

9.1 Planning Application PLN18/0121 at 8 Montgomery Street, Doncaster East for the construction of 18 townhouses with associated basement car parking, and a reduction to the standard resident car parking requirements

File Number:	IN19/202
Responsible Director:	Director City Planning and Community
Applicant:	Simon Martyn - Fulcrum Urban Planning Pty. Ltd.
Planning Controls:	Residential Growth Zone, Schedule 3 (RGZ3), Design and Development Overlay, Schedule 13 (DDO13)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for 8 Montgomery Street, Doncaster East and recommends its refusal. The application is being reported to Council as it is a Major Application (with more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for buildings and works associated with the construction of 18 townhouses with one level of basement car parking. Sixteen of the townhouses are four-storeys in height and two of the townhouses are two-storeys (with these to be allocated for the purpose of Affordable Housing in accordance with the prescribed restrictions on Title). A reduction in the standard car parking requirements is also sought for the resident car spaces associated with the Affordable Housing dwellings.
3. The land has a total area of 1,873m². The building has an overall site coverage of 59.6% and the site permeability is 22.6%. The building has a maximum height of 12.7 metres. A total of 32 resident car spaces is provided on-site in the form of tandem garaging within the basement level.

Advertising

4. Notice of the application was given over a three week period which concluded on 10 October 2018.
5. Two objections have been received to date (including one multi-signatory objection). The grounds of objection include issues relating to neighbourhood character (particularly building height and street setback), insufficient on-site parking and associated pressures upon the street network, increased traffic and safety implications.

Assessment

6. The development of the land for eighteen dwellings in the manner proposed is inconsistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme, including the requirements of the Clause 21.05 (Residential). More particularly, the proposal is contrary to the design objectives of the Design and Development Overlay, Schedule 13, and a number of Objectives of Clause 55 (ResCode) with respect to internal and external amenity.
7. These inconsistencies largely relate to the development typology, the intensity and treatment of built form with respect to façade presentation and setbacks, and an overall inadequacy of landscaping.
8. Internal amenity is substantially compromised by virtue of the overall layout and siting of the townhouses. Specific concern is raised with functional layout, private open space provision, accessibility, safety and integration, and access to sunlight. Car parking provision is inadequate and access arrangements fail to provide for safe and efficient vehicular circulation.
9. Whilst the opportunity for increased housing supply, and particularly the provision for Affordable Housing is a desired outcome to support this particular Activity Centre and the Municipality as a whole, the manner in which it is being proposed fails to achieve the preferred built form outcomes, and levels of amenity for future residents that is to be expected.

Conclusion

10. This report concludes that the proposal does not sufficiently comply with the relevant planning policy in the Scheme and should not be supported.
11. It is recommended that the application be refused.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections, issue a NOTICE OF REFUSAL TO GRANT A PERMIT in relation to Planning Application PLN18/0121 at 8 Montgomery Street, Doncaster East for the construction of 18 dwellings with associated basement car parking and a reduction in the standard resident car parking requirements, for the following reasons –**
 1. **The proposed townhouse typology fails to provide a higher density development that offers a greater level of housing choice and diversity, as envisaged for the Doncaster East Village Activity Centre and relevant policy principles at both a higher and local level.**
 2. **The cramped siting and layout of the townhouses results in excessive building mass and insufficient spacing and landscape opportunity, which is contrary to the preferred neighbourhood character and design objectives as defined by Clause 21.05 Residential and Clause 43.02 Design and Development Overlay, Schedule 13, of the Manningham Planning Scheme.**
 3. **The proposal will have negative impacts upon the streetscape due to the dominance of built form and the extent of hard surfacing and fencing that occupies the front setback area at the expense of**

suitable landscaping.

4. **The siting and design of the townhouses will result in compromised levels of internal amenity, with deficiencies associated with the internal layouts, secluded open space areas, solar access, privacy and energy efficient design measures, contrary to the relevant Objectives and Standards of Clause 55 and Clause 21.05-4 Residential of the Manningham Planning Scheme.**
5. **The Affordable Housing has not been suitably integrated into the development in a cohesive or equitable manner, particularly with respect to built-form and accessibility.**
6. **The treatment of the central walkway does not encapsulate a high level of amenity due to compromised safety, poor street connectivity and a lack of internal spacing to provide suitable visual relief, landscaping and solar access. The connection to the frontage is also poorly executed and fails to create an appropriate sense of arrival or street address.**
7. **Neighbouring amenity is not suitably protected as a result of insufficient setbacks, the absence of screen planting, and visual dominance associated with the treatment of the eastern elevations, contrary to the relevant Objectives and Standards of Clause 55 of the Manningham Planning Scheme.**
8. **The proposal is contrary to the purpose and design standards of Clause 52.06 of the Manningham Planning Scheme due to car parking and access inadequacies which fail to provide for a safe and efficient environment for users, and will adversely affect the amenity of the immediate area due to associated on-street parking pressures and compromised traffic safety.**

2. BACKGROUND

Site history

- 2.1 Historically, the subject site formed part of a larger, Council owned property known as 2-10 Montgomery Street, which consisted of five land parcels. The subject site at 8 Montgomery Street was developed with a building and associated parking which was formally occupied by "Doncare", and more recently by the Doncaster City Church. No. 10 Montgomery Street provided for further car parking.
- 2.2 At its meetings of 21 April 2015, 24 November 2015 and 26 April 2016, Council resolved several matters to facilitate the sale of the subject site, being 8-10 Montgomery Street (now known as 8 Montgomery Street) and a strip of land to the west, including:
 - The rezoning of the subject site and (and 14 and 16 Montgomery Street) to the General Residential Zone, Schedule 2 and the application of a Design and Development Overlay, Schedule 13. The related Amendment C102 to the Manningham Planning Scheme was exhibited,

submissions considered, a panel hearing held, the panel report considered by Council and the amendment submitted to the Minister for Planning for approval (9 May 2016). It is noted that these sites were later rezoned to the Residential Growth Zone, Schedule 3 in light of garden area restrictions which later followed.

- A resolution (26 April 2016) was made to commence the Expression of Interest (EOI) process, including giving public notice of its intention to sell 8-10 Montgomery Street pursuant to sections 189 and 223 of the *Local Government Act 1989*;
- The Notice of Intention to Sell Land was published in the Manningham Leader on 9 May, 2016 and the closing date for receipt of submissions was 7 June, 2016.
- As no submissions were received and the recommendation to proceed with the sale adopted by Council at its meeting in July 2016.
- A car parking management plan for the Montgomery Street precinct was considered to implement the upgrading of the associated laneway located to the south of the site.

2.3 A Section 173 Agreement was registered on Title, covenanting the following obligations upon the land owner:

- That in any development of the Subject Land, not less than 10% of the dwellings constructed will be Affordable Housing dwellings;
- To transfer the freehold title to the Affordable Housing to the nominated Community Housing Limited as soon as practicable following completion of the Affordable Housing, and that it remain in the ownership of that registered agency and not transferred to a third party;
- That such housing only be occupied by persons eligible for social housing, and be offered for occupation at a rate which is at least 25% below the Market Value Rent for the Affordable Housing; and
- That vehicular access to the site be provided via Montgomery Street only.

Application history

- 2.4 Following the sale of the property, a pre-application request was submitted in August 2017, presenting a proposal for 17 five-storey townhouses. The layout was similar to what is currently proposed, although with parking provided at-grade. The advice provided raised concern with respect to the overall townhouse typology and missed opportunity for an apartment building, as envisaged by the DDO13. Also raised were the non-compliant building heights, at-grade car parking in place of a preferred basement, inadequately sized garages, treatment and integration of the Affordable Housing component, and amenity implications associated with this particular layout.
- 2.5 The design was then modified by way of splitting the dwellings into three building modules to run in both an east-west and a north-south axis to reduce the number of southerly dwellings, but was otherwise generally unchanged. This design was presented at the Sustainable Design Taskforce (SDTF) in December 2017. Whilst some positive aspects of the design were acknowledged, the above issues were reiterated.

- 2.6 The current application was submitted to Council on 9 March 2018 and the plans submitted were generally unchanged. A request for further information was issued on 4 April 2018, also identifying the lack of consideration given to the advice provided at the pre-application stage and at the SDTF.
- 2.7 In meetings following, options to pursue an apartment building were discussed, though deemed not feasible by the land owners due to issues associated with cost and market demands.
- 2.8 In lodgement of further information, the application was amended under Section 50 of the Act. This proposal involved the placement of car parking within basement form with subsequent reduction from five storeys to four, although with a reversion back to the two rows of townhouses along an east-west axis (with a northern row and southern row), and an increased yield from 17 to 18 townhouses. Numerous issues were identified with the revised proposal, however the applicant chose to proceed with advertising without further amendment.
- 2.9 Notice of the application was given over a three-week period which concluded on 10 October 2018.
- 2.10 In addition to the meetings undertaken during the preliminary stages of the application, a further meeting was held following advertising to discuss the outstanding issues with the proposal. The applicant lodged a Section 57A amendment on 11 November 2018. Discussion plans were submitted, ultimately involving a reduction in yield to 17, car parking modifications and other minor changes. These were acknowledged to be positive amendments, though the need for further modifications to address the outstanding amenity and built form issues raised was advised.
- 2.11 In light of the Officer position, the applicant chose to abandon the amendment, and again lodged a Section 57A amendment on 15 March 2019, proposing to regress back to the originally advertised plans (increasing yield to 18 townhouses).
- 2.12 In summary, the proposal has maintained a townhouse layout. The most significant positive change throughout the application process has been the provision of car parking in a basement form, however overall, there has been little deviation from what was first considered at the pre-application phase. Despite attempts to negotiate an appropriate outcome, the amendments submitted to the design have not gone “far enough” to warrant support.
- 2.13 The statutory time for considering a planning application is 60 days, which concludes on 14 May 2019.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the southern side of Montgomery Street, Doncaster East. Contextually, the land forms part of the Doncaster East Village Activity Centre and is commonly referred to as the “Montgomery Street sub-precinct”. The site is approximately 125 metres north-west of the Doncaster/Blackburn Road intersection, and north of the commercial shopping strip fronting Doncaster Road and associated right of way (laneway) servicing the rear of the strip centre.

- 3.2 The site has two frontages, one being to Montgomery Street (primary frontage) and the other to this laneway. The site is rectangular, other than for a “cut out” in the south-east corner which now effectively forms part of the right of way. Accordingly, the southern boundary frontage to the right of way is segmented and splayed, but the maximum site width is 48.65 metres and the maximum site depth is 41.15 metres. In total, the site area is 1,873 square metres.
- 3.3 The site is occupied by a single storey brick building (formerly “Doncare”) which is currently occupied by the Doncaster City Church. A recently erected temporary building is located to the east of the main building and used for the purpose of an office. Associated car parking and accessways extend around the site and are serviced by three separate crossovers to Montgomery Street.
- 3.4 Vegetation is generally limited to trees along the rear boundary, with sections of lawn elsewhere and within the large front setback.
- 3.5 The site is relatively flat, with only a gentle cross-fall toward the west. A 2 metre wide drainage and sewerage easement encumbers the rear and western boundaries and contain drainage and sewer assets. With the exception of paling fencing along the eastern residential interface, the site boundaries are open due to the site’s vehicular circulation integration with the adjacent laneway and car park.

The Right of Way (Laneway)

- 3.6 The right of way to the rear of the site services the commercial properties to its south, and the adjacent public car park to the north. The right of way commences at Churchill Street (where it provides “entry only” access) and terminates in alignment with the eastern boundary of the site. At present, there is an unrestricted connection into the private land and car park associated with 1027 Doncaster Road to the east and this allows car traffic to “flow through” to and from Doncaster Road.
- 3.7 Due to this eastern end termination of this right of way, the “cut-out” area referred to in Para. 3.2 was excised from the south-eastern part of the former Council land in 2016 and created as “Road” to provide for a future reversing bay to serve rubbish trucks.
- 3.8 The right of way width varies between 3 metres and 10 metres in width, due to alternating rear boundary locations of the adjoining commercial allotments, and is informally finished in concrete/gravel surfacing. In addition to servicing waste collection, it provides access to staff parking (some informal and some fully constructed) to the rear of the commercial buildings, and entry into the public car park to the west of the site.

The Surrounds

- 3.9 The site has direct abutments with the following properties:

Direction	Address	Description
East	12 Montgomery Street	This property contains a detached single storey brick dwelling located centrally within the lot and over 9 metres from the frontage. The dwelling incorporates an attached garage built within close proximity to the shared boundary, and accessed via Montgomery Street.

		<p>Private open space is located to the rear of the dwelling and incorporates a covered verandah (with associated habitable room windows) which are oriented to face the site. Also within the rear yard is an outbuilding/shed toward the south-west corner.</p> <p>Vegetation is concentrated within the frontage and generally consists of exotic planting.</p> <p>The planning controls applicable to this site, and to No. 14 and 16 to the east, are the same as those affecting the subject site (RGZ3 and DDO13), although these properties remain undeveloped to date.</p>
West	2 Montgomery Street	<p>This site incorporates three land parcels of Council owned land and accordingly is zoned Public Use, Schedule 6.</p> <p>Directly west of the site is a small open-lot car park containing approximately 30 car spaces. The spaces are at 90 degrees to a central accessway which provides for a “one-way” connection between the rear laneway and Montgomery Street. The eastern row of car spaces directly adjoins the common boundary without any form of buffer.</p> <p>This car park is for public use, generally intended to service the Montgomery Street sub-precinct commercial precinct given the limited of on-street parking available along Doncaster Road.</p> <p>Beyond the car park is the Doncaster East pre-school. The pre-school building is situated toward the rear boundary, the “play area” occupying the vast open area to its north.</p> <p>To the west of the pre-school is the Montgomery Reserve, which is a small public open space with some bench seating and play equipment.</p>
South	1009 to 1025 Doncaster Road	<p>The properties directly opposite the subject site (south of the laneway) form part of the commercial shopping strip near the Blackburn/Doncaster Road intersection. As these retail and office uses take frontage and address Doncaster Road, the rear of the allotments as seen from the laneway is to the “back of house”. These areas to the rear of the main buildings are generally used for informal employee car parking, bin storage, outdoor toilet facilities, staff amenities etc. Most buildings within this commercial strip retain a single storey form, however No. 1017 is currently</p>

		<p>undergoing an expansion (following approval for a three-storey building for the purpose of shop and offices). The layout retains staff allocated parking at-grade to and accessible via the rear right of way, with the shop and office and the first two storeys and a covered entertainment deck (open to rear) at the rooftop level.</p> <p>No height restrictions are implied by either the Zone or Overlay (C1Z and DDO1), though the narrowness of these premises and associated limitations in the amount of on-site car parking they could accommodate would suggest that redevelopment may continue to occur at the two to three scale seen to date, unless the consolidation of lots were to occur.</p>
North	3 and 5 Montgomery Street	<p>No. 3 Montgomery Street contains an original 1960's single storey brick dwelling within a typical garden setting. No. 1 Montgomery Street to its west similarly contains an original brick home.</p> <p>No. 5 Montgomery Street has been redeveloped in more recent times with two, two-storey dwellings attached in a side-by-side manner. These dwellings (as well as those adjoining at No. 7) all incorporate the general built form requirements of the DDO8 (sub-precinct A) in terms of their two storey heights, 6 metre front setbacks and transparent front fencing design. It is noted that the remainder of properties to the east have all undergone redevelopment, generally in the form of two to three dwellings per lot.</p>

3.10 The Montgomery sub-precinct area as a whole is quite varied in that it consists of both commercial and residential uses. As demonstrated in the Overlay map below, it is clear that this site and (those adjacent to the west) form somewhat of a “buffer” between the robust commercial precinct to the south, and the residential nature of land to the north, which has begun to, and will continue to develop a particular residential character in the application of the DDO8 (sub-precinct A applies to the north side of Montgomery Street and Sub-Precinct B beyond).



- 3.11 When reviewing the character of Montgomery Street as it currently exists, the housing consists of both original in-tact single homes, and more recent infill development in the form of two to three dwellings per lot.
- 3.12 The three allotments east of the site are also likely to see an increased density of housing in their future redevelopment. The building height and scale which might reasonably be expected will be contingent on whether these lots are consolidated or developed individually (noting their limited site areas) but in either way, a substantial departure from the “single storey” character that currently exists is anticipated.
- 3.13 Opposite the site, the remaining undeveloped lots (Nos. 1, 3 and potentially No. 9 which contains an older multi-unit development) are also likely to be redeveloped in the future. Unless consolidation occurs, two to three- storey townhouses which comply with the mandatory building heights of the DDO8-2 are anticipated. Nos. 5, 7 and 11, have already been redeveloped, and hence the preferred character is emerging and consists of two-storey townhouses generally constructed in a side-by-side manner, a strong 6 metre front setback pattern, transparent front fencing, and contributory front garden greenery and landscaping.
- 3.14 Despite the non-residential and public uses of the site and land to the west, Montgomery Street generally retains a residential “feel”.
- 3.15 Montgomery Street is a local road with a carriageway width of 7.4 metres. Parking restrictions apply to both sides, with those on the south limiting 1 hour parking between 9am and 6pm for non-resident permit holders. The northern side of the street is reserved for permit holders at all times. Montgomery Street is busier than other typical local streets due to its location within the Doncaster East Village Activity Centre, public car park connection and pre-school facility.

3.16 The site is close to bus routes operating along both Doncaster and Blackburn Roads, which generally connect the locality to other activity centres within the Municipality and the CBD. Bus stops are accessible within a 250 metre walking distance. In addition to the commercial strip adjacent, the supermarket at “Devon Plaza” is within a 200 metres walking distance. There are no notable open spaces within a 100 metre distance, other than the Montgomery Reserve to west, which is a small recreational space with limited facilities.

4. THE PROPOSAL

4.1 The proposal outlined on the plans prepared by DKO Architects, Project No. 18020, and a landscape plan prepared by GBLA Landscape Architects, Job No. 18002. Refer to Attachment 1.

4.2 The following reports were provided in support of the application:

- Town Planning report prepared by Fulcrum Urban Planning Pty. Ltd. dated February 2018;
- Traffic Impact Assessment prepared by Traffix Group, dated August 2018 (including addendum dated September 2018);
- Waste Management Plan prepared by Leigh Design, dated June 2018;
- Sustainable Management Plan prepared by Simpson Kotzman, dated July 2018;
- Daylight Modelling Report prepared by LID, dated 16 January 2019;
- Arboricultural Assessment prepared by Kylie May, dated February 2018.

Development summary

4.3 A summary of the development is provided as follows:

Land Size:	1,873m ²	Minimum wall setback to Montgomery Street	Basement: 6.0m
Site Coverage:	59.6%		Ground: 6.0m
Permeability:	22.6%		Second storey: 6.0m
Maximum Building Height:	12.75m		Third storey: 6.15m (balconies 3.85m)
		Minimum wall setback to southern boundary	Fourth storey: 10.2m
Number of Dwellings:	18 dwellings		Basement: 1.87m
• 4 Beds:	• 16		Ground: 2m
• 2 bed (Affordable Housing):	• 2		Second storey 2.0m
Dwelling Density:	One per 100m ²	Minimum wall setback to western boundary	Third storey: 2.0m
			Fourth storey:: 3.58m
			Basement: 1.66m
			Ground: 2.0m
		Minimum wall setback to eastern boundary	Second storey: 2.0m
			Third storey : 2.0m
			Fourth storey: 2m
			Basement: 0-1m
			Ground: 1.5m
			Second storey: 0-1.5m

			Third storey: 4.17-5.25m Fourth storey:4.17-5.25m
Car parking	Required:	Provided:	*A parking reduction is proposed for the two resident car spaces associated with the Affordable Housing. No visitor parking is required.
• Total:	• 34 spaces	• 32 spaces	
• 2 beds:	• 2	• 0	
• 4 Beds:	• 32	• 32	
• Visitor:	• 0	• 0	

Design layout

- 4.4 The development comprises 16 four-storey townhouses each containing four bedrooms and 2 double-storey, two bedroom dwellings that are allocated to Affordable Housing. The townhouses are divided into two parallel rows along an east-west axis. TH1-9 form the northern row, and TH10-18 form the southern row.
- 4.5 The 16 four-storey townhouses (TH1-16) are generally replicated in floor plan. Layouts include tandem garages within the basement, an open plan kitchen/living/dining area at ground level, two bedrooms and two bathrooms at both the second and third storeys, and a rooftop terrace at the fourth storey.
- 4.6 With exception of townhouses 4 and 6 which are provided with 3.5 metre wide garages (and commensurately wider dimensions for the levels above), the remaining dwellings are predicated on a 3.1 metre wide tandem garage and hence, a narrower dwelling width above.
- 4.7 The two townhouses allocated to Affordable Housing (TH17 and TH18) are sited at the eastern end of the southern row and provide ground level living spaces and two bedrooms above.
- 4.8 Private open space is provided in the form of ground level courtyards that are shared with the dwelling entries. Small service yards are also located at ground level to the rear. Supplementary open space for the four-storey dwellings is provided at the third storey in the form of balconies (accessed via bedrooms), and rooftop terraces at the fourth storey.
- 4.9 Access between the dwelling levels is via internal stairwells. No lifts are incorporated, though it is understood that the “storage rooms” in the garages and floors above provide capacity for future owners to install individual lifts if they so choose. Structural allowances would need to occur to allow floor sections to be removed at some later stage.

Pedestrian and vehicle access and layout

- 4.10 The townhouses in the northern (front) row are provided with their own separate pedestrian connections to Montgomery Street via independent pathways within the front setback area. The pedestrian connection to the southern (rear) townhouse row (TH10-18) is via a central walkway area between the two building modules. Connection is made to Montgomery Street via a linking pathway within the 2 metre western boundary setback.
- 4.11 The basement car park is accessed via a single width crossover and 3.0 metre wide access ramp in the vicinity of the eastern boundary. In the absence of any “passing area”, a signalised system is proposed to manage vehicle conflict along

the ramp (green light indicating ramp is clear and red light indicating ramp is occupied). The two redundant crossovers that exist are to be removed and reinstated with nature-strips and associated kerb and channelling.

- 4.12 A total of 32 car spaces is provided on-site. These spaces are allocated to the four-storey townhouses, and are in the form of tandem garages beneath each respective townhouse footprint. The two Affordable Housing dwellings are not provided with any on-site parking, but have access to storage within the basement via an external stairwell located at the end of the central walkway.
- 4.13 There are five bicycle racks within the basement. No visitor car parking is proposed.

Landscaping

- 4.14 The site is to be cleared of vegetation. Planting areas are provided along the southern half of the western boundary, and the northern half of the eastern boundary. No planting is proposed along the rear boundary. The frontage is largely occupied by decking, with planter beds allocated for the provision of canopy trees, and understorey planting proposed forward of the proposed brick and aluminium fencing. The fencing is setback of 1.5 metres from the frontage and extends along most of the site's width.

Design Detail

- 4.15 The proposed development features a contemporary and has a "cubical" architectural design. The front façade is generally defined by floor to ceiling glazing. Whilst presenting as one continual building mass to Montgomery Street, each individual dwelling is pronounced with a vertical concrete "frame" which projects beyond the main façade (to varying degrees), and for a height of three storeys. This treatment is continued upon all north and south facing elevations.
- 4.16 All side elevations (to both northern and southern rows) are defined by three-storey concrete walls, with each incorporating a dark fluted glass panel. The roof top terraces are finished in a black timber cladding, and whilst recessed from the frontage, are flush with the three-storey side elevations. It is noted that the 3D renders submitted do not clearly depict this.
- 4.17 A light grey brickwork is incorporated into the front fence design and also the third storey balcony fascia. The theme overall is based on a "grey-black" colour palette, with exception of a small amount of warmth offered by the application of natural timber beneath the balconies and extending above the brick balustrades.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.7 (Residential Growth Zone, Schedule 3) to construct two or more dwellings on a lot, and to construct a front fence (exceeding the maximum height specified in Clause 55.06-2
 - Clause 43.02 (Design and Development Overlay, Schedule 13), to construct a building or construct or carry out works;

- Clause 52.06 (Car Parking), for the reduction in the standard car parking requirements.

6. REFERRALS

External

6.1 There are no applicable determining or recommending referral authorities.

Internal

6.2 The application was referred to a number of service units within Council. Reference to conditions would apply if a permit were to be issued. The following table summarises the responses:

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> • On-site storm water detention system required.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • Removal of the redundant crossovers required.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> • The accessway fails to provide a passing area at the entrance of the site, which is required at a minimum dimension of 6.1 x 7 metres.
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • The number of car parking spaces provided is inadequate due to the non-provision of on-site parking for all residents. • Visitor parking should be provided given the known park issues within both Montgomery Street and Churchill Street.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The majority of garage dimensions are not satisfactory as they are less than 3.5m in width.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> • A construction management plan is required.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> • On-site private waste collection and for the provision of an approved waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> • Objection to basement encroachment into the easement along western boundary, and for permanent structures/framing elements above the easement along the southern boundary.

Service Unit	Comments
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> • No flooding/inundation.
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> • No objection subject to a revisions relating to water efficient fixtures, thermal performance, clothes drying measures, solar photovoltaic and electrical vehicle charge installation option, and provisions for composting.

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 10 October 2018, by sending letters to nearby properties and displaying two signs. With the abandonment of the Section 57A amendment, no re-advertising was undertaken.

7.2 Two objections have been received to date from the properties identified by the star symbol on the map below. The other properties identified are multi-signatories of the objection site received from the resident of 9 Montgomery Street.



- 7.3 The main grounds of the objection can be summarised into the following categories:
- Neighbourhood character (building height and front setbacks);
 - Car parking (insufficient car parking on-site and lack of kerb-side parking; and
 - Traffic Issues (increased traffic and safety implications for pre-school children).
- 7.4 A response to the grounds of objection is included in the assessment section of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 8.2 The following assessment is made under the following headings:
- Planning Policy Frameworks;
 - Design and built form;
 - Amenity;
 - Car parking and access; and
 - Objector concerns.

Planning Policy Frameworks

- 8.3 At both the State and Local levels, policy emphasises the need for higher density residential development in established activity centres, along main roads and in areas well located in relation to jobs, services and public transport in order to accommodate Melbourne's future population growth in a sustainable manner. Clause 16.01-4S specifically seeks to deliver more affordable housing closer to jobs, transport and services, and Clause 11.03-1S encourages a diversity of housing types at higher densities in and around activity centres.
- 8.4 These objectives are further developed at a local level, with Clause 21.05 *Residential*, recognising the need for greater urban consolidation, and seeking to channel increased housing densities around activity centres and main roads, where facilities and services are available. It is here that the site is specifically identified as being within *Precinct 2*; a preferred location for urban consolidation and higher density outcomes, and where a substantial level of change is anticipated.
- 8.5 Of relevance to the site is the Doncaster East Village Structure Plan (2011, updated July 2012) which provides a strategic framework for the integrated development of the Doncaster East /Devon Plaza area. The Structure Plan specifically identifies the opportunity for the subject site (amongst others) to provide multi-level residential apartments to maximise the use of the commercial and social facilities, and to provide diversity in housing choice to meet the emerging and demographic trends. Strategies include the encouragement of high quality development that is of an appropriate scale and density for the site and its context, and that incorporates ESD features and safer design principles.

- 8.6 In the sale of the land, the site was specifically rezoned and had applied a DDO13. This was to facilitate its redevelopment in accordance with the direction of the Structure Plan. At the time of disposal, Council envisaged that that future development of the land would showcase high quality urban design and best practice in sustainability and affordability, and facilitate the provision of affordable housing opportunities within an activity centre.
- 8.7 The proposed eighteen townhouses provide a reasonable increase in density, however, the dwelling yield and contribution of housing choice on this site would have been much more substantial if the preferred “apartment style” development been adopted. On that same note, the contribution of Affordable Housing could have been considerably higher. Due to the restrictions on Title, 10% of the total dwelling yield for any development of this land must be Affordable Housing.
- 8.8 Overall, the sole townhouse typology proposed is somewhat an under-utilisation of the land and would be considered a lost opportunity to make a more substantial contribution to increased housing densities and housing options. The repeated “four-storey, four-bedroom” townhouse design fails to provide housing choice or diversity in terms of layouts, bedroom numbers, and housing affordability, and will therefore suit a very limited demographic. A possible option may have been to combine two forms of townhouses and apartment types. The sleeving of townhouses upon a particular elevation of an apartment building could be one way of achieving this.
- 8.9 It should also be noted that an apartment style development is also specifically encouraged upon larger site within the DDO areas, as they are best suited to achieving the overall form and landscaping objectives by virtue of their singular footprint, floor plan flexibility, and centralised siting of building mass.
- 8.10 Dwelling yield is undoubtedly a key consideration for most developments in considering the viability of a project. The result of adopting a townhouse typology (and the inability to locate dwellings above and below others like an apartment) can result in attempt to “squeeze too much out of a site”, and this is considered to be the case here.
- 8.11 Built form and amenity outcomes are compromised as a result of this approach, as discussed in the headings to follow. It is for these reasons that the proposal overall has failed to sufficiently achieve the strategic intentions and design objectives of applicable policy.

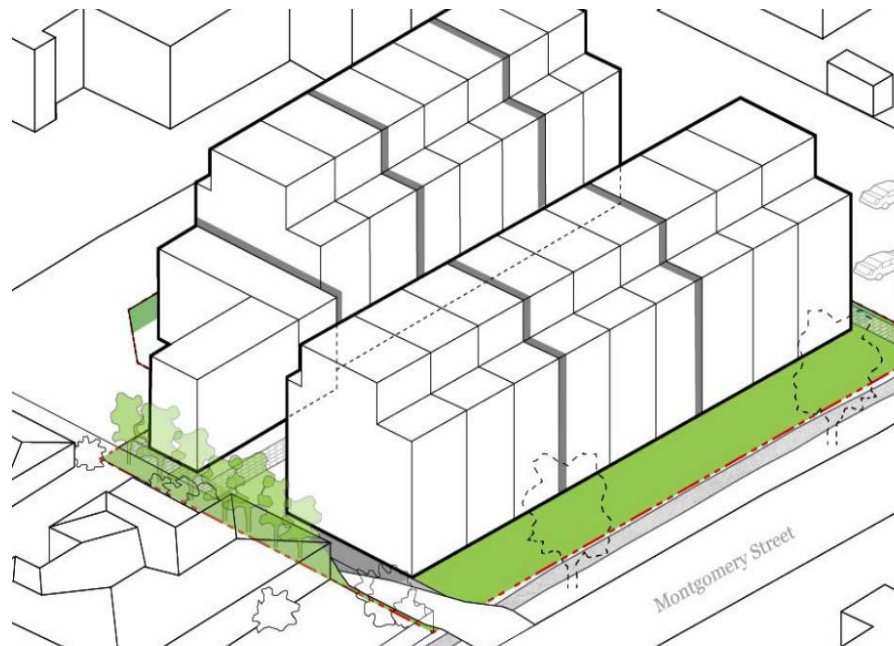
Design and Built Form

- 8.12 Following on from the above, the DDO13 sets parameters around the built form outcomes anticipated to achieve the preferred neighbourhood character. This is channelled through a series of design considerations relating to height, form, car parking, landscaping and front fencing.

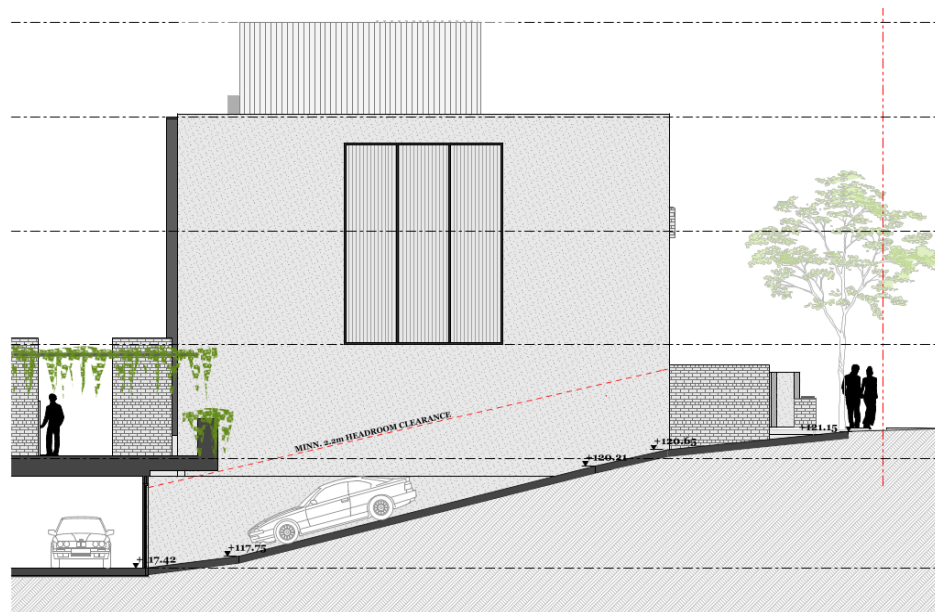
Height and Form

- 8.13 The building height of both building modules (maximum 12.7 metres) are compliant with the 13.5 metre height restriction of both the Zone and Overlay. The four storey building heights are not of concern per se, but is the manner in which “form” is treated in the placement of massing is of issue.

- 8.14 With exception of the two, two-storey dwellings allocated to Affordable Housing, the townhouses are each provided with three storeys of repeated floor areas. A lesser area is provided at the fourth storeys in the form of a roof-top terrace. The terrace footprints total approximately 48% of the floor levels below.
- 8.15 Whilst the form requirements only specify a numerical 75% reduction in the fourth storey footprints, this does not imply that sheer three storey buildings should be provided, particularly when the objective of the DDO13 specifically seeks “to ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive when viewed from the public realm”.



- 8.16 The three storey massing of the development overall is demonstrated in the diagram above. Each elevation (both internally and externally) is of sheer three-storey walls, with “reduced” footprint areas only introduced at the fourth storeys. Whilst sheer three-storey building lines are not inappropriate in totality, there is an expectation that there be some “relief” in locations where most prominent to the public realm. In this case, the public realm includes both Montgomery Street and the adjoining properties, but also internally to the site (the central pedestrian walkway). Given the public realm to the rear is defined by the “rear of shop” and associated laneway access, there is less sensitivity associated with this interface.
- 8.17 The inclusion of some recess to the third storey elements would provide for “softening” of the very dominant, vertical building lines and would be more sensitive to the two-storey scale which characterises housing on the northern side of the street. The harshness of this design is most prominent upon the side elevations where the walls are unarticulated, other than through the use of a fluted glass panels applied to what is otherwise three-storeys of sheer concrete panelling.
- 8.18 Whilst the fourth storey roof top terraces are relatively well setback from the street frontage, their expansion across the width of the northern building module increases the vertical wall heights up to four storey. This is exacerbated even further upon the eastern elevation where adjacent to the approach down into the basement (as shown in the below diagram) noting this will be visible from aspects along Montgomery Street.



- 8.19 Whilst the commercial interfaces can handle this more “robust” form, this same unrelenting approach to face residential interfaces is unsympathetic of the impacts upon the public and private realms.
- 8.20 A further criticism of the form as presented to Montgomery Street is the treatment of the front setback area. Whilst the main façades of the ground, first and the second floors are all setback to the minimum 6 metres, the “framing” elements and incorporated third storey balconies project up to 2 metres into the setback of every townhouse.
- 8.21 The design objectives make allowances for such encroachments, on the proviso they do not extend along the length of the building. This intends to ensure that building projections (such as balconies, terraces and verandahs) do not visual deter from the primary building setback, or reduce the available area of landscaping. This design approach does not achieve that intention, as the repeated use of framed projections to a vertical height of three-storeys will reduce the perceived front setback, particularly as viewed in the approach along Montgomery Street. The result to be to increase visual dominance to the local street.
- 8.22 The simple lowering or reduction of framing elements and absorption of at least some of the third storey balconies into their respective footprints may have lessened the streetscape impacts, and provided for a reasonable level of recess and articulation at the third level.
- 8.23 The other non-compliant aspect of the front setback treatment is the level of encroachment by the decking associated with the entries and open space courtyards. Decking extends beyond the maximum 2 metres encroachment repeatedly along the frontage width. This has negative implications upon the landscaping and front fencing requirements as discussed in the below heading.
- 8.24 In considering the overall presentation of the dwellings and whether *sufficient interest is achieved through articulation, glazing and variation in material and textures*, there are some criticisms made to the overall design detailing and

proportions. Whilst the architectural styling to the street is on first impression quite striking, there are numerous elevations, as highlighted above, which lack the expected level of variation and interest. There is also somewhat of “commercial” feel to the overall expression which is created by cubical form, dominance of concrete panels and extensive fenestration.

- 8.25 The level of glazing is commensurate to what may be expected in an office development. Comparison is made to the maximum 70% limitation for glazing required by Clause 22.01. Whilst this policy does not apply to residential development, the principals are valid in that it seeks to ensure front facades have visual interest and are articulated by other, non-glazed materials. A more rationalised level of fenestration is appropriate to better reflect the residential proportions, and protect residential amenity for the reasons discussed in latter sections.

Landscaping and Front Fencing

- 8.26 Due to the deck encroachments within the front setback, the area available for planting is limited to a 3 metre width across the frontage. Approximately 40% of this area is further lost to hard surfacing generally associated with the numerous pedestrian pathways.
- 8.27 The requirement for canopy tree planting within the frontage is proposed within a series of 1.1 metre deep raised planters which are incorporated into the front fence design. The practicality of this arrangement is questionable, with at grade planting a preferred option.
- 8.28 Landscaping opportunity around the site is otherwise confined to 1.6 metre wide area to the west of the southern row (TH10), and a 1.6 metre area adjacent the basement ramp. As viewed from the adjacent residential property to the east and car park to the west, there will be substantial sheer walls absent of any screening or landscape softening, due to limitations imposed by the minimal boundary setbacks.
- 8.29 Front fencing is permitted under the DDO13, however must be at least 50% transparent. The fencing includes 1.7 metre high brick pillars, with a brick base to a height of 800mm. Aluminium pickets of a transparent design extend above the brickwork. The inclusion of solid elements has likely been included to provide a degree of privacy to the open spaces.
- 8.30 What is of concern is the divisional fencing within the front setback that will separate the nine open space courtyards. There is some detail lacking on plan, but it would appear that 1.5 metre high solid divisions are proposed to extend between the framing features and the 1.7 metre high fence pillars in order to provide privacy between the courtyards. This will segregate the frontage further and will remove the opportunity for a complete view and appreciation of all landscaping across the frontage, as the policy seeking “transparency” intends to provide for.
- 8.31 The proposed townhouse design and layout is therefore considered to be inconsistent with the design objectives for the DDO13, particularly with respect to form, landscaping and front fencing.

Internal Amenity

8.32 The assessment in this section includes any non-compliances with ResCode as relevant to each heading.

Secluded private open space

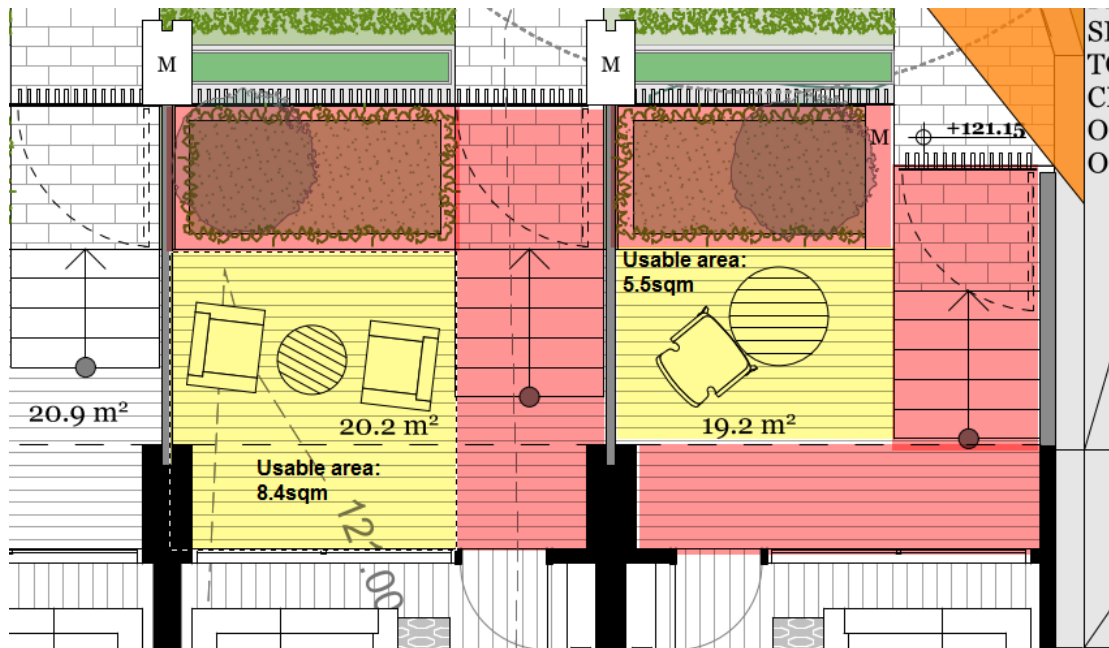
8.33 Each townhouse is provided with its “main” secluded private open spaces in the form of a ground level courtyard to the front of each respective row, and a service yard to the south. The four-storey dwellings are also provided with a north-facing balcony at the third storey, and roof-top terrace at the fourth.

8.34 Standard B28 of Clause 55.05-4 (private open space) gives guidance on how private and secluded areas should be provided. There are options given for balconies or roof-top areas, however these must include convenient access from a living room. Where not provided in these forms, open space is required in the form of:

- An area of 40sqm, with one part to consist of *secluded private open space* to the *side or rear* of the dwelling or residential building, with a minimum area of 25sqm and minimum dimension of 3 metres and *convenient access* from a living room.

8.35 The ground level courtyards are arguably intended to provide the main “secluded” POS of the dwellings, given this is the only space with convenient access from living room. The requirement for such space to be to the *side or rear* of a dwelling is to ensure residents are provided with a private area concealed from public view. These courtyards cannot be considered private by virtue of their locations (either within the front setback or facing the internal pedestrian path), and the public accessibility and exposure they will have being shared with dwelling entries and having transparent fencing.

8.36 Whilst the full 25sqm area may be difficult to achieve in a development of this style, the actual usable area of these spaces is almost halved when removing the required planting areas and space for pedestrian circulation to the entries. Although the open spaces are nominated as being 20sqm in area, the “usable deck” areas reduce to the order 8sqm, and even as little a 6sqm in instances through the simple failure to align the dwelling entries and gates. This is not commensurate to the recreational needs expected for a four bedroom dwelling.



Floorplan image showing usable deck area highlighted in yellow

- 8.37 Although the four-storey townhouses have supplementary open space in the form of a third storey balcony and roof-top terrace, these are not adjacent to any living area and only accessible via stairs. The practical usability of these spaces is limited, requiring residents to climb three to four flights from the main living/kitchen area. It has been submitted that the matched alignment of the storage rooms allow future owners to install lifts at their cost, however this approach would be interpreted as “transferral” of responsibility. A better approach would have at least provided lifts to a percentage of the dwellings to improve accessibility.
- 8.38 A standard apartment/balcony design or reversed living arrangements may have also provided opportunity to removal the courtyards from the front setback (to address both privacy and landscaping implications).
- 8.39 With the lack of privacy afforded to the primary open space areas and the manner in which the supplementary spaces are accessed, the amount and location of open space in totality is considered unacceptable to meet the recreational needs of future residents. Both the Objective and Standard of Clause 55.05-4 are therefore not met. It should be also mentioned that this would fail to meet the apartment requirements at Clause 55.07 which requires ground level open spaces (at a podium or base) be 15sqm in area with a 3 metre minimum dimension.

Solar access

- 8.40 The courtyards of the southern row will be largely overshadowed by the four-storey built form of the northern row due to the limited separation distances. Standard B29 (Solar access to opens pace) requires that walls to the north be setback sufficiently to ensure northern solar access is afforded.

Setback of northern townhouse row from POS of southern townhouse row at:	Wall height (m)	Setback required (m)	Setback provided (m)	Compliance
Ground level	3.0	5.6	8.4	Yes

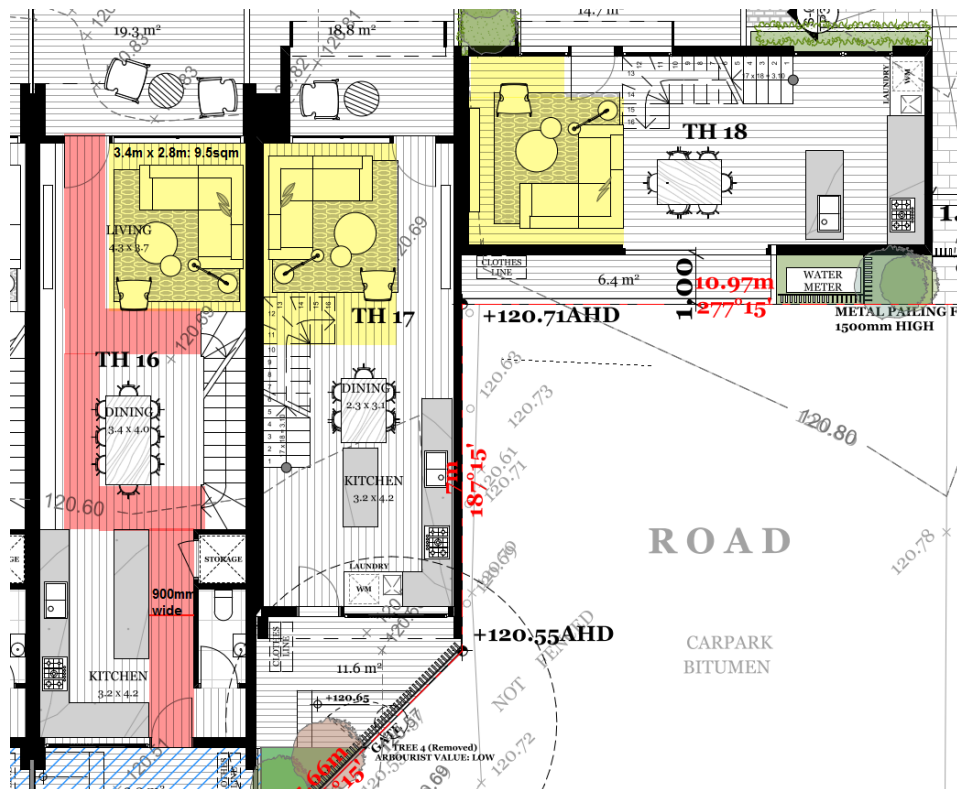
Second storey	6.1	6.5	8.4	Yes
Third storey	9.2	10.253	8.4	No
Fourth storey	11.8	12.69	9.3	No

8.41 As a result of the above non-compliances, the courtyards (and entire central pathway area) will be not receive the required amount of northern sunshine. This is also demonstrated by the shadow diagrams which show that more than half of the courtyards remain in shadow for the duration of the control period at the September equinox. The entire area are likely to be in shadow during the winter equinox. The Objective and Standard of Clause 55.05-5 are therefore not met, as the lack of solar access will negatively impact the quality and enjoyment of the open space areas of TH 9-18.

Functional Layout

8.42 One of the strategies of Clause 21.05-4 seeks to ensure that development is designed to provide a high level of internal amenity for residents. It is submitted that internal layouts of the ground level living areas are not acceptable for townhouses of this nature and number bedrooms they contain.

8.43 The apartment requirements of Clause 55.07 or 58 provide some guidance as to the “minimum” requirements for a reasonable level functionality and internal amenity. For an apartment with two or more bedrooms the living area (excluding dining and kitchen areas) is required be a minimum width of 3.6 metres and a minimum of 12sqm in area.



8.44 With exception of TH6, 17 and 18, the floorplans are replicated in widths and internal layouts, which are quite narrow and restrained overall. When excluding

circulation areas required to access the front door and internal stairs (as demonstrated in red for TH16 in the above plan), the living areas measure at only 2.7 metre by 3.4 metres and approximately 9.5sqm in total area. The Living areas for the Affordable Housing are also below the minimum recommendations, noting that of TH17 would be even less were the meals area shown with a more realistic dining table location.

- 8.45 The common sense approach to assess functional layout against the BADS requirements (even where not applicable) and exclude circulation areas from living room calculations was agreed with by the Victorian Civil and Administrative Tribunal in its recent decisions *Xia v Manningham CC [2019] VCAT 158 (8 February 2019)*. In its reasoning, the Tribunal concluded that living room areas must be commensurate to the size of the dwelling to achieve a reasonable level of amenity.
- 8.46 In applying the same logic, the living rooms are considered to be undersized to reasonably cater for the number of bedrooms and occupants they serve and unreasonable for a four level townhouse. It is also a common expectation that that this form of housing would provide an amenity level that surpasses the minimums currently afforded to an apartment, given they generally attract purchasers seeking larger floor areas overall (and are priced accordingly).
- 8.47 Other noted deficiencies include the narrowness of corridors, being only 900mm where adjacent to the kitchen island benches (which should ideally be wide enough to accommodate additional bench seating). The location set aside for a fridge is also unclear, given that some bench spaces are proposed directly adjacent to a fully glazed floor to ceiling window (see elevations/perspectives).
- 8.48 These combined issues indicate that layouts will not provide future residents with functional spaces that achieve a high quality of living or amenity, contrary to Clause 21.05-4 (*Residential*).

Accessibility and Integration

- 8.49 The dwelling entries of TH4 to TH9 are sunken below the street level, which is a poor design response in terms of accessibility and amenity. The “stepping” of the floor levels should have been implemented to address slope constraints and provide for equitable access.
- 8.50 With no internal lift provision, the development overall does not cater for any persons with limited mobility. This also applies to the Affordable Housing, which is provided in a two-storey form in both instances.
- 8.51 The overall sense of address to the southern row is poorly announced, being limited to a 2 metre wide opening adjacent to TH1. The sense of arrival is simply marked by a gate and row of mailboxes. The walkway connection from the street then confined between the fence line and a three to four storey wall, with only a vertical creeper proposed to provide for any greenery or feature element. This is a truly sub-standard design response, especially being hard to a public car park.
- 8.52 The new “public space” created by the central walkway serving the dwelling entries to the southern row of dwellings has not been executed well. The space is enclosed by sheer three-storey walls with only a 7.4 metre separation at the third storey. Urban design principles would suggest that a height to space ratio of at least 1:1 should be employed to provide a reasonable sense of space and

amenity. The pedestrian path is also further “closed in” by the presence of fencing associated with the courtyards (being partly solid and partly transparent).

- 8.53 The indicative landscape softening within the nominated with the raised planters is unlikely to grow or flourish, given the entire area will be in full shadow. The provision of service courtyards to face this pathway is also a poor design response, as views to the proposed clotheslines and other general storage that may occur will detract from the “primary address” for the southern entries.
- 8.54 The location and accessibility to the Affordable Housing also raises considerable concern, being “tucked away” in the furthest south-west corner of the site rather than being more integrated into the development. This would require residents or their visitors to walk for a length of approximately 60 metres to simply access the dwelling entry via Montgomery Street. These residents, should they own a vehicle, will logically park along the frontage in the absence of any allocation within the basement.
- 8.55 The connectivity between the main street frontage and southern row of townhouses should be sited and designed to both provide for a sense of arrival, and improve the accessibility to all dwellings.
- 8.56 The placement of Affordable Housing adjacent the more robust commercial interface is also not logical, given their two-storey form. Locating these dwellings at either end of the northern row would be more appropriate, as this would benefit the built form presentation to the street, and provide a direct and equitable level of street access.
- 8.57 The proposal therefore fails to meet the Standard and Objective of Clause 55.05-1 Accessibility and Clause 55.05-2 Dwelling Entry, does not suitably integrate the Affordable Housing into the development in an equitable manner.

Safety, Privacy and Energy Efficiency

- 8.58 Safety through urban design is encouraged through numerous policies at a higher level, and at a local level through Clause 22.08. There are instances where unsafe places are created through a generally lack of surveillance. This includes the shared pathway access onto the rear laneway, which is tucked between and the fence-line and side wall of TH18. Implications to the safety of this dwelling’s entry will result also.
- 8.59 The other criticism is the manner in which TH 10-16 treat the interface with the rear right of way. Each has its kitchen located directly adjacent to a gated service yard providing direct access to the laneway. Whilst an ideal urban design outcome would see the other side of the laneway activated by commercial activity, its current use simply serves the “back of house” to the shops and offices opposite.
- 8.60 The activity beyond business hours is limited, and this area is primarily used for vehicular access, bin storage and the like. Having a kitchen area with such proximity and exposure to this area may be an undesirable outcome for residents. Large full length windows also define the southern elevations, providing no degree of privacy from the adjacent commercial activity. An approach which utilises balconies as buffers, and some partly raised sill heights may have provided an improved sense of security and privacy.

- 8.61 Similarly, the floor to ceiling lengths of glazing on almost all elevations, including to the street, gives residents little privacy both internally and externally to the site. This architectural approach should be used and rationalised where needed to better consider the purpose of the rooms (particularly second level bedrooms). There are also solar deficiencies associated with this approach, particularly upon the southern elevation (which has no direct sun), and to the north where there is an absence of solar shading to ground living windows and living areas.
- 8.62 In the absence of a 9 metre separation between the two dwelling rows, the southern windows have required the application of excessive screening. A more substantial level of separation between the two rows would allow for unobscured windows to improve the outlook and daylight access of the affected south-facing bedrooms, and improve solar efficiencies to the southern portion of the site overall.

External Amenity

- 8.63 There are a number of non-compliances with the Objective and Standard of Clause 54.04-6 (side and rear setbacks). Non-compliances to the eastern boundary (residential interface) are seen on both TH9 and TH18.
- 8.64 For TH9, the four-storey wall height reaches 11 metres in height and is setback 5.25 metres, falling short of the 6.1 metres required by Standard B17. Similarly, the 1.5 metre setback at the second storey of TH18 is short of the 1.93 metre setback required.
- 8.65 There are negative amenity impacts associated with the non-compliances, as the primary open space area is located directly adjacent, and includes a verandah and oriented to face these two townhouses. This particular section of the site is also lacking in any landscape planting due to the location of pathway and basement stairs, hence removing any ability to screen or “soften” views of the built form.
- 8.66 The lack of articulation on the eastern façades, particularly that of DTH9 which is of a four-storey sheer wall, will appear very dominant in the absence of any articulation or recess. This is not a sensitive or well considered presentation in the context of both current conditions and any future redevelopment. The treatment of elevations with a residential interface should be designed to limit visual bulk through the appropriate stepping of built form and material variations.
- 8.67 There are substantial setback non-compliances to the western and southern boundaries, with the three to four storey wall heights being setback 2 metres. Whilst some encroachments could be supported due to the commercial nature of these interfaces, it can be argued that some articulation should still be employed in the absence of any considerable opportunity for landscape softening, partially in the treatment of TH1 which adjoins the pedestrian pathway servicing the rear townhouses.

Car parking and access

- 8.68 There are a number of non-compliance with Clause 52.06 in respect of the proposed car parking provisions and access arrangements.
- 8.69 The first is the absence of a passing area, which is required where accessways serve ten or more dwellings. To overcome this, a signalised system is proposed

to notify approaching vehicles either exiting or entering the ramp as to whether it is in use. The shortcoming of this approach is the need for vehicles to reverse back onto Montgomery Street should the ramp be occupied.

- 8.70 Reversing onto Montgomery Street is not an appropriate or safe outcome, given the busier nature the street and the likely high occupancy of kerb-side parking which may compromise visibility.
- 8.71 The proximity of the garages to TH8 and 9 to the ramp poses visibility concerns, and will require vehicles exiting to either reverse back to the nominated waiting point within the basement, or re-enter their garage should a vehicle be simultaneously entering the basement.
- 8.72 Out of the 16 garages, 14 of them narrow to a minimum width of 3.1 metres, which is non-compliant with the minimum 3.5 metre dimensions required. The usability of the garages is compromised as a result, as is the ability for residents to access the storage areas and doors to the stairwells. Access to and from the “potential” lifts would be very tight if a car was adjacent. The entire reliance of tandem parking also provides for a less convenient form of parking, which, when combined with their undersized widths, may discourage residents from using their garages. A shared basement arrangement would facilitate compliant car space widths, and independent accessibility to all spaces.
- 8.73 A car parking reduction is sought for the two car spaces required for the Affordable Housing dwellings. It is acknowledged that the nominated housing provider has suggested that car parking is not necessary, but this is not to say or assume that the future residents will not own vehicles. The diversity of persons eligible for both social and affordable housing is quite diverse, and is highly likely to include persons who own vehicles, or rely on others who do.
- 8.74 The provision of the two required on-site parking spaces is considered reasonable to require, particularly given parking constraints in the area and that fact there is no visitor parking provided (or required due to the sites location within the PPTN area).
- 8.75 Other concerns are the encroachment of the basement into the easement (which is not supported) and the limited reversing available to the two western-most garages. It is unclear if the basement car park is to be secured, but in the event it that it isn't, the open nature of the garages creates a number of “hidden” and unsafe areas.
- 8.76 It is therefore considered that inadequate car parking has been provided and the overall layout and design does not provide for safe or efficient access, which is contrary to the purpose and design standards of Clause 52.06 of the Scheme.

Objector issues / concerns

- 8.77 The issues relating to neighbourhood character have been largely discussed in the assessment sections above.

Neighbourhood Character

- 8.78 Concerns were raised with respect to building height and setbacks.

- 8.79 The height itself is not of concern given it falls within the mandatory height limits of the relevant planning controls. It is, however, agreed that the manner in which the “form” has been treated will result in excessive heights being located too close to the site boundaries, which will dominate and overwhelm the public realm. A more centralised siting of the upper level elements is needed.
- 8.80 The façade setbacks are compliant with the expected 6 metre setbacks, however as elaborated in the assessment section above, the level of encroachments into the front setback area is not supported due to the likely visual impact on the streetscape presentation. This front setback treatment is inappropriate.

Traffic and Car Parking

- 8.81 Council’s Traffic Engineers have identified that there are existing parking pressures within this particular location. As discussed above, it is agreed that the lack of adequate car parking for residents will create increase demands for on-street parking. Because of the tandem arrangements and undersized width of the garages, the proposed garages do not provide for their convenient usage.
- 8.82 The increased volume of traffic created by the development is not significant, and has not been raised as a concern by Council’s Traffic Engineers. However objections were raised to the manner in which access is provided due to the absence of a passing area. The potential need for vehicles to reverse back onto Montgomery Street (should a vehicle be simultaneously exiting the ramp) does present adverse safety impacts upon the traffic conditions. Pedestrian safety could also be compromised, which is of particular concern given the proximity to the adjacent pre-school.

9. CONCLUSION

- 9.1 For the reasons outlined in the above assessment, 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.