this zone.

Overshadowing and loss of daylight

- 8.84 The extent of shadows cast will impact the amenity of adjoining properties within the ACZ. Given the expectations for development on this site in its location in the ACZ and along a main road, it is not possible for overshadowing to adjoining properties to be avoided in its entirety. However, the design of the development is able to distribute shadows across the adjoining building to the south to minimise the level of shadows where possible.

8.85 Loss of daylight is not a matter that is contemplated within the Activity Centre Zone beyond setback provisions. Given that the tower of the development provides a minimum 9 metre separation to the adjoining building at 20-24 Hepburn Road, it is considered that the level of daylight afforded to adjoining properties will not be unreasonably reduced.

Overlooking and loss of privacy

8.86 The proposal will not result in any unreasonable overlooking or loss of privacy to adjoining properties. A minimum 9 metre separation between buildings is achieved for the most part and a condition will require plans to demonstrate that overlooking will be limited from the proposed building to the ground level secluded private open spaces at 20-24 Hepburn Road.

Noise and safety

8.87 Pedestrians will generally congregate at the front of the site when visiting the restaurant or retail spaces. It is unlikely that any unreasonable noise or safety concerns will arise given that the design encourages a strong link with the public realm.

Loss of views and outlook

8.88 Side and rear setbacks are generally designed to retain view lines. There is no specific controls within the Scheme that protects residents' rights to a view, particularly any existing views maintained over the site, which cannot be expected to be maintained in perpetuity, particular in the context of anticipated development within an ACZ.

Loss of property value

8.89 Any possible impact to the value of the objector's property is considered a subjective claim and not a ground which should be given any relevancy in the consideration of the planning permit application.

9. CONCLUSION

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

10. DECLARATION OF CONFLICT OF INTEREST

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