

0.0 Planning Application PL16/026253 at 121-125 James Street Templestowe for the use and development of the land for a four-storey mixed use building comprising 39 dwellings, five retail premises, two food and drink premises and one convenience shop with associated basement car parking, alteration of access to a road in a Road Zone, Category 1 and the reduction of the requirements for the loading bay

File Number: IN17/35
Responsible Director: Director Planning and Environment
Applicant: Melshang Pty Ltd
Planning Controls: Residential Growth Zone, Schedule 2 and Design and Development Overlay, Schedule 8
Ward: Heide
Attachments: 1 Attachments - Planning Application PL16-026253 at 121-125 James Street Templestowe

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 121-125 James Street, Templestowe. This report recommends refusal of the submitted proposal. 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 development of a four-storey mixed use building on two (2) lots known as 121 and 123-125 James Street, Templestowe, totalling 2505 square metres in size. The development proposes 39 dwellings, five retail premises, two food and drink premises and one convenience shop. The proposal includes alteration of access to a road in a Road Zone, Category 1, 96 car parking spaces and proposes a reduction of the requirement for a loading bay. The maximum height is 10.7m, the site coverage is 88.9% and site permeability of 8.4%.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - (a) Mixed use of the land;
 - (b) Built form and landscaping;
 - (c) Compliance with built form and urban design policies;
 - (d) On-site amenity;
 - (e) Off-site amenity impacts;
 - (f) Car parking, access, traffic and bicycle parking;
 - (g) Delivery Vehicles/Loading Dock; and
 - (h) Objector concerns.

Objector concerns

4. Two (2) objections have been received, with one objection repeating the interests of four properties. A total of five (5) properties are involved in the objections for the application. These can be summarised as:
 - a) Over-development and visual bulk;
 - b) Design and Height of Building (height, height transition to the residential interface, lack of articulation, visual interest, setbacks and impact on existing neighbourhood character);
 - c) Quality of external finishes and design detail;
 - d) Side and rear setbacks.
 - e) Off-site amenity impact (including daylight to existing windows, overshadowing, overlooking and visual bulk);
 - f) On-site amenity (lack of dwelling diversity and reasonable functionality and poor light and ventilation from 'snorkel' windows and internal light wells);
 - g) Lack of on-site car parking for the retail premises and visitors;
 - h) Excessive site coverage of more than 60% (64.2%);
 - i) Inadequate landscaping opportunities (to soften the built form);
 - j) Insufficient sizing of retail premises;
 - k) The use and zoning.

Assessment

5. The proposed mix of uses, increased housing density, apartment building concept and car parking provision is considered to be a generally suitable proposal for the site and location. A similar development kind, could be designed to meet the relevant State and Local Policies, objectives of the Design and Development Overlay, Schedule 8 (DDO8), of the Manningham Planning Scheme and the relevant Templestowe Village Structure Plan (TVSP).
6. The proposal fails to create a good urban design outcome, provide suitable setbacks and stepping to the residential interfaces or incorporate a landscape treatment that will suitably screen and soften the building from the sensitive interfaces; as directed by the Local Planning Policy for Precinct 2 of Clause 21.05 (Residential), Clause 55.02-1 (Neighbourhood Character), Clause 55.02-2 (Residential Policy) and the design objectives and guidelines of Clause 43.02 - Schedule 8 to the Design and Development Overlay (DDO8), of the Manningham Planning Scheme.
7. The fragmented design detail and architectural expression of the building fails to make a positive contribution to the area and streetscape, results in visual bulk, overlooking and overshadows of adjoining residential properties, resulting in significant off-site amenity impacts.
8. The proposal fails to provide suitable on-site amenity, including substandard balcony design and dimensions, minimal ceiling heights (as per the 'Better

Apartment Design Standards', which come into effect in March 2017), or suitable solar access to some rooms from the internal courtyard.

9. The proposal seeks a reduction of the loading requirements at Clause 52.07 (Loading and Unloading of Vehicles) of the Manningham Planning Scheme, equating to a reduction 1.3m or 32.5% the standard height requirement for delivery vehicles. The reduction is not supported, as it is considered unreasonable that a delivery bay, servicing eight (8) retail spaces is not suitably accessible by small to medium trucks. The reduction would impact the traffic flow and road safety on James Street and the accessway, and may impact the capacity of the car parking area.

Conclusion

10. The report concludes that the proposal is not considered to comply with many of the relevant State and Local Planning Policies of the Manningham Planning Scheme and should therefore be refused.
11. It is recommended that the application be refused.

1. RECOMMENDATION

- A. That having considered the proposal and all objections A REFUSAL be issued in relation to Planning Application No. PL16/026253 for use and development for a four-storey mixed use building comprising 39 dwellings, five retail premises, two food and drink premises and one convenience shop with associated basement car parking, alteration of access to a road in a Road Zone, Category 1 and the reduction of the requirements for the loading bay, for the following reasons:
 - 1.1 The proposal fails to create a good urban design outcome, provide suitable setbacks and stepping to the residential interfaces or incorporate a landscape treatment, that will suitably screen and soften the building from the sensitive interfaces, as directed by the Local Planning Policy for Precinct 2 of Clause 21.05 (Residential), Clause 55.02-1 (Neighbourhood Character), Clause 55.02-2 (Residential Policy) and the design guidelines of Clause 43.02 - Schedule 8 to the Design and Development Overlay (DDO8) of the Manningham Planning Scheme.
 - 1.2 The proposed building detail results in a fragmented and unresolved architectural expression, and a poor suite of materials and finishes for a site and building of this standing, where Clause 43.02 (DDO8) stipulates contemporary, articulated and integrated architectural presentations.
 - 1.3 The local policy (Clause 21.05 - Residential) specifies that '*three-storey apartment style developments are encouraged on land with a minimum area of 1800sqm*'; where the development proposes 4 storeys where the fourth storey is clearly visible from all elevations. Thus not meeting the Residential Local Policy (Clause 21.05) and DDO8 (Clause 43.02).
 - 1.4 The proposal fails to meet the required side setbacks of Standard B17

of Clause 55.04-1 (Side and Rear Setbacks). The proposed setbacks along the western elevation and interface with existing residential development (townhouses) encroach by significant amounts (between 1.79m and 0.46m) along almost the extent of the western elevation. The minimal setbacks, sheer two-storey walls and excessive screening result in visual bulk and do not respond to the design guidelines of Clause 43.02 (DDO8).

- 1.5 The development fails to provide the prescribed 4.0m setback from the rear boundary or suitable side setbacks (to the west), to enable effective landscaping to establish and mature; thus not responding to the design guidelines within Clause 43.02 (DDO8) and Clause 55.06-2 (Landscaping) of the Manningham Planning Scheme.
- 1.6 The proposed minimal side setbacks and excessive use of screening, result in the visual bulk and sheer two storey walls, imposing upper floors (as viewed from the west and north); failing to respond to Objectives and Standards of Clause 55.06-1 (Design Detail) and the design guidelines of Clause 43.02 (DDO8) of the Manningham Planning Scheme.
- 1.7 The first floor balconies of Apartments 7 and 8, are setback 1.5m from the western boundary and significantly overlook the adjoining private open spaces of 1/119, 2/119 and partially 3/119 James Street, Templestowe (no screens), thus not meeting the Standard and Objective of Clause 55.04-5 (Overlooking).
- 1.8 The proposal fails to meet the Objectives and Standards of Clause 55.04-5 (Overshadowing) and Clause 55.04-3 (Daylight to existing windows) of the Manningham Planning Scheme; as the proposal does not provide shadow diagrams with a level of detail which enables Officers to conclusively assess the compliance with the Standards, and it is anticipated that the development will result in unreasonable overshadowing and loss of sunlight to these adjoining residential properties.
- 1.9 The site coverage of the proposal exceeds the requirement of 60% (being 88%) and the permeability does not meet the minimum requirement of 20% (being 8.4%); demonstrating the overdevelopment of the site and failure to provide suitable spacing around the development for appropriate landscaping. Thus not meeting the Objectives and Standards of Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability) of the Manningham Planning Scheme.
- 1.10 The size, width and subsequently the usability of some of the proposed balconies do not meet the objective of Clause 55.05-4 (Private Open Space) the 'Better Apartment Design Standards' (which come into effect in March 2017).
- 1.11 The proposal fails to meet the Purpose of Clause 52.07 (Loading and Unloading of Vehicles) of the Manningham Planning Scheme; as the proposed reduction of 1.3m or 32.5% of the standard height requirement for delivery vehicles, to service eight retail spaces, is likely to impact the traffic flow and road safety on James Street and

the accessway and may impact the capacity of the car parking area.

1.12 The site is affected by the proposed C109 Amendment to which a Special Building Overlay Schedule 3 (SBO3) flood shape affects the south-western corner of the site. Subsequently, the basement accessway requires significant redesign, which would impact the overall building design, to avoid potential drainage and flooding impacts, as recommended by Council's Engineering and Technical Services Unit.

2. BACKGROUND

- 2.1 The application was received by Council on 10 May 2016.
- 2.2 A request for further information was sent to the Applicant on 20 May 2016 and raised preliminary concerns regarding the submitted proposal relating to the proposed uses, built form, provision of landscaping, usability of the balconies, and on-site and off-site amenity.
- 2.3 All requested further information was received by Council on 17 November 2016.
- 2.4 The statutory time for considering a planning application is 60 days. The 60 day timeframe for this application lapsed on 7 February 2017.
- 2.5 Pre application advice was provided in June 2015.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site comprises two (2), sites; one residential lot on the western side and one larger lot on the eastern side, both fronting James Street (121 and 123-125 James Street, Templestowe).
- 3.2 Together the sites are fairly square in shape, with an angled front boundary to James Street, which adjoins a triangular road reserve and public space fronting James Street.
- 3.3 The site has a street frontage of 47.22 metres, a maximum depth of 50.57 metres on the western boundary and an area of approximately 2,505 square metres.
- 3.4 The site slopes up by approximately 4.4 metres over 71 metres, from the south-west corner (front) to the north-east corner (rear).
- 3.5 An easement (1.83 metre wide) is located along the southern (rear) boundary of 121 James Street and another easement (1.83 metre wide) is located along the western boundary of 123 James Street, which intersects the site (north to south).
- 3.6 The western lot is developed with a single-storey brick dwelling with a secluded private open space area and outbuildings located to the rear. The eastern lot is developed with a restaurant (Eastern Court) at upper level and a small grocery store at the under-croft ground floor (visible only to James Street). An open air carpark is located to the north- east of the building.

- 3.7 The western lot is accessed by a vehicle crossover and driveway on the western side of site. The eastern lot is accessed by a shared vehicle crossover and access way to a car parking area to the east of the site, which forms part of the common property associated with the adjoining shops.
- 3.8 The land titles are not constrained by relevant covenants or Section 173 Agreements. It is understood there is a civil agreement between the owner of 123-125 James Street and the adjoining owners corporation to allow access to the rear carpark.

The Surrounds

- 3.9 The site directly abuts seven (7) properties, which are described as follows:

| Direction | Address | Description |
|----------------|--|--|
| West | Units 1, 2, 3 and 4 of 119 James Street, Templestowe | These four properties abut the western boundary of the site and are each developed with a two-storey dwelling, some with under-croft/basement level garages. The dwellings are setback 3.3, 4.6, 4.0 and 1.3 metres respectively from the common boundary at the closest point and the secluded private open space areas of the dwellings are oriented towards the site. |
| North | 106 Wood Street, Templestowe Unit 3, 108 Wood Street, Templestowe | This property abuts the western section of the site's northern (rear) boundary and is developed with a single-storey, brick dwelling set back 20.5 metres from the common boundary. There is a secluded private open space to the rear of the dwelling, adjacent to the site and includes a large garage in the south-east corner, abutting the site. This property abuts the central section of the site's northern (rear) boundary and is developed with the rear unit of three brick, two-storey townhouses. The townhouse is setback 2.2 metres from the common boundary. A rear walkway/service area is located adjacent to the site, while the secluded private open appears to be located to the north-west of the dwelling. |
| North and East | 108 Wood Street, Templestowe | This property abuts the site to the north and east and is developed as a carpark servicing the shopping centre on the corners of Andersons Street, James Street and Wood Street. Vehicle access is provided from Wood Street and James Street (directly adjacent to the eastern boundary). The site is within the Commercial 1 Zone. |

| | | |
|-------------------|--------------------------------------|--|
| North-west corner | Unit 3, 104 Wood Street, Templestowe | This property abuts the north-west corner of the sites boundary and is developed with the rear unit of three brick, single-storey units. The unit is setback approximately 3.3 metres from the corner of the site. The private open space area is located in the south-east corner, directly adjacent to the site. |
| South | 121A James Street, Templestowe | A large and significant Eucalypt is located in the south-east corner of the public space/road reserve. It is noted that this site is within the Road Zone Schedule 1. |

3.10 The character of the immediate neighbourhood is mixed, with a variety of non-residential uses located along this section of James Street. This includes the Templestowe Village shopping centre located to the east and south of the site. There are many examples of more intensive townhouse residential developments around the site and the area.

3.11 Immediately to the south of the site is the main hub of the Templestowe Village Shopping Centre. Adjacent to the eastern side of the site is a continuation of the Templestowe Village Shopping Centre, comprising of smaller tenancies generally facing Andersons Street and some to James Street. A larger restaurant (Vibrante) occupies the corner of James and Andersons Streets.

3.12 There is a round-about at the intersection of James Street and Andersons Street, 55 metres to the east of the site and the nearest bus stop is located directly in front of the site.

4. THE PROPOSAL

It is proposed to demolish the existing buildings, remove all vegetation on the site (no planning permit required) to use and develop the site for a four-storey mixed use building comprising 39 dwellings, five retail premises, two food and drink premises and one convenience shop. The proposal also involves associated basement car parking, alteration of access to a road in a Road Zone, Category 1 and the reduction of the requirements for the loading bay.

Submitted plans and documents

4.1 The proposal is outlined on the plans prepared by Mudher Architects, Revision J, dated 13 October 2016 and the concept landscape plan prepared by Habitat Landscape and Environmental Design Consultants, Issue A, dated October 2016. **Refer to Attachment 1.**

4.2 The following reports were also submitted as part of the application:

- A Planning Report prepared by Urban Planning Mediation, dated 13 October 2016;
- A Traffic Report prepared by TTM Traffic Parking Acoustics, dated 18 October 2016;
- A Waste Management Plan prepared by David Fairbairn Consulting Engineer, dated 12 October 2016;

- An Arborist Report prepared by Galbraith and Associates, dated 24 October 2016;
- A Sustainable Environmental Management Plan prepared by Rachael Stefanis for Mudher Architects, September 2016.

Development summary

4.3 A summary of the proposed development is provided as follows:

| | | | |
|--------------------------|---|---|---|
| Land Size: | 2505m ² | Street setback to Manningham Road (south) | Basement – 0m Ground floor – 0m First floor – 0m Second floor – 2.6m Third floor – 4.7m Fourth floor – 17m |
| Site Coverage: | 88% | Setback to western boundary (residential townhouse unit development properties of James Street) | Basement – 1.5m Ground floor – 1.5m First floor – 1.5m Second floor – 1.5m Third floor – 4.0m Fourth floor – 7.7m |
| Permeability: | 8.4% (figure calculated by Council Officers as figure given by applicant includes landscaped internal courtyard) | Setback to eastern boundary (adjoining accessway and carpark) | Stairs are on the boundary for all levels, so next closest setback: Basement – 0m Ground floor – 0m First floor – 1.1m Second floor – 2.3m Third floor – 2.8m Fourth floor – 4.4m |
| Maximum Building Height: | 10.697m | Setback to northern (rear) boundary adjoining Wood Street properties | Basement – 3.05m Ground floor – 0-2.7m First floor – 4.7m Second floor – 4.3m Third floor – 4.8m Fourth floor – 8.7m |
| Car parking spaces: | Total – 96 Basement 1 – 60 Basement 2 – 36 including - disabled spaces 3 - visitor spaces 7 - staff spaces 14 | | |
| Bicycle spaces: | Residential 14 Visitors 11 | | |

Built form and earthworks

- 4.4 The proposed building is constructed of predominantly lightweight cladding (Selflok Ecogroove) in a horizontal pattern in six colours; white, cream, beige and three different greys (dark, medium and light grey). Some ground to first floor walls will be red/brown brickwork and the balustrades will be opaque glass with a steel frame or charcoal aluminium perforated balustrade/screens. The roof form will be an aluminium flat roof form
- 4.5 Except for the excavation of the basement, no other earthworks are proposed.
- 4.6 The basement comprises 60 car spaces for residents and shop staff, storage areas for residents, bicycle parking and a commercial waste collection room;
- 4.7 The ground level comprises a partial basement car parking area (rear), with 36 car spaces for residential visitors and commercial visitors, a residential waste collection room, storage areas for retail spaces and a residents gym, four (4) retail spaces (fronting James Street) and an entry foyer from James Street to the basement.
- 4.8 The first floor comprises nine (9) two-bedroom apartments, four (4) more retail spaces (fronting James street and the eastern accessway), a gym for residents, a central courtyard (Oasis) and two entry foyers from James Street and the eastern accessway to the central courtyard (Oasis).
- 4.9 The second floor comprises thirteen (13) two-bedroom apartments, one (1) three bedroom apartment and an open lightcourt with a view down to the central courtyard (Oasis).
- 4.10 The third floor comprises seven (7) two-bedroom apartments, two (2) three-bedroom apartments and two (2) one-bedroom apartments, with an open lightcourt with a view down to the central courtyard (Oasis).
- 4.11 The fourth floor comprises two (2) three-bedroom apartments, two (2) two-bedroom apartments and one (1) one-bedroom apartment, with a view down to the central courtyard (Oasis).
- 4.12 Two lifts with associated stairs service the building from ground floor to level three and one of the lifts and associated stairs services up to level four as well.

Land use

- 4.13 There are thirty-nine (39) residential apartments proposed:
- Three (3) one-bedroom apartments;
 - Thirty-one (31) two-bedroom apartments; and
 - Five (5) three bedroom apartments).
- 4.14 Eight (8) retail premises are proposed as part of the mixed use development, over two levels, facing James Street and the accessway to the east (south-east corner).
- 4.15 There are no future tenants sought, therefore the application seeks approval for the following general hours of operation, staff numbers and provides for commensurate car parking spaces:

- Retail Premise 1 (food and drink Cafe)
 - Monday to Friday: 7am to 5pm;
 - Saturday to Sunday: 7am to 3pm
 - Maximum staff at any one time: 4
- Retail Premise 2 (Takeaway)
 - Monday to Friday: 9am to 9pm;
 - Saturday to Sunday: 11am to 9pm
 - Maximum staff at any one time: 4
- Retail Premise 3
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 5pm
 - Maximum staff at any one time: 2
- Retail Premise 4
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 5pm;
 - Maximum staff at any one time: 2
- Retail Premise 5 (Convenience Shop)
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 7pm
 - Maximum staff at any one time: 3
- Retail Premise 6
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 5pm
 - Maximum staff at any one time: 2
- Retail Premise 7
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 5pm
 - Maximum staff at any one time: 2

- Retail Premise 8
 - Monday to Friday: 8am to 9pm;
 - Saturday to Sunday: 9am to 5pm
 - Maximum staff at any one time: 2

Access and car parking

4.16 A new 6.06 metre wide vehicle crossover is located adjacent to the western boundary, leading to a 5.56m wide accessway along the western boundary down to the carparking and basement levels. The basement includes 96 car parking spaces including 7 visitor spaces and 25 bicycle spaces.

4.17 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the residential component of the proposal for the 39 apartments attracts a requirement of the following:

- 1 and 2 bedroom dwellings – 34 spaces;
- 3 bedroom dwellings – 10 spaces;
- Visitor car parking (39 x .02) – 7 spaces;
- **Total 51 car parking spaces required.**

4.18 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the eight (8) retail premises detailed, attracts a requirement of the following:

- Food and drink (230sqm x 0.04) – 9 spaces;
- Specialty retail (532sqm x 0.04) – 21 spaces;
- Convenience shop (over 80sqm) – 10 spaces;
- **Total 40 car parking spaces required.**

4.19 The total requirement (pursuant to Clause 52.06 of the Manningham Planning Scheme) is therefore ninety-one (91) car parking spaces. As the proposal provides 96 on-site spaces and two motorbike spaces, the requirement is exceeded.

4.20 The Policy for Loading and Unloading of Vehicles (Clause 52.07) requires the provision of a loading bay within a minimum clearance height of 4.0m, as the loading bay within the basement has a minimum clearance height of 2.7 metres, a reduction of the standard height requirement of 1.3m or 32.5%, is sought as part of this application.

4.21 Pursuant to Clause 52.29 (Land adjacent to a Road Zone category 1) of the Manningham Planning Scheme, this application includes the proposed alteration of access to a road in a Road Zone, Category 1.

5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Attachment 2.

6. REFERRALS

External

6.1 Given the proposal involves the creation and alteration of access to James Street (a road identified as a Road Zone, Category 1) it is a statutory requirement to refer the application to VicRoads as a determining referral authority.

6.2 VicRoads have no objection to the proposal subject to three (3) conditions.

6.3 Given there is bus stop at the frontage of the proposed development and given the alteration of access to James Street (a road identified as a Road Zone, Category 1) it was considered appropriate to refer the application to Public Transport Victoria for their information and comment.

6.4 Public Transport Victoria have no objection to the proposal subject to two (2) conditions.

Internal

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

| Service Unit | Comments |
|--|---|
| Engineering & Technical Services Unit – Drainage | <p>The accessway to the basement requires significant redesign, which would impact the overall building design, to avoid potential drainage and flooding impacts, as recommended by Council's Engineering and Technical Services Unit:</p> <ul style="list-style-type: none"> • The development site is affected by the proposed C109 Amendment. The SBO3 flood shape affects the south-western corner of the site. The development proposal for a basement carpark to be accessed by a ramp within the south-western corner of the site, as designed, will be at risk of flooding. • The access to the underground car parking area must be protected from flooding in the 1 % AEP rainstorm event. • The proposed ramp levels will need to be adjusted to create a crest on the driveway within the property to prevent flood flows from entering the basement to address this issue. • The crest will need to be 250mm above the driveway level at the southern property boundary (ie RL100.77m minimum, based on the level shown on Section B-B). |

| Service Unit | Comments |
|---|---|
| | <ul style="list-style-type: none"> • North of the crest, the driveway can be graded down to the basement level. • The driveway grading will need to comply with the requirements of Section 56.08-8, Design Standard 3 of the Manningham Planning Scheme which states that: <ul style="list-style-type: none"> • <i>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5%) for a summit grade change, or greater than 1:6.7 (15%) for a sag grade change, the ramp must include a transition of at least 2 metres to prevent vehicle scraping or bottoming.</i> • A driveway grading meeting these requirements will need to be submitted for approval to the Responsible Authority. |
| Engineering & Technical Services Unit – Vehicle Crossing | <p>A “Vehicle Crossing Permit” is required.</p> <p>Vehicle crossing must be constructed as per the requirements of VicRoads.</p> |
| Engineering & Technical Services Unit – Access and Driveway | <p>The driveway widths comply with Design Standard 1: Accessways of Clause 52.06-8 and are satisfactory.</p> <p>The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-8 and is satisfactory.</p> <p>A minimum 2.1m of headroom clearance beneath overhead obstructions is provided which complies with Design Standard 1: Accessways of Clause 52.06-8 and is satisfactory.</p> <p>Accessway sightlines at the site’s frontage comply with Design Standard 1 of Clause 52.06-8 and are satisfactory.</p> <p>Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-8 and are satisfactory.</p> |
| Engineering & Technical Services Unit – Traffic and Car Parking | <p>The number of car parking spaces is provided in accordance with Clause 52.06-5 and are satisfactory.</p> <p>The development will not generate any</p> |

| Service Unit | Comments |
|---|--|
| | unreasonable traffic congestion within the surrounding street network. |
| Engineering & Technical Services Unit – Car Parking Layout | The dimensions of the parking spaces comply with Design Standard 2 in Clause 52.06-8 and are satisfactory. |
| Engineering & Technical Services Unit – Construction Management | A Construction Management Plan is required. |
| Engineering & Technical Services Unit – Waste | Suitable Waste Management Plan to provide for private contractor waste removal within the basement. However, Council does not supply bins for private waste removal. |
| Engineering & Technical Services Unit – Easements | Formal consent to “Build Over Easement” is required. |
| Strategic Projects Unit – Sustainability | <p>The following amendments would be required:</p> <p><u>Independent Rating Tools, p.11:</u></p> <ul style="list-style-type: none"> • Usually Council expects a commitment to a minimum 10% improvement on NCC requirements for Class 2 apartments (eg. 6.6 star average). However this may be waived if solar hot water is provided to all apartments or solar PV is also implemented. <p><u>2.1 Building Envelope and Building Fabric p.11:</u></p> <ul style="list-style-type: none"> • Provide adjustable external blinds/shutters on east & west glazing to control direct glare and summer solar gains; • Provide adequate overhangs to all north glazing to control summer glare and overheating while allowing winter solar gains. <p><u>2.3 Hot Water Services, p.11:</u></p> <ul style="list-style-type: none"> • Provide centralised solar hot system to service all apartments; • Reflect number/area of solar panels on latest roof plan. <p><u>2.4 Lighting, p.12:</u></p> <ul style="list-style-type: none"> • LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external temperatures and contain mercury. <p><u>2.5 Clothes Drying, p.13:</u></p> <ul style="list-style-type: none"> • Reflect on latest plans fixed or retractable clothes lines on balcony hidden from streetside view. |

| Service Unit | Comments |
|--|---|
| | <p><u>3.0 Water Resources, p.14:</u></p> <ul style="list-style-type: none"> • Provide rainwater reuse harvesting all roof area for toilet flushing and irrigation; • Reflect on latest plans, roof area in (m²) collected and rainwater storage volume (L). <p><u>4.0 Stormwater Management, p15:</u></p> <ul style="list-style-type: none"> • Missing STORM report demonstrating compliance with 100% rating. |
| <p>Economic and Environmental Planning Unit – Urban Design</p> | <p>Character</p> <p>Typology: The Templestowe Neighbourhood Activity Centre (NAC) is a spatially disjointed activity centre that displays a number of archaic urban design outcomes, including retailers primarily oriented to rear car parks, a generally ‘poor’ standard of architecture, and an atypical inconsistency in the extent of NAC residential/commercial streetscape frontages (particularly evident in James Street). The subject site’s central location within the NAC – combined with the comparatively large size of the amalgamated subject site as well as its existing use – provides a significant opportunity to facilitate a form of mixed use development capable of enhancing overall activity centre integration and accordingly. A notion of a more intensive mixed use development on the GRZ-zoned subject site, is supported.</p> <p>Overall Height: DDO8 is the pertinent planning and design consideration with regard to overall height and the proposal is compliant with the mandatory 11m height control applicable under DDO8-2. However, the proposal relies on 2.5m floor-to-ceiling (FTC) heights for the proposed residential components. The provisions of the final <i>‘Better Apartment Design Standards’</i> clearly outline an intent for standard 2.7m FTC heights for residential development. It is recommended to amend plans accordingly, noting that the net height increase will need to be carefully managed in the context of the site’s mandatory height controls.</p> <p>Streetwall Height: Whilst cognisant of the prevailing 1-2 storey height of the existing James Street streetscape, a number of recent residential developments – such as that immediately west of the subject site at 119 James Street – respond to the prevailing topography through incorporation of third storey elements. Further, it is a clear design</p> |

| Service Unit | Comments |
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| | <p>objective of the DDO8 to support three storey apartment developments on sites such as the subject site and accordingly it is difficult to understand the rationale behind an effectively two storey high streetwall to James Street (commercial storeys).</p> <p>James Street is a wide, open road reserve that would benefit from the greater spatial definition associated with taller street walls and accordingly it is recommended to amend the proposal to fully capitalise on the site's 11m height allowance by way of a clear three storey street wall to James Street (two commercial storeys and one residential storey) that 'steps' with the slope of the land.</p> <p>I am critical of the current design in that it 'hides' Apartments 18 and 19 behind a parapet wall of effectively one storey in height. I recommend deleting this and bringing Apartments 18-21 forward to be flush with the level below, where they will be capable of better surveying and activating James Street in a manner that enhances public realm spatial definition.</p> <p>Street Setbacks: The subject site is a clear corner site with two separate street interfaces, and it is therefore unclear why the applicant is relying upon the provisions of Standard B17 along the site's eastern street interface. Street setback guidance is instead provided by DDO8-2, which articulates an expectation for street setbacks to be a minimum of 6m (or the distance within ResCode [Standard B6] - whichever is lesser).</p> <p>DDO8's street setback provisions are discretionary, therefore it is appropriate to give weight to the existing envelope of commercial built form on site, the site's location within the core of a predominantly commercial streetscape (with commensurate 0m front and side setbacks) and the atypically 'open' character of the public realm immediately south of the subject site by way of 121A James Street. Consequently, the extent of street setback proposed to James Street is supported, this is not the case for the eastern street setback proposed. B17 is not the correct tool at this interface and it is recommended instead to provide a more robust reduced setback to the eastern laneway (see 'Detailed Design' below).</p> |

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| | <p>The location of the proposed crossover and accessway to James Street (and commensurate 'erosion' of built form above) provide an acceptable in-principle built form transition to the street setback of the existing dwellings at 119 James Street subject to minor design refinement (refer below). Side and rear setbacks are discussed in the 'Visual Bulk' section of this referral.</p> <p>Detailed Design</p> <p>The subject site's strategic location and inherent physical qualities present a rare opportunity to set a benchmark for architecture within the Templestowe NAC. <u>Whilst there is support for the logic behind the proposal's massing, this is not the case for the proposed architectural expression, as well as the 'bitsy' quality of the proposal's fundamental composition.</u></p> <p>The applicant should be encouraged to <u>revise the expression and composition of the proposal to achieve greater consistency with the aspirations for development within the NAC</u> as espoused within the pertinent Structure Plan, DDO8's design objectives, and within Clause 21.09. It is recommended to provide composition consisting of a smaller number of larger elements that step with the site's topography and provide greater public realm definition to both James Street and the eastern laneway. A reduced eastern street setback and a revised James Street street wall are intrinsic to achieving this. It is also recommended to include an arbour or similar over the proposed James Street accessway to 'soften' the transition between the proposal and western abuttal and offset the harshness of the proposed disruption of the James Street streetscape.</p> <p>It is suggested that a redesign, with revised massing should make use of a 'smaller' number of 'larger' compositional elements that step with the topography of the land. Also with a reduced eastern street setback and clear three storey James Street street wall.</p> <p>Public Realm Amenity</p> <p>James Street: The notion of a 'split level' commercial interface given the existing condition</p> |

| Service Unit | Comments |
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| | <p>of the amalgamated subject site’s commercial portion is supported. Similarly, the notion of a weather canopy to James Street is supported but it is recommended that this is amended to provide continuous weather protection.</p> <p>The subject site also presents a significant opportunity to enhance the public realm of 121A James Street, which is a hub for the local public transport network. The applicant should be encouraged to clearly articulate how the proposal responds to the clear potential to enhance the quality of this public space commensurate with the aspirations of both the Structure Plan and Clause 22.08.</p> <p>Although the shadow diagrams provided indicate minimal overshadowing of the James Street public realm (particularly at noon), insufficient information is provided to assist in determining the date at which the shadow diagrams have been prepared. Assuming these accurately represent an equinox condition, the James Street public realm will have access to solar access throughout the day (and that the southern side of James Street will be unaffected) and therefore the extent of shadow proposed is of limited public realm amenity consequence.</p> <p>Vehicle movements are confined to the west of the subject site’s James Street interface, where they will avoid unreasonable disruption of the streetscape and make use of an existing crossover. This will minimise the potential for pedestrian/vehicle conflict and is supported.</p> <p>Eastern Interface</p> <p>The proposal seeks to facilitate direct access to the proposed residential component from the eastern abutting laneway, which is both logical and supported. A number of residences are also primarily oriented toward the east where they will be capable of passively surveying the eastern abutting road reserve and carpark to the direct benefit of public realm amenity and safety. This too is supported and is consistent with Clause 22.08, but can be further enhanced through re-orientation of Apartment 29 primarily eastward (and through adopting a lesser street setback as previously recommended).</p> |

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| | <p>A stair core is proposed to rise sheer to the eastern boundary. Further consideration should be given to the visual weight and public realm amenity impact of this design mechanism, which may be assisted through enhanced glazing and activation (northern and southern walls) and/or a chamfered upper component.</p> <p>The elevation plans indicate that a number of balconies with eastern or southern primary orientations are proposed to be screened to a height of 1.7m. It is recommended to delete the proposed screens to achieve greater compliance with the provisions of Clause 22.08.</p> <p>Offsite Amenity</p> <p>Visual Bulk: The elevation and section plans indicate a high level of compliance with the provisions of Standard B17 to the subject site's northern and western interfaces, which is appropriate for a residentially-zoned site with sensitive interfaces. Deep soil landscaping is also proposed along these boundaries (including commensurate basement boundary setbacks), which has the potential to soften the proposal as viewed from neighbouring properties. On the assumption that a landscape plan has been prepared, Council should satisfy itself of the suitability of the intended landscaping species with respect to visual bulk and deep soil availability.</p> <p>Overlooking: The proposal seeks to ameliorate unreasonable overlooking of neighbouring northern and western residential properties through reliance on 1.7m high screening to affected balconies and habitable room windows. Importantly, the proposal 'stagger' the proposed built form in a manner that ensures all screened balconies take their amenity from above (rather than out). This is a successful design response for screened balconies that avoids a 'pillboxing' effect upon internal occupants, and are therefore supportive accordingly.</p> <p>Overshadowing: Insufficient information has been provided of the existing condition at 119 James Street to make an informed assessment of offsite overshadowing. At a minimum, shadow diagrams should be amended to show hourly intervals between 9am and 12pm at the equinox,</p> |

| Service Unit | Comments |
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| | <p>with the existing condition of 119 James Street (including POS location and size, existing fence shadow profile and location of existing significant vegetation) clearly identified.</p> <p>Equitable Development</p> <p>A key design objective of DDO8 is to ensure that development has regard to the future development opportunities of abutting properties. In response, it is noted that all immediately abutting residentially zoned properties are either strata titled and/or recently developed with infill residential development (including 119 James Street and 108 Wood Street). These are therefore not considered likely future development sites. However, 106 Wood Street is yet to undergo development and consideration should accordingly be given to equitable development of this property.</p> <p>A likely future development scenario for this property can be drawn from the character of surrounding existing development combined with the provisions of DDO8, both of which support townhouse development (massed along one boundary with primary orientations away from the subject site) as the most likely future built form outcome. As no future dwelling will be primarily oriented toward the subject site, there is no need for an equitable split of the 9m overlooking provision and the proposed setback to this interface is acceptable from an equitable development perspective.</p> <p>It is noted that the proposal screens in response to the existing condition, which will preclude the need for future development of 106 Wood Street to do the same (with the exception of downward views) in the unlikely event of more intensive, apartment style development.</p> <p>Other</p> <p>The proposal makes use of a 'perimeter block' building typology with a central 'Oasis'. Council should satisfy itself of the ability for dwellings to obtain sufficient daylight from the central Oasis, noting that a number of bedrooms primarily oriented to the Oasis (including Bedroom 2 of Apartment 20) do not have windows illustrated.</p> |

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6.6 If a permit were to be issued the above requests would need to be specified as conditions.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 20 December 2017, by sending letters to nearby properties and displaying three (3) large signs on site (a sign on the frontage of each lot and to the east of the eastern lot, adjacent to the eastern accessway and carpark).

7.2 Two (2) objections were received, from the following five (5) properties:

- 1/119 James Street, Templestowe;
- 2/119 James Street, Templestowe;
- 3/119 James Street, Templestowe;
- 4/119 James Street, Templestowe;
- 8/115-117 James Street, Templestowe.

7.3 The grounds of objection can be summarised as follows:

- Over-development and visual bulk of the site (high density);
- Design (height, height transition to the residential interface, lack of articulation, visual interest, setbacks and the impact of the proposed scale and bulk of the development on the existing neighbourhood character (increased stepping and reduction of the number of storeys is suggested);
- Quality of external finishes and design detail to respond to location and scale of building;
- Side and rear setbacks (Standard B17 of Clause 55.04-1) are not met in north-west corner of proposed development.
- Off-site amenity impact, including daylight to existing windows, over-shadowing, overlooking and visual bulk (including other visual design issues as detailed above);
- On-site amenity (lack of dwelling diversity and reasonable functionality and poor light and ventilation from 'snorkel' windows and internal light wells);
- Lack of on-site car parking for the retail premises and visitors. Car parking should meet Clause 52.06;
- Excessive site coverage of more than 60% (64.2%);

- Inadequate landscaping opportunities around the site to soften the built form (basement projection results in minimal if any meaningful landscaping);
- Insufficient sizing of retail premises (number of premises should be reduced to enable each premise to be larger);
- The zoning of part of the site (Residential Zone) would mean that the retail parts of the proposal are prohibited (as access to the car spaces for the commercial premises is required over the residential zoned land).

7.4 A response to the grounds of objections are provided in the following Assessment Section of this report.

8. ASSESSMENT

8.1 An assessment is made under the following headings:

- State, Local Policy Frameworks and Templestowe Village Structure Plan (SPPF, LPPF and TVSP);
- Use;
- Built form, urban design and landscaping;
- Car parking, access, traffic, and bicycle parking;
- On-site (internal) amenity and Off-site amenity (Clause 55 assessment);
- Car parking, access, traffic, and bicycle parking;
- Delivery Vehicles/Loading Dock;
- Objector issues / concerns;
- Any other matters.

State, Local Policy Frameworks and Templestowe Village Structure Plan (SPPF, LPPF and TVSP)

State Planning Policy Framework (SPPF);

8.2 The development proposal responds to much of the State Planning Policy Framework for Residential Development (Clause 16.01) in the provision of *'range of housing types'* and *'more affordable housing closer to jobs, transport and services'* and specifically achieves the objective to *'locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport'*.

8.3 However, relating to Urban Environment and Design (Clause 15.01), this proposal falls down in its delivery of the built form and sensitivity to surrounding residential properties. Specifically, the proposal fails to *'achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*.

Local Planning Policy Framework (LPPF)

- 8.4 Clause 21.05 (Residential) Sub-Precinct A of the DDO8-2 specifies that *'three-storey apartment style developments are encouraged on land with a minimum area of 1800sqm'*. The proposal exceeds this, consisting of 4 storeys, over five levels. It is particularly relevant that the fourth storey is clearly visible from all elevations.
- 8.5 This Local Residential policy also specifies that development in this precinct should:
- *'Achieve high design standards'*;
 - *'Provide a graduated building line from side and rear boundaries'*
 - *'Minimise adverse amenity impacts on adjoining properties'*; and
 - *'Incorporate a landscape treatment that enhances the overall appearance of the development'*

All of which, the proposed development fails to achieve.

- 8.6 The proposal generally meets the Local Policy for Non-residential uses in residential areas (Clause 22.05), as it encourages *'consolidation of existing allotments located in the Residential Growth Zone to facilitate integrated mixed use development on larger sites'* and also encourages *'non-residential uses within the Residential Growth Zone to be integrated at ground level within developments, with residential above'*.

Templestowe Village Structure Plan (TVSP)

- 8.7 The Templestowe Village Structure Plan (TVSP) specifies the Eastern Court restaurant site as a Key Strategic redevelopment site (within Section 5.3). The plan goes on to apply the Objective and Action (18) to *'support for more appropriate zoning of land at 121-123 James Street to provide for the potential expansion of retail / commercial core where this furthers the vision of the centre'*.
- 8.8 Changes to the Residential Zones since the TVSP was completed, now mean that rezoning is not necessary for the proposed uses, as retail uses are allowable within certain proximities of existing retail uses and Commercial Zones. However, rezoning would provide opportunity to consider an increased height limit and suitably adjusted development requirements, such as site coverage and setbacks.

Use

- 8.9 As the existing retail uses exist on the land, the proposed use of the land for a mixed use (retail and residential) is generally supported by local policy for non-residential uses in residential areas (Clause 22.05) of the Manningham Planning Scheme.
- 8.10 When considering the decision guidelines for the proposed non-residential uses within the zone (Clause 22.05), the proposal is considered to be compatible with residential use and to serve local community needs however, the design, height, setbacks, landscaping loading facilities and appearance of the proposed building, are not considered to be suitable.

- 8.11 The use of the land for non-residential uses (such as the proposed retail), is also supported under the zone (General Residential Zone, Schedule 2), and it is noted that a purpose of the zone is to allow *“To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”*.
- 8.12 The proposed hours of operation of the retail premises appear to be reasonable for the uses and will not result in any unreasonable amenity impact, beyond what exists at the site for land, which is directly adjacent to a Neighbourhood Activity Centre.

Built form, urban design and landscaping

Design Detail and Architectural Design Response

- 8.13 The objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural presentations. The proposal fails to deliver as follows:
- The proposed building detail results in a fragmented, ‘bitsy’ and ‘busy’ and unresolved architectural expression;
 - The proposed materials, predominantly comprising of 6 differing colours of horizontal cladding is considered a poor suite of materials and finishes for a site and building of this standing;
 - The green/living walls above the basement entry are likely to cause maintenance difficulties, as they are highly inaccessible and have poor orientation.
- 8.14 An assessment against the requirements of the DDO8 is provided in the table below. These requirements also cover the policy requirements regarding built form and landscaping at Clause 22.05 of the Manningham Planning Scheme:

| Design Element | Level of Compliance |
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| <p><u>Building Height and setbacks</u></p> <ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. • The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres. | <p>Met</p> <p>The land has an area of 2505sqm and a maximum building height of 10.697 metres, therefore it does not exceed the requirement of 11 metres.</p> |
| <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or | <p>Considered Met</p> <p>The street setback exceeds the</p> |

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| <p>6 metres, whichever is the lesser.</p> <ul style="list-style-type: none"> Minimum side street setback is the distance specified in Clause 55.03-1. | <p>minimum setback requirement however, given the retail frontage to Templestowe Village, this is not a concern.</p> <p>It is also reflective of the existing setback of the restaurant and grocery store on the land.</p> |
| <p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. | <p>Not Met</p> <p>The site coverage is approximately 88% and therefore exceeds the maximum.</p> |
| <ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. | <p>Not Met</p> <p>Visual interest to the development is not well resolved as the architectural expression and composition is detached and 'bitsy' and the suite and variation in materials and finishes is of a poor standard, for such a building.</p> <p>It is considered that the linear presentation of the north elevation, will create a sense of visual bulk to the adjoining properties to the north (rear).</p> <p>The large sections of two and three storey walls, with minimal setbacks and articulation, to the western elevation, will create a sense of visual bulk, with an unreasonable impact to the adjoining properties.</p> |
| <ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. | <p>Not met</p> <p>While the buildings on the eastern and southern (frontage) boundaries are considered suitable within the context, the minimal setbacks to the western and northern residential interfaces should be increased, to provide spacing, transition of built form and suitable space for landscaping to establish and mature, in line with the DDO8 objectives and policy requirements.</p> |
| <ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. | <p>Not Met</p> <p>The building is not appropriately stepped down at the rear of the site to provide a transition to the adjoining properties to the north, to which the four storeys will be visible. Although the northern section of the building is cut into the slope of the land, the proposal comprises of five levels and the setbacks allow limited opportunities for meaningful landscaping to mature along</p> |

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| | <p>rear (northern) and western boundaries.</p> <p>The large sections of two and three storey walls, with minimal setbacks and articulation, will create a sense of visual bulk to the adjoining properties.</p> |
| <ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. | <p>Met</p> <p>Although the building is not stepped, it is cut into the slope of the land to provide the basement levels underground.</p> |
| <ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. | <p>Not Met</p> |
| <ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. | <p>Not applicable</p> |
| <ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. | <p>Intent not Met</p> <p>The proposal indicates compliance with this policy requirement, however it is noted that this is due to the internal courtyard, therefore externally the built form does not benefit from this compliance and the intention of the design requirement.</p> |
| <ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. | <p>Not Met</p> <p>No imposing design features are proposed.</p> |
| <ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. | <p>Met</p> <p>The basement levels are cut suitably into the slope of the land on the northern portion, no unreasonable basement projections result.</p> |
| <ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. | <p>Not Met</p> <p>While the western and northern elevations are suitably screened with perforated aluminium screens (1.7m in height), the minimal setbacks to these residential interfaces result in increased visual bulk from the the screens on these balconies (which generally protrude further than the minimum setbacks).</p> |
| <ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. | <p>Met</p> <p>The main entry foyers access lifts on the southern and eastern side of the building to enable suitable accessibility</p> |

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| | to all levels for people of all mobilities. |
| <ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. | <p>Met</p> <p>The projection of the basement is limited to the eastern elevation however, the minimal setback of the ground floor and basement level result in minimal space for landscaping to soften this elevation.</p> |
| <ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. | <p>Not Met</p> <p>The basement car park is not clearly visible from the site frontages however, the sheer wall above the accessway, which appear to be treated with a living/green wall over three levels, are considered to be visually intrusive when viewed from the front of the site.</p> |
| <ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. | <p>Met</p> <p>Car parking is provided within the basement levels.</p> |
| <ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. | <p>Not Met</p> <p>The proposal only provides a 3.05 metre rear setback, with an 8.0m section on the boundary, significantly reducing the capacity for meaningful and effective in-ground landscaping of canopy trees as intended by the DDO8 policy, especially adjacent to the sensitive residential interfaces to the north.</p> |
| <ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. | <p>Not Met</p> <p>Given the sensitive residential interfaces to the west, the proposed side setback of 1.5m which extends to the ground, first and second levels (at 1.5m) in some areas, does not adequately allow for landscaping to effectively mature, screen and soften the proposed built form.</p> <p>The concept landscape plan indicates landscaping along this 1.5m setback however, the success of canopy trees in this 1.5m cavity is implausible. While root zones may be successful in such spacing, improved setbacks at upper levels would be required to allow landscaping to suitably mature.</p> |

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| <ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. | <p>Met No roof top equipment is indicated, however standard conditions generally require service equipment to be appropriately screened to limit amenity impacts.</p> <p>Standard conditions generally require any services within the frontage to be designed so they complement the overall development.</p> |
| <p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. | <p>Met Only one vehicle crossover is proposed and does not impact any street trees.</p> |
| <ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. | <p>Not considered Met The extension of the basement to the rear corner boundary in the north-east corner will be below ground level and will be used as a courtyard for Apartment 7. While the landscape plan shows canopy trees and landscaping over this basement area, it is not clear how this would be achieved.</p> |
| <ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. | <p>Not applicable</p> |
| <ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. | <p>Met Gradients of the driveway comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme.</p> |
| <p><u>Landscaping</u></p> <ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. | <p>Not Met As the building is located on the front boundary, there is no opportunity to include canopy trees within a frontage. It is noted that the existing Eucalypt within the road reserve (adjacent to the south-eastern corner) is protected.</p> |
| <ul style="list-style-type: none"> On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, | <p>Not applicable</p> |

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| <p>and is capable of growing to a height of 8.0m or more at maturity.</p> | |
| <ul style="list-style-type: none"> • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. | <p>Not Met As already discussed, the proposal does not adequately allow for landscaping to effectively mature, screen and soften the proposed built form.</p> <p>The concept landscape plan indicates landscaping along this 1.5m setback however, the success of canopy trees to appropriately mature within this 1.5m cavity is improbable. While root zones may be successful within a 1.5m space, improved setbacks at the upper levels would be required to allow landscaping to suitably mature.</p> |
| <p>Fencing</p> <ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Blackburn Road, Andersons Creek Road and Reynolds Road, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. | <p>Not applicable</p> |

On-site amenity and Off-site amenity impacts

Clause 55 – Two or more dwellings on a lot

8.15 The following assessment under the provisions of Clause 55 is provided and the analysis indicates that the proposal generally **does not respond** to the Clause 55 requirements, as follows:

| Objective | Objective Met/Not Met |
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| <p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the site and the surrounding area. | <p>Not Met</p> <p>As outlined in the Assessment of the proposal against the policy requirements of the State and Local Planning Policies, Templestowe Village Structure Plan (TVSP) and Assessment Table of the Design and Development Overlay, Schedule 8 (DDO8), it is considered that the proposed development does not appropriately respond to the preferred neighbourhood character and outcomes, or respect its surrounds.</p> |

| Objective | Objective Met/Not Met |
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| <p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. | <p>Met</p> <p>The application was accompanied by a suitable written statement that demonstrated how the applicant considers the development to be consistent with State, Local and Council policy.</p> |
| <p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. | <p>Met</p> <p>The proposed development provides for five (5) three-bedroom dwelling, thirty-one (31) two-bedroom dwellings and three (3) one bedroom dwellings. While it would be preferable for a larger range of one, three and possibly four-bedroom apartments, the objective is considered met.</p> |
| <p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. | <p>Met</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p> |
| <p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. | <p>Met</p> <p>The proposed development provides adequate pedestrian links via lifts and stairs from the basement, from James Street and the accessway to the east.</p> <p>The proposed development provides adequate vehicle links via the basement.</p> |
| <p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | <p>Considered Met</p> <p>The street setback exceeds the minimum setback requirement however, given the retail frontage to Templestowe Village, this is not a concern.</p> <p>It is also reflective of the existing setback of the restaurant and grocer.</p> |

| Objective | Objective Met/Not Met |
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| <p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. | <p>Not Met</p> <p>While the proposal is below the 11m maximum building height, the proposed four storey development is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> Sub-Precinct A of the DDO8 specifies that '<i>three-storey apartment style developments are encouraged on land with a minimum area of 1800sqm</i>'; where the proposal is 4 storey (over five levels) and the fourth storey is clearly visible from all elevations; To enable the inclusion of the fourth storey, while keeping under the 11m height limit, the proposal provides minimum internal ceiling heights of 2.5m to the apartments and subsequently reduced internal amenity for future residents. The 'Better Apartment Design Standards' (which come into effect in March 2017) clearly outline intent for standard minimum ceiling heights of 2.7m. |
| <p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. | <p>Not Met</p> <p>The applicant has indicated that the proposal would present 64.2% site coverage. However, it is noted that this calculation appears to exclude the internal courtyard 'Oasis' landscaped areas, which are located on the building, at the first floor level.</p> <p>The site coverage has therefore been calculated using the strip areas of landscaping to the north and west of the site and the small paved area to the south-east corner, to be approximately 88%.</p> <p>The site coverage is not considered to acceptably respond to the DDO8 objectives, particularly related to landscaping, setback and built form separation.</p> |
| <p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. | <p>Not Met</p> <p>The applicant has indicated that the proposal would result in 17.6% permeability</p> |

| Objective | Objective Met/Not Met |
|--|--|
| <ul style="list-style-type: none"> To facilitate on-site stormwater infiltration. | <p>of the site. However it is noted that this calculation appears to include the internal courtyard landscaped areas, at the first floor level.</p> <p>The permeability has therefore been calculated using the strip areas of landscaping to the north and west of the site, to be 8.4%.</p> <p>This level of permeability is not considered to be suitable to meet the DDO8 objectives relating to landscaping, setback and built form separation.</p> |
| <p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. | <p>Not Met</p> <p>While the development appears to include solar access to most living areas from the internal courtyard, the visual screens on the internal side of these windows are likely to block a significant amount of daylight.</p> |
| <p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. | <p>Met</p> <p>The development is provided with suitable pedestrian links to the frontage and accessway to the east.</p> <p>Integration and surveillance of James Street and to the shopping strip to the south could be improved by bringing the upper level apartments further forward. The east facing apartments integrate and survey the accessway suitably.</p> |
| <p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. | <p>Met</p> <p>The proposal would not result in unreasonable safety concerns to people accessing the building, as the main foyer entries are clearly visible from the frontage and accessway to the east and lifts/stairs are easily found within the basement levels</p> |
| <p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of | <p>Not Met</p> <p>As already discussed in the DDO8 Assessment Table, the proposal does not adequately allow for landscaping to effectively mature, screen and soften the proposed built form.</p> |

| Objective | Objective Met/Not Met |
|---|--|
| <p>habitat importance.</p> <ul style="list-style-type: none"> To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. | <p>The concept landscape plan indicates landscaping along this 1.5m setback however, the success of canopy trees to appropriately mature within this 1.5m cavity is improbable. While root zones may be successful within a 1.5m space, improved setbacks at the upper levels would be required to allow landscaping to suitably mature.</p> <p>As the building is located on the front boundary, there are no opportunities for landscaping to this frontage. It is noted that the existing Eucalypt within the road reserve (adjacent to the south-eastern corner) is protected.</p> |
| <p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. | <p>Met</p> <p>The proposal only includes one double crossover to the 6.0m wide frontage.</p> |
| <p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. | <p>Met</p> <p>The basement car park provides suitable car parking for visitors, residents and staff and customers of the retail spaces.</p> |
| <p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. | <p>Not Met</p> <p>As discussed within the DDO8 Assessment Table, the basement and ground floor rear (northern) setback does not meet the minimum 4.0 metres setback stipulated in the DDO8. It is noted, that while the upper levels meet Standard B17 of Clause 55.04-1, as the rear (northern) setbacks generally comply, given the sensitive residential interfaces to the rear, the development is not considered to appropriately step down to this interface, as per the policy and objectives of the DDO8. It is relevant that four levels will be clearly visible to these interfaces to the rear.</p> <p>The side (western) setbacks do not meet the minimum setback requirements of the Standard along the extent of this interface, as detailed:</p> <ul style="list-style-type: none"> The northern portion of the western |

| Objective | Objective Met/Not Met |
|---|---|
| | <p>elevation has a 8.7m length of wall, with a setback of 1.5m and heights of 6.8m to 5.6m; no part of the two storey sheer wall comply, as the Standard requires minimum setbacks of 1.96m to 1.6m;</p> <ul style="list-style-type: none"> The southern portion of the western elevation has two sections of wall, with a setback of 3.9m in height and heights of 6.8m and 5.6m; no part of these third level walls comply, as the Standard requires minimum setbacks of 5.69m and 4.59m. <p>The eastern setback of the stairs and building does not comply with the setback requirements of the Standard however, given the interface to the accessway, carpark and Commercial Zone, this is not a concern.</p> |
| <p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. | <p>Not Met</p> <p>The walls on the southern, eastern and northern boundaries exceed the Standard however, given the frontage to Templestowe Village, the accessway and the carpark to the east and north, this is not a concern.</p> <p>The wall on the boundary to the frontage and eastern setback, is also reflective of the existing setback of the restaurant and grocer.</p> |
| <p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. | <p>Not Met</p> <p>It is evident that assessing compliance with this Standard for Clause 55.04-3 is not able to be accurately undertaken as the plans do not provide details of ground floor, east facing windows of the property at No. 4/119 James Street, Templestowe.</p> <p>The Standard would not be met to any ground floor, eastern facing habitable room windows (at a setback of 1.3m) and therefore, adequate daylight into existing habitable room windows would be impeded.</p> |
| <p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. | <p>Met</p> <p>There are no north facing windows within 3.0m of any proposed built form.</p> |

| Objective | Objective Met/Not Met |
|--|--|
| <p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. | <p>Not Met</p> <p>It is considered that the proposal does not provide shadow diagrams with a level of detail to enable Officers to conclusively assess the compliance with the Standard B21 of Clause 55.04-5 due to the following:</p> <ul style="list-style-type: none"> The diagrams do not detail whether the shadow is taken on the 22nd of September (at the Equinox); The diagrams have not been provided with a suitable scale to enable assessment with Shadow Draw; The information relating to the secluded private open space areas, to the west of the site (1/119, 2/119, 3/119, and 4/119 James Street, Templestowe) is not clear on the shadow diagrams provided. <p>It is anticipated that due to the minimal setbacks of the proposed building, to the western elevation, that some or all of the secluded private open space areas of 1/119, 2/119, 3/119, and 4/119 James Street, Templestowe, may not receive 5 hours of sunlight between 9am and 3pm to 40sqm or 75% of their space, as per Standard B21 of Clause 55.04-5. Therefore it is likely that the development will result in unreasonable overshadowing to these adjoining residential properties.</p> <p>There would be no shadow cast to the properties to the north.</p> <p>Whilst the proposal would cast shadows into the adjoining accessway to the east and James Street to the south, the impact is considered acceptable for these spaces.</p> |
| <p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. | <p>Not Met</p> <p>The ground level north facing windows are adequately screened by boundary fencing and will not allow overlooking into the adjoining properties to the north, in accordance with Standard B21 of Clause 55.04-5 (Overlooking).</p> |

| Objective | Objective Met/Not Met |
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| | <p>There will be no overlooking from the basement and ground floor to the west however, the first floor balconies floor levels of Apartments 7 and 8, are 2.1 and 1.5m retrospectively above natural ground level. These balconies are setback 1.5m from the western boundary and adjoining private open spaces of 1/119, 2/119 and partially 3/119 James Street, Templestowe, with no visual screening. Additional screens on these balconies would add to the visual bulk of the building (for these adjoining sensitive private open spaces).</p> <p>The upper three levels will be screened by obscure glass to a height of 1.7m and a series of 1.7m high aluminium perforated screens, on the edges of the balconies (to a height of 1.7m). While no overlooking will occur, the screens add form to the edges of the balconies, and therefore further visually reduce the setbacks and visual bulk of the building.</p> |
| <p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. | <p>Met</p> <p>Internal views through the courtyard ‘Oasis’ are proposed to be obscured by the use of internal screens on internally facing windows.</p> <p>The visibility and solar access capabilities of these screens are not clear.</p> |
| <p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. | <p>Met</p> <p>The road noise from James Street and the accessway to the east of the site would not be anticipated to be significant.</p> <p>It is noted that most bedrooms are internally positioned.</p> |
| <p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. | <p>Met</p> <p>The main entry foyers access lifts of the southern and eastern side of the building to enable suitable accessibility to all levels for people of all motilities.</p> |
| <p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own | <p>Not Met</p> <p>Apartments are generally provided with</p> |

| Objective | Objective Met/Not Met |
|--|---|
| sense of identity. | their own sense of identity from the courtyard 'Oasis' however some apartments located towards the north-east and north-west corners of the building have front entry doors obscured or in a corner of a hallway and are isolated. Visibility to these entry doors should be improved. |
| 55.05-3 – Daylight To New Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. | Not Met All external windows appear to be provided with suitable lightcourt to meet the Standard however, the internal windows facing the courtyard 'Oasis' are proposed to be screened with an external visual screen, which would also reduce the daylight to these windows. |
| 55.05-4 – Private Open Space <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. | Not Met The size, width and usability of the proposed balconies to the apartments should be improved. Some of the balconies are less than 1.6m in width (Apartments 10, 22 and 23) as required by Standard B23 and many of the balconies (Apartments 24 and 32) are under the minimum sizes as stipulated by the 'Better Apartment Design Standards' (which come into effect in March 2017). Thus not meeting the objective. |
| 55.05-5 – Solar Access To Open Space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. | Not Met Most balconies are either northern, eastern or western orientation and will receive a suitable amount of sunlight. Apartments 19, 20, 21 and 32 however, will have south facing balconies and will generally be overshadowed. It is noted that these balconies would have either eastern or western orientation, and are likely to receive some sunlight. It is also noted that these apartments will receive northern solar access from the internal courtyard 'Oasis'. |
| 55.05-6 – Storage <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. | Met Storage is provided for residential and retail uses within storage cages and rooms within |

| Objective | Objective Met/Not Met |
|---|--|
| | the basement. |
| <p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. | <p>Not Met</p> <p>As discussed in the DDO8 table, the objectives and design guidelines of Clause 43.02 (DDO8) envisage contemporary, articulated and integrated architectural presentations. The proposal fails to deliver as follows:</p> <ul style="list-style-type: none"> The proposed building detail results in a fragmented, 'bitsy' and 'busy' and unresolved architectural expression; The proposed materials, predominantly comprising of 6 differing colours of horizontal cladding is considered a poor suite of materials and finishes for a site and building of this standing; |
| <p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. | Not applicable |
| <p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. | <p>Not Met</p> <p>The communal open space courtyard 'Oasis' and pedestrian entries are practical and attractive.</p> <p>Maintenance of these areas will be at the cost of residents communally.</p> <p>The green/living walls above the basement entry are likely to cause maintenance difficulties, as they are highly inaccessible and have poor orientation.</p> |
| <p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. | <p>Not Met</p> <p>It is not clear where the fire services will be located, or whether they will be integrated into the design of the building. Standard conditions generally require service equipment to be appropriately screened to limit amenity impacts.</p> <p>Gas and electrical services appear to be suitably located.</p> <p>Some air conditioner units are positioned on the balconies of apartments, which</p> |

| Objective | Objective Met/Not Met |
|-----------|--|
| | <p>impedes the usability of these spaces.</p> <p>Bin and recycling for both residential and retail uses is suitably located within the basement.</p> <p>The mail boxes are located within the foyer which will require Australia Post employees to get leave their vehicle/bike.</p> <p>No roof top equipment is indicated however, standard conditions generally require service equipment to be appropriately screened to limit amenity impacts.</p> |

Car parking, access, traffic and bicycle parking

Traffic

- 8.16 Council's traffic engineers and VicRoads do not have concerns with the proposal and it is considered that any increase in traffic can be readily accommodated by James Street and will not result in adverse impacts to local streets.

Access

- 8.17 The proposal seeks to create and alter access to James Street by widening the existing crossover for 121 James Street to provide access and removing all other crossovers. As VicRoads have no objection to the proposal, subject to conditions, the access arrangement to James Street is considered reasonable.

Car parking

- 8.18 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the car parking rate for the mixed use building is ninety-one (91) car parking spaces. As the proposal provides 96 on-site spaces, the requirement is exceeded.
- 8.19 For the proposed basement car parking, an assessment against the car parking design standards in Clause 52.06-8 of the Manningham Planning Scheme is provided in the table below:

| Design Standard | Met/Not Met |
|------------------------|--|
| 1 – Accessways | <p>Met</p> <p>The driveway is more than 5 metres wide. A minimum headroom of 2.7 metres is provided. Visibility splay areas and a passing area is provided at the frontage. Vehicles are able to enter and leave the site in a forward direction.</p> |
| 2 – Car Parking Spaces | <p>Met</p> <p>The garages and car parking spaces comply with the</p> |

| | |
|------------------------|---|
| | minimum dimensions required under this standard. |
| 3 – Gradients | Met The maximum driveway gradient and transitions between gradients comply with the standard. |
| 4 – Mechanical Parking | Not applicable No mechanical parking is proposed. |
| 5 – Urban Design | Met The driveway will not be visually dominating within the streetscape given its location at the western end of the site. The entry to the basement car park is obscured and not visible from the street. The green/living walls above the accessway into the basement are not considered to be a suitable response to the sheer walls and given their height and location, would cause maintenance issues. |
| 6 – Safety | Met Access to the lower basement (for residents and staff) is restricted by a security door. |
| 7 – Landscaping | Met As discussed in the DDO8 Assessment Table, the proposed landscaping is not sufficient and the proposed green/living walls above the accessway, would be difficult to maintain. |

Bicycle parking

8.20 Pursuant to Clause 52.34 of the Manningham Planning Scheme, the proposal is required to provide 13 bicycle spaces for employees/residents and 11 bicycle spaces for visitor/customers. The proposal provides a secured bicycle compound within the basement, with 14 spaces for employees/residents. A public bicycle area is provided with 11 spaces for visitor/customers at the ground floor basement. **This requirement is met.**

Loading Bay / Deliveries Area

8.21 The Clause 52.07 (Loading and Unloading of Vehicles) requires the provision of a loading bay within a minimum clearance height of 4.0m, as the basement and therefore the loading bay (within the basement) has a minimum clearance height of 2.7 metres, a reduction of 1.3m or 32.5% the standard height requirement is sought, as part of this application.

8.22 The proposed reduction has been assessed against the criteria in Clause 52.07 of the Manningham Planning Scheme and **is not supported or considered acceptable** for the following reasons:

- The purpose of the policy is ‘*To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic*’

flow and road safety. The land is sufficient to enable the suitable provision of adequate loading facilities.

- The proposed mixed use building with eight (8) retail spaces, reliance on delivery of goods with significantly restricted vehicles is likely to result in truck deliveries from the road frontage of James Street, the accessway and/or car parking area to the east of the site. This is likely impact the traffic flow and road safety on James Street and the accessway and may impact the capacity of the car parking area;
- The particular use of the Convenience Store is likely to received delivery of goods from vehicles other than vans;
- Even the smallest trucks require 3.7m clearance, which should be provided to the loading area of such a large mixed use building.
- The Traffic Report submitted with the application does not detail any delivery details for tenancies and does provide a comprehensive assessment of the suitability of the proposed reduction.
- Council's Engineering and Technical Services Unit does not support the proposed reduction in provision of a suitably sized loading dock to accommodate small to medium trucks and deliveries.
- In order to provide satisfactory clearance to the basement height, the entry would need to increase and this would consequently impact on the overall height of the building, which is at its limit.

Objector concerns

Over-development and visual bulk

8.23 As discussed in the Assessment Section of this report (**Section 8**), the proposed building fails to provide suitable setbacks, transition to the residential interface and lack of articulation and visual interest.

Quality of external finishes and design detail

8.24 As discussed in the Assessment Section of this report (**Section 8**), the proposed building detail results in a fragmented, 'bitsy' and unresolved architectural expression, and a poor suite of materials and finishes.

Side and rear setbacks

8.25 As discussed in the Assessment Section of this report (**Section 8**), the proposal fails to meet the required side setbacks of Standard B17 of Clause 55.04-1 (Side and Rear Setbacks).

Off-site amenity impacts

8.26 As discussed in the Assessment Section of this report (**Section 8**), the proposal fails to provide shadow diagrams with a level of detail to enable Officers to conclusively assess the compliance with the Standards for 'overshadowing' and 'daylight to existing windows', and it is anticipated that the development will result in unreasonable overshadowing to these adjoining residential properties.

On-site amenity

8.27 As discussed in the Assessment Section of this report (**Section 8**), the proposal fails to provide suitable on-site amenity, including or suitable solar access to some rooms from the internal courtyard.

Car parking for the retail premises and visitors

8.28 The car parking rate for the proposed mixed use building is ninety-one (91) car parking spaces, pursuant to Clause 52.06 of the Manningham Planning Scheme. As the proposal provides ninety-six (96) on-site spaces, this requirement is exceeded.

Excessive site coverage

8.29 As discussed in the Assessment Section of this report (**Section 8**), the site coverage of the proposal exceeds the requirement (being 88%) and the permeability does not meet the minimum requirement (being 8.4%), demonstrating the overdevelopment of the site and failure to provide suitable spacing around the development for appropriate landscaping. This does not meet the Objectives and Standards of Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability) of the Manningham Planning Scheme.

Inadequate landscaping

8.30 As discussed in the Assessment Section of this report (**Section 7**), the development fails to provide suitable setbacks from the western and rear boundary, to enable effective landscaping to establish and mature; thus not responding to the design guidelines within Clause 43.02 (DDO8) and Clause 55.06-2 (Landscaping) of the Manningham Planning Scheme).

Insufficient sizing of retail premises

8.31 It is possible that the size of the retail premises for the indicated uses would not be sufficient. This would not be a relevant planning consideration, rather a commercial consideration for a future tenant.

Zoning (General Residential Zone, Schedule 2)

8.32 As the existing retail uses exist on the land at 123-125 James Street, the proposed use of the land for a mixed use (retail and residential) is generally supported by local policy at Clause 22.05 of the Manningham Planning Scheme, as the site is located mostly within the Templestowe Village Neighbourhood Activity Centre.

8.33 The proposed uses are permissible under the zoning of the land (General Residential Zone, Schedule 2) and all of the land is within this same Residential Zone, adjoining the Commercial Zone to the east and north-east.

8.34 Rezoning of the land to allow these mixed uses, would provide opportunity to consider adjusted and site suitable increased height limits, site coverage and setback allowances.

8.35 Further to this, the proposed hours of operation of the retail premises, appear to be reasonable for the uses and as only residential components have an interface

with the surrounding residential properties, therefore unreasonable amenity impact are not anticipated, beyond what exists at the site.

9. CONCLUSION

9.1 It is recommended that the application be refused.

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.