

**Planning Application PLN18/0542 at 23 Frederick Street, Doncaster for the construction of a five-storey apartment building comprising 17 dwellings with associated basement car parking and reduction in standard visitor car parking requirements**

File Number: IN19/170  
Responsible Director: Director City Planning and Community  
Applicant: Clarke Planning Pty Ltd  
Planning Controls: Activity Centre Zone, Schedule 1 (ACZ1); Development Contributions Plan Overlay, Schedule 1 (DCPO1); Parking Overlay, Schedule 1 (PO1)  
Ward: Koonung  
Attachments: 1 Decision Plans  
2 Legislative Requirements

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for 23 Frederick Street, Doncaster and recommends refusal of the submitted proposal. 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. It is proposed to construct a five-storey apartment building comprising 17 dwellings with a basement that provides all 19 resident car parking spaces required. However, the requirement to provide one visitor car parking space is not met. A total of four bicycle spaces are provided on site.
3. The total area of the land is 981.1m<sup>2</sup>. The building has a site coverage of 75.2% and a site permeability of 20.6%. The building has a maximum height of 14.55m.

### **Advertising**

4. Notice of the application was given over a three week period which concluded on 3 April 2019.
5. Six objections have been received to-date. The objections express issues relating to overdevelopment, density, height, bulk, inadequate setbacks at basement, ground and first floors, high site coverage, inadequate landscaping, lack of off-street and on-street car parking, traffic congestion, lack of privacy, overlooking and construction impacts. The property addresses of all objectors are shown on the map below:



**Key issues in considering the application**

6. The key issues for Council in considering the proposal relate to:
- Planning Policy Frameworks;
  - Design and built form;
  - Apartment developments;
  - Car parking, access, traffic and bicycle facilities; and
  - Objector concerns.

**Assessment**

7. The development of the land with a high density residential apartment building is broadly consistent with the relevant objectives of State and local planning policy frameworks of the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre.
8. Whilst the proposal complies with requirements of the ACZ1 relating to front and rear setbacks, it fails to meet requirements relating to side setbacks, landscape design and marginally exceeds the maximum building height requirement of 14.5m. The lack of one visitor car space despite a substantial basement footprint, combined with the excessive scale of the built form and associated landscape shortcomings are indicative of an overdevelopment of the site. It fails to comply with the policy under the ACZ1 that seeks the consolidation of lots to create viable development sites and optimal development of the centre.
9. The proposal also fails to provide adequate internal amenity, relating to the functional layout of living areas, private open space and daylight to windows.

**Conclusion**

10. This report concludes that the proposal does not comply with 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 in relation to Planning Application PLN18/0542 at 23 Frederick Street, Doncaster for the construction of a five-storey apartment building comprising 17 dwellings with associated basement car parking and reduction in standard visitor car parking requirements, for the following reasons –**
  1. **The proposal does not respond to the existing urban context, the preferred future development of the area or the topography of the site. This is due to the length and inadequate setbacks of the basement, ground and first floor walls to side and rear boundaries, the inadequate integration of the basement into the landform, unsympathetic height and proximity of screening devices, massing and verticality of the built form and inadequate overlooking treatments, which do not enhance amenity, assist the penetration of sunlight or create suitable landscape buffers. This is contrary to Clause 37.08 (Schedule 1 to the Activity Centre Zone) and the objectives of Clause 58.04-1 (Building setback) of the Manningham Planning Scheme.**
  2. **The proposal does not provide for adequate screen planting or provide adequate landscaping buffers due to minimal side and rear setbacks, the location of the basement, driveway and hard stand areas and paths, and the depth of excavation. This is contrary to Clause 37.08 (Schedule 1 to the Activity Centre Zone) and the objectives of Clause 58.03-5 (Landscaping) of the Manningham Planning Scheme.**
  3. **The lack of provision for a dedicated, on-site visitor car parking space will increase the demand for on-street car parking in the activity centre and cause a detrimental impact on the amenity of the residential area. This is contrary to the purpose and decision guidelines of Clause 45.09 (Schedule 1 to the Parking Overlay) and Clause 52.06 (Car parking) of the Manningham Planning Scheme.**
  4. **The proposal will result in unreasonable on-site amenity impacts to future residents, by failing to meet minimum living area requirements, which is contrary to the objective of Clause 58.07-1 (Functional layout) of the Manningham Planning Scheme.**
  5. **The proposal will result in unreasonable on-site amenity impacts to future residents due to poor solar access to single-aspect south-facing private open space areas, which is contrary to the objective of Clause 58.05-3 (Private open space) of the Manningham Planning**

**Scheme.**

6. **The proposal will result in unreasonable on-site amenity impacts to future residents by providing inadequate daylight to habitable room windows due to their location relative to natural ground level and the height and proximity of landscaping and fencing, and by providing a poor outlook and poor visual connection to the external environment, which is contrary to the objectives of Clauses 58.04-1 (Building setback) and 58.07-3 (Windows) of the Manningham Planning Scheme.**
7. **The excessive scale and intensity of the development cannot be reasonably accommodated on the site. The proposal does not comply with policy that seeks the consolidation of lots to create viable development sites and optimal development of the activity centre and is contrary to Clause 21.05 (Residential), Clause 37.08 (Schedule 1 to the Activity Centre Zone) and the objectives of Clauses 58.02-1 (Urban context) and 58.02-2 (Residential policy) of the Manningham Planning Scheme.**
8. **The building exceeds the mandatory maximum building height requirement of 14.5 metres, which is contrary to Precinct 2F provision 5.2-3 of Clause 37.08 (Schedule 1 to the Activity Centre Zone) of the Manningham Planning Scheme.**

**2. BACKGROUND**

- 2.1 Planning Permit PL14/024617 was issued on 13 May 2015, for the development of a four-storey building comprising eight dwellings (five town houses and three units). The permit has been extended, with a required development commencement date of 13 May 2019.
- 2.2 The current application was submitted to Council on 9 August 2018.
- 2.3 The proposal was presented to the Sustainable Design Taskforce meeting on 23 August 2018.
- 2.4 A request for further information was sent on 6 September 2018. The letter also raised a number of concerns with the proposal including those contained in the grounds of refusal.
- 2.5 All requested further information was received on 3 March 2019.
- 2.6 A Section 50A amendment was lodged on 6 March 2019, to modify the proposal description from 18 dwellings to 17 dwellings and to apply for a reduction to the visitor car parking requirement due to the deletion of the visitor space.
- 2.7 Notice of the application was given over a three-week period which concluded on 3 April 2019.
- 2.8 The statutory time for considering a planning application is 60 days, which is due on 5 May 2019.
- 2.9 The land title is not affected by any covenants or restrictions.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site is situated on the western side of Frederick Street, Doncaster, one property removed from the intersection of Merlin Street, and approximately 95m by road from Tram Road.
- 3.2 The site has front and rear boundary dimensions of 19.51m and side boundary dimensions of 50.32m and an overall site area of 981.1m<sup>2</sup>.
- 3.3 The topography of the site consists of a 5.2m fall from front to rear, with a 1-1.5m north-south crossfall.
- 3.4 A 3.05m wide drainage and sewerage easement encumbers the rear boundary.
- 3.5 An existing two-storey brick dwelling with a pitched roof is located on the eastern part of the site. Several trees are located in the vicinity of the dwelling. A single-width garage is located on the northern side of the dwelling, which is accessible via an existing crossover. The rear of the site is devoid of vegetation and is benched from the eastern half by a 1m high retaining wall and associated steps.
- 3.6 Side and rear fencing consists of timber palings, varying from 1.6m to 2m in height. The site frontage is fenced with a 1.5m high brick pier and wrought iron posts.
- 3.7 A 9.5m high *Melaleuca linarifolia* 'Snow-in-summer' paperbark tree is centrally located within the road reserve. No overhead powerlines are present along the road reserve.

#### The Surrounds

- 3.8 The site and all adjoining properties are subject to the same planning controls. However, properties opposite the subject site on the eastern side of Frederick Street are subject to different planning controls; the General Residential Zone, Schedule 2 and Design and Development Overlay, Schedule 8 (Sub-precinct A).
- 3.9 The site has direct abutments with the following properties:

| Direction | Address                             | Description   |
|-----------|-------------------------------------|---|
| North     | 19-21 Frederick Street              | Construction has commenced a five-storey apartment building comprising 48 dwellings and associated basement car park in accordance with Planning Permit PL16/026153.<br><br>The approved development is highly articulated and includes three apartments at ground and first floor and four apartments at second and third floor, each will be setback at least 4.5m from the common boundary. Three apartments will face the subject site at the fourth floor, with a minimum setback of 9.05m from the common boundary. |
| West      | 1, 2, 3, 4, 5 and 6/82-84 Tram Road | 82 Tram Road contains a row of six attached two-storey dwellings.<br><br>The dwellings at 2, 3, 4 and 5/82 Tram Road are  |

|       |                                   |   |
|-------|-----------------------------------|---|
|       |                                   | closest to the subject site. Each of these dwellings is setback between 7.1-8.6m from the common boundary, separated by a common property driveway. This driveway extends along the entire abuttal with the subject site. Habitable room windows face the subject site. |
| South | 1, 2, 3 and 4/25 Frederick Street | 25 Frederick Street contains a row of four attached two-storey dwellings.<br><br>Each dwelling is setback between 3-3.3m from the common boundary, separated by private open space. Habitable room windows face the subject site.                                       |

- 3.10 The character of the broader area is mixed, with a number of high rise developments to the north along Doncaster Road that are separated by existing housing stock, predominantly existing housing stock on the eastern side of Frederick Street and existing commercial buildings to the north-west along Tram Road. The closest example of a completed apartment building is 86-88 Tram Road, a seven-storey apartment building with two levels of basement car parking.
- 3.11 Abutting the site to the east is Frederick Street, a 7.1m wide local road, which allows for restricted kerbside parking (both sides of the road) and a shared lane for two-way traffic. Restrictions on the western side of Frederick Street are 2 hours 8am-6pm Saturday-Sunday and on the eastern side a Permit Zone 8am-6pm Monday-Sunday. The northern end of Frederick Street is a no-through road, preventing direct vehicle access to Doncaster Road.
- 3.12 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans Manningham's main arterial roads (Doncaster, Tram, Elgar and Williamsons Roads), forming a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with policy and the planning controls of the Scheme, evidenced by the construction of several residential apartment towers within the precinct.
- 3.13 The site is serviced by bus routes operating along Tram and Doncaster Roads, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. A major bus interchange is situated at Westfield Doncaster within 800m walking distance to the north. In addition to having access to the numerous retail, restaurant and entertainment venues within the shopping centre, which itself is within 350m walking distance. The site is well serviced by other community and local facilities and parks, including Walker Reserve within 200m walking distance to the east.

#### 4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Jesse Ant Architects, Project No. 18020, dated 30 January 2019 and a landscape plan prepared by Hansen Partnership, Job No. 18.552, dated 8 February 2019. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report prepared by Clarke Planning Pty Ltd dated August 2018;
  - Traffic Impact Assessment prepared by Quantum Traffic, Revision B dated 1 August 2018;

- Waste Management Plan prepared by Low Impact Development Consulting (LID) dated 31 January 2019;
- Sustainable Management Plan prepared by LID dated 31 January 2019;
- Green Travel Plan prepared by LID dated 31 January 2019;
- Daylight Modelling Report prepared by LID dated 16 January 2019;
- Arboricultural Assessment prepared by John Patrick Landscape Architects Pty Ltd, Reference No. 18-0874AR, dated January 2019;
- Urban Design Memo prepared by Hansen Partnership dated 8 February 2019.

**Development summary**

4.3 A summary of the development is provided as follows:

|                                |   |  |   |
|--------------------------------|---|--|---|
| Land Size:                     | 981.1m <sup>2</sup>   | Minimum wall setback to Frederick Street   | Basement: 6.15m<br>Ground: 6.2m<br>First: 6.45m<br>Second/Third: 5.15m<br>Fourth: 5.15m |
| Site Coverage:                 | 75.2%   |  |   |
| Permeability:                  | 20.6%   |  |   |
| Maximum Building Height:       | 14.55m  | Minimum wall setback to northern boundary  | Basement: 1m<br>Ground: 3m<br>First: 3m<br>Second/Third: 4.5m<br>Fourth: 4.5m           |
| Maximum Design Element Height: | N/A   |  |   |
| Number of Dwellings:           | 17 dwellings  | Minimum wall setback to western boundary   | Basement: 3.4m<br>Ground: 4.6m<br>First: 6.6m<br>Second/Third: 4.8m<br>Fourth: 3.0m     |
|                                | <ul style="list-style-type: none"> <li>• 1 Bed = 1</li> <li>• 2 Beds = 14</li> <li>• 3 Beds = 2</li> </ul>  |  |   |
| Dwelling Density:              | One per 58m <sup>2</sup>  | Minimum wall setback to southern boundary  | Basement: 1m<br>Ground: 3m<br>First: 3m<br>Second/Third: 4.5m<br>Fourth: 4.5m           |
| Car parking                    | Required:   | Provided:  |   |
|                                | <ul style="list-style-type: none"> <li>• Total: 20 spaces</li> <li>• 1 Bed: 1</li> <li>• 2 Beds: 14</li> <li>• 3 Beds: 4</li> <li>• Visitor: 1</li> </ul> | <ul style="list-style-type: none"> <li>• 19 spaces</li> <li>• 1</li> <li>• 14</li> <li>• 4</li> <li>• 0</li> </ul> |   |

**Design layout**

4.4 The ground floor comprises five dwellings; three, two-bedroom dwellings and, two, two-storey dwellings each containing three bedrooms. The first floor contains two, two-bedroom dwellings, one, one-bedroom dwelling and the upper floor of the two, two-storey dwellings. The second and third floors are identical, each comprising four, two-bedroom dwellings. The fourth floor contains one, two-bedroom dwelling at the eastern end of the building. A central skylight provides daylight to the third floor common corridor below. Dwelling sizes vary from 52.2m<sup>2</sup> to 143m<sup>2</sup>.

- 4.5 The building presents to Frederick Street as a narrow, four-storey building. From an oblique angle, and from adjoining properties to the side, the building presents as five storeys towards the front of the site. From adjoining properties to the side and rear, the rear section of the building presents as a four-storey building, with the lower level being significantly raised above natural ground level.

#### **Pedestrian and vehicle access and layout**

- 4.6 The pedestrian entry to the building is provided at first floor level via a short terrace and steps to Frederick Street. A disability lift is located adjacent to the steps, within the front setback. The entry leads to a modest lobby with a single lift and stairwell. A bicycle rail is provided at the northern end of the site frontage. A fire hydrant booster and gas meter compartments are located within the site frontage, adjacent to the pedestrian path.
- 4.7 Vehicle access is provided by a single-width crossover at the southern end of the frontage. A 3m wide ramp leads to a single basement level. A total of 19 car parking spaces are provided. A service and waste storage room are provided, along with a 22,000L underground water tank. A storage compound housing nine storage cages is provided beneath the driveway ramp, with an additional five storage cages provided along the southern wall, at the end of allocated car spaces. Three vertically hung bicycle rails are provided at the end of the storage compound. The remaining three storage areas are provided at ground floor, accessible from the lobby.

#### **Landscaping**

- 4.8 The site is proposed to be cleared of vegetation. The existing street tree is proposed to be retained, which has influenced the location of a single, 25m high canopy tree proposed at the northern end of the site frontage. A 7m high tree is proposed adjacent to the pedestrian path. A row of 8m high Ornamental pear trees are proposed along the southern boundary, adjacent to the driveway ramp. Additional screen planting consists of rows of 4m high Portuguese laurels along the northern and southern boundaries, a short row of four, 10m high trees along the northern boundary, and a row of 4-6m high plants along the rear boundary.

#### **Design detail**

- 4.9 The proposed development features a contemporary architectural design, incorporating white render, charcoal render, timber-look vertical metal cladding, and fibre cement matrix cladding to lower levels. Balcony balustrading consists of clear glazing. Vertical form is expressed on the second, third and fourth floors of the front façade with 0.6m deep white render fins, extending vertically from the second to the fourth floors. The sheer, five-storey side walls of the building are articulated with 0.3m deep white render fins, extending vertically from the first to the fourth floors. Fencing to the frontage of the site is designed to complement the vertical form of the design features of the building.

### **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 37.08-5 (Activity Centre Zone, Schedule 1), to construct a building or construct or carry out works;
- Clause 52.06 (Car Parking), for the reduction in 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"> <li>• No objection subject to conditions for the provision of on-site storm water detention.</li> </ul>  |
| Infrastructure Services Unit – Vehicle Crossing        | <ul style="list-style-type: none"> <li>• No objection subject to conditions requiring the removal of the redundant crossover.</li> </ul>  |
| Infrastructure Services Unit – Access and Driveway     | <ul style="list-style-type: none"> <li>• No objection.</li> </ul>   |
| Infrastructure Services Unit – Traffic and Car Parking | <ul style="list-style-type: none"> <li>• The number of car parking spaces provided is inadequate due to the non-provision of a visitor space.</li> <li>• There are no traffic issues in the context of the traffic and the surrounding street network.</li> </ul> |
| Infrastructure Services Unit – Car Parking Layout      | <ul style="list-style-type: none"> <li>• No objection.</li> </ul>   |
| Infrastructure Services Unit – Construction Management | <ul style="list-style-type: none"> <li>• No objection subject to a requirement for the provision of a construction management plan.</li> </ul>  |
| Infrastructure Services Unit – Waste                   | <ul style="list-style-type: none"> <li>• No objection subject to conditions for on-site private waste collection and for the provision of an approved waste management plan.</li> </ul>   |
| Infrastructure Services Unit –                         | <ul style="list-style-type: none"> <li>• No objection as approval is not required for buildings or works within the Council easement.</li> </ul>  |

| Service Unit                              | Comments  |
|---|---|
| Easements                                 |   |
| Infrastructure Services Unit – Flooding   | <ul style="list-style-type: none"> <li>The site is not directly subject to inundation from Council’s drainage systems but will be from the road reserve. Therefore, the driveway is required to have a 0.1m rise from the property boundary over a length of 2m and graded down to comply with Design Standard 1 of Clause 52.06-9.</li> </ul>  |
| Integrated Planning Unit – Sustainability | <ul style="list-style-type: none"> <li>No objection subject to a requirement for several revisions to plans and the approved sustainability management plan, including to clarify sub-metering of services, details of water efficient landscaping, clarification of clothes drying measures, consideration of providing a solar photovoltaic system, electric vehicle charge points and external taps to balconies.</li> </ul> |

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 3 April 2019, by sending letters to nearby properties and displaying a sign at the frontage.

7.2 Six objections have been received from the following properties:

- 2/82-84 Tram Road, Doncaster;
- 3/82-84 Tram Road, Doncaster;
- 4/82-84 Tram Road, Doncaster;
- 21 Frederick Street, Doncaster;
- 107/19-21 Frederick Street, Doncaster;
- 401/19-21 Frederick Street, Doncaster.

7.3 The main grounds of the objection can be summarised into the following categories:

- Design and built form (overdevelopment, density, height, bulk, inadequate setbacks at basement, ground and first floors, high site coverage, inadequate landscaping);
- Traffic and car parking (lack of off-street and on-street car parking, traffic congestion);
- Off-site amenity impacts (lack of privacy, overlooking); and
- Construction impacts (damage to property, traffic, dust, noise, health and wellbeing).

7.4 A response to the grounds of objection will follow.

## 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;
- Apartment developments;
- Car parking, access, traffic and bicycle facilities; and
- Objector concerns.

### **Planning Policy Frameworks**

8.3 Key objectives of the PPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.

8.4 At both the PPF and LPPF levels, policy emphasises the need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre, in which the site is located. The use of the site for the purpose of a residential apartment building is appropriate within the zoning of the land and the strategic context of the site.

8.5 Policy statements throughout the Planning Scheme implement this policy as it relates to Doncaster Hill at Clause 21.09 (Activity Centres and Commercial Areas) through Schedule 1 to the Activity Centre Zone (ACZ1).

8.6 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The site, together with all land within the ACZ1 on the south side of Doncaster Road east of Tram Road, is within Precinct 2. The site is further identified as being located within Precinct 2F. The most relevant objective for Precinct 2 (Clause 5.2-2) is *to encourage an appropriate mix of residential and commercial uses in the precinct.*

8.7 The proposal does not incorporate a mix of uses as encouraged by policy, however the proposal for a single-use residential development is appropriate in this location within a residential street and permitted under the ACZ1.

8.8 Clause 21.05 (Residential) encourages the consolidation of lots to provide for a diversity of housing types and design options. The ACZ1 reaffirms this by encouraging the reconfiguration and consolidation of land where necessary to create viable development sites and optimal development of the activity centre. The proposed development on a single lot fails to meet this policy and results in other issues that will be later discussed in this report, which demonstrates the inappropriateness of the proposed development.

### **Design and built form**

8.9 The ACZ1 sets a number of requirements relating to the scale of development for buildings within Precinct 2F, including a mandatory maximum building height and preferred minimum front, side and rear setbacks.

#### Building Height

8.10 The maximum building height is a mandatory requirement. The maximum building height permitted in Precinct 2F is 14.5m with no allowance for a design element. A permit cannot be granted to vary the maximum building height.

- 8.11 Acknowledging the slope of the site, the proposed building reaches a height of 14.55m, which slightly exceeds the mandatory requirement. Despite this being a negligible increase above 14.5m, this is a mandatory requirement and therefore will form a ground of refusal.

#### Building Setbacks

- 8.12 The preferred minimum building setbacks that apply to Precinct 2F are:

- 5m from the front boundary;
- 4.5m from side boundaries; and
- 4.5m from the rear boundary.

- 8.13 A permit may be granted to vary these minimum setbacks. Balconies, verandahs and architectural features may be constructed within these setback provided they are designed and located to the satisfaction of the responsible authority.

#### Front building setback

- 8.14 A minimum 5.15m front boundary setback is provided, which complies with the 5m preferred setback.

- 8.15 The only encroachment beyond the building line are a series of 0.6m deep architectural featured fins, extending vertically from the second to the fourth floors. These design features provide a high level of articulation to an otherwise sheer cantilevered section of the front façade. Additional articulation is provided through 2m deep balconies on the northern side of the front façade, at second and third floors. Given the importance of the projection of the fins into the front setback to create a high quality street presentation, the 0.45m encroachment into the 5m setback requirement is considered acceptable.

#### Side building setbacks

- 8.16 Typically, a basement will not be assessed against setback provisions as it is below natural ground level, however in this case the basement projects above natural ground level towards the rear of the building, by a maximum 2.25m (in the south-western corner). Part of the purpose of side setbacks is to provide landscape buffers. In this case, the proposal fails to adequately integrate the basement car park into the landform through its significant projection above natural ground level, encroaching into the northern and southern setbacks with a continuous 1m setback across its entire length, stifling potential landscaping opportunities.

- 8.17 Minimum 3m side setbacks are provided at ground and first floors, encroaching into the preferred side setback by 1.5m. This is due to the constraint of the limited width of the lot at 19.51m. At ground floor, the entire 30.4m long northern wall (Apartments G.01, G.02 and G.03) has a continuous 3m setback, and an 18.7m long rear section of the southern wall (Apartments G.04 and G.05) also has a continuous 3m setback. At first floor, the rear section of the building (Apartments 1.01 and 1.02) has walls ranging in length from 9.7m to 15.7m with continuous 3m setbacks, in addition to 2m long balcony balustrades with a height of 1.7m high at the rear of the building following the same 3m setback alignment. The remainder of the ground and first floors are setback 4.5m from the northern and southern boundaries with no encroachments.

- 8.18 The Decision Guidelines of the ACZ1 require the responsible authority to consider, as appropriate, whether the development incorporates side and rear

setbacks to enhance pedestrian safety and amenity, and assist in the retention of view lines, penetration of sunlight and creation of landscape buffers. The 3m ground and first floor wall setbacks do not enhance amenity, do not assist in the penetration of sunlight, or create suitable landscape buffers. The proposal inappropriately places a reliance on the setback and associated landscaping opportunities of the adjoining development under construction to the north at 19-21 Frederick Street. The reduced setbacks will also either burden the future development to the south at 25 Frederick Street, which is also a narrow site at the southern edge of the activity centre.

- 8.19 The extent of these encroachments, both the depth and breadth across the northern and southern boundaries, is inappropriate and warrants refusal of the application. These reduced setbacks also significantly limit landscaping opportunities to the northern and southern boundaries.
- 8.20 Minimum 4.5m side setbacks are provided to the second, third and fourth floor walls. The only encroachments beyond the building line to these floors are a series of 0.3m deep fins, extending vertically from the first to the fourth floors. These fins are minimal architectural features that articulate the sheer five-storey side walls of the building, and are therefore considered acceptable encroachments.

#### Rear building setback

- 8.21 The rear basement wall is setback 3.4m-3.6m from the western boundary, across a 6.8m long section, which does not meet the preferred 4.5m setback. The western basement wall projects above natural ground level across its entire length by up to 1.6m (at the southern end). The basement consequently elevates the ground floor terraces above, which are setback a minimum 2.55m from the rear boundary, which is a significant encroachment into the preferred 4.5m setback requirement. The reduced basement setback and the setback of the raised ground floor terraces will unreasonably reduce landscaping areas.
- 8.22 A minimum 4.6m rear boundary setback is provided to all other levels, which complies with the 4.5m preferred setback.

#### Overshadowing

- 8.23 The ACZ1 requires that developments should be designed to avoid casting shadows outside the activity centre between 11:00am and 2:00pm on 22 September. As all adjacent properties are within the activity centre, the development meets this requirement.

#### Landscape Design

- 8.24 The ACZ1 requires screen planting and landscape buffers with a minimum width of 1.5m as an interface to adjoining sites. The plans show 1.5m landscape setbacks to the majority of the ground floor terraces along the northern and southern boundaries. However, the basement footprint and driveway ramp limit landscaping opportunities to a width of 1m along 80% and 91% of the northern and southern boundaries, respectively. This minimal basement setback also obviates deep soil planting.
- 8.25 These 1m wide landscape strips are further limited in some areas by the positioning of (undetailed) pathways within private open space areas, with the primary concern being Apartment G.03. To make use of the at-grade private open space area at the rear, Apartment G.03 must incorporate a path along a

minimum 11m long section of the northern boundary, as depicted on the submitted landscape plan. Landscaping is precluded from this area, which should be set aside as a landscape buffer (despite its inadequate width to begin with). A 4m long section of the landscape strip is similarly affected along the southern boundary (relative to the Apartment G.04 private open space).

- 8.26 Within the 1.5m designated landscape buffer, the remaining 0.5m wide landscape areas set aside will have an effective width of less than 0.5m, taking into consideration the location of 1.7m high balustrade screens on the outer edge of the basement footprint, setback 1m from the side boundaries. Planting in these planter boxes would be limited to groundcovers providing aesthetic value to residents only. The effective width of these planting areas is inadequate. Further, the depth of the planter boxes and their integration between the basement and the terrace paving is inadequately detailed on the plans.
- 8.27 The effectiveness of screen planting within the 1m setback north of the terraces to Apartments G.01 and G.02 is significantly reduced by the 1.3-2.8m deep excavation required along a 21.5m long section of the boundary. Further, the incorporation of substantial screen planting along this area to provide an effective screen as anticipated by policy would likely have unreasonable impacts on the on-site amenity of future residents of Apartments G.01 and G.02 due to a further loss of daylight, particularly to the three subterranean bedrooms of Apartment G.01, and to a lesser extent the bedrooms of Apartment G.02.
- 8.28 While there is reasonable scope to provide some canopy tree planting within the site frontage, the provision of screen planting throughout the site is considered inadequate.

Access and Mobility

- 8.29 A lift is provided within the site frontage to provide reasonable access to the building entry. Should a permit be issued, a condition would require the submission of a Disability Access Plan that implements the recommendations of a Disability Access Audit (prepared by a suitably qualified person) that demonstrates compliance with the relevant Australian Standards for vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority.

**Apartment Developments**

- 8.30 Pursuant to Clause 58 (Apartment Developments), the development must meet all of the objectives of this clause and should meet all of the standards.
- 8.31 An assessment against the objectives of Clause 58 is provided in the table below:

| Objective   | Satisfied / Not Satisfied   |
|---|---|
| <p><b>58.02-1 – Urban context</b></p> <ul style="list-style-type: none"> <li>• To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>• To ensure that development responds to the features of the site and the surrounding area.</li> </ul> | <p><b>Not Satisfied</b></p> <p>The proposed apartment development does not respond positively to the existing urban context or the preferred future development of the area as it has not sought to consolidate the lot to create a more viable development site, resulting in an inappropriate scale, massing and verticality of built form.</p> |

| Objective  | Satisfied / Not Satisfied   |
|--|---|
| <p><b>58.02-2 – Residential policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul> | <p><b>Not Satisfied</b></p> <p>While the application was accompanied by a written statement demonstrating how the applicant believes the proposal is consistent with Municipal Planning Strategy and the Planning Policy Framework, the above assessment establishes that the proposal is not in accordance with planning policy.</p> <p>The proposal has not adequately demonstrated that a development of this scale or intensity can be reasonably accommodated on the site.</p> |
| <p><b>58.02-3 – Dwelling diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>  | <p><b>Satisfied</b></p> <p>The proposal includes one, two and three bedroom dwellings with a range of floor areas to provide for dwelling diversity.</p>  |
| <p><b>58.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>  | <p><b>Satisfied</b></p> <p>The site has access to all services. Should a permit be issued, the applicant would be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>  |
| <p><b>58.02-5 – Integration with the street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>  | <p><b>Satisfied</b></p> <p>The front entry of the development is oriented to the site frontage to integrate the development with the street.</p>  |
| <p><b>58.03-1 – Energy efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>                                     | <p><b>Satisfied</b></p> <p>Given the orientation of the site, the proposal makes a reasonable attempt to limit the energy efficiency impacts to southern apartments.</p> <p>The submitted Sustainability Management Plan demonstrates a 6.5 Star average rating. The average cooling load across the development is within the NatHERS maximum cooling load for the Melbourne climate zone.</p>   |
| <p><b>58.03-2 – Communal open space</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul>  | <p><b>Not applicable</b></p> <p>The development comprises less than 40 apartments.</p>  |
| <p><b>58.03-3 – Solar access to communal outdoor open space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space.</li> </ul>  | <p><b>Not applicable</b></p> <p>As above.</p>   |

| Objective  | Satisfied / Not Satisfied   |
|--|---|
| <p><b>58.03-4 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>   | <p><b>Satisfied</b></p> <p>The central pedestrian path is visible from the site frontage and access to the basement is restricted by a security garage door that is operated by an intercom system.</p>   |
| <p><b>58.03-5 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> <li>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</li> </ul> | <p><b>Not Satisfied</b></p> <p>The development does not provide appropriate landscaping in the context of a five storey building within the ACZ1. 1m wide landscape strips along the northern and southern boundaries do not provide adequate opportunities for planting to soften the overall built form or screen specific elements.</p> <p>Adequate deep soil area is provided for a canopy tree within the front setback.</p> |
| <p><b>58.03-6 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the urban context.</li> </ul>   | <p><b>Satisfied</b></p> <p>A 3m wide vehicle crossover is proposed for the development, which respects the urban context.</p>   |
| <p><b>58.03-7 – Parking location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicle noise within developments.</li> </ul>  | <p><b>Satisfied</b></p> <p>The lift shaft location provides equitable access for residents from all car parking spaces.</p> <p>Residents are generally protected from vehicle noise within the development.</p>   |
| <p><b>58.03-8 – Integrated water and stormwater management</b></p> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul>  | <p><b>Satisfied</b></p> <p>A 22,000 litre rainwater tank is located beneath the basement.</p> <p>The submitted Sustainability Management Plan demonstrates a compliant STORM rating of 102%.</p> <p>The applicant is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>   |
| <p><b>58.04-1 – Building setback</b></p> <ul style="list-style-type: none"> <li>To ensure the setback of a</li> </ul>  | <p><b>Not Satisfied</b></p> <p>The ground and first floor setbacks as well as</p>   |



| Objective  | Satisfied / Not Satisfied   |
|--|---|
| <p>building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <ul style="list-style-type: none"> <li>• To allow adequate daylight into dwellings.</li> <li>• To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>• To provide a reasonable outlook from new dwellings.</li> <li>• To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul> | <p>the exposed basement setbacks, do not appropriately respond to the existing urban context or the preferred future development of the area, as defined by policy implemented by the ACZ1.</p> <p>A full analysis of the proposed setbacks is undertaken in the design and built form section of this report.</p> <p>In the case of the southern boundary interface, a further encroachment is made into the preferred 4.5m setback requirement (as specified by the ACZ1). A continuous 18.4m long, 2.4-3.95m high screen is setback 1m from the southern boundary. While this screen limits views from the Apartment G.04 and G.05 private open space areas and habitable room windows, its height and proximity to the boundary fails to respond to the existing urban context and the preferred future development of the area and also fails to respond to the topography of the site. Further, the material of this screening appears to be unspecified.</p> <p>Views have not been adequately limited into habitable room windows and private open space areas of existing dwellings. For instance, there are multiple south-facing windows with clear glazing that appear to directly overlook the private open space and habitable room windows of the dwellings at 1, 2, 3 and 4/25 Frederick Street.</p> <p>The north-facing bedroom windows of Apartments G.01 and G.02 are provided with a poor outlook and poor visual connection to the external environment due to the subterranean design.</p> <p>It is acknowledged that pursuant to Clause 58, the land is included in a zone where a schedule to the zone (ACZ1) specifies a building setback requirement, which should apply instead of the requirements of Clause 58.04-1. However, the ACZ1 setbacks are not technically '<i>different</i> from a requirement set out in Clause 58.04-1' (emphasis added), as this clause does not actually specify any requirement (i.e. prescriptive setback dimensions). Further, Clause 58 does not</p> |

| Objective   | Satisfied / Not Satisfied  |
|---|--|
|   | specifically state that Clause 58.04-1 in its entirety does not apply. If the entirety of Clause 58.04-1 were to not apply, amenity impacts (including daylight, overlooking and outlook) would be precluded from the assessment of the application.   |
| <b>58.04-2 – Internal views</b> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul>  | <b>Satisfied</b><br>Balconies and habitable room windows are designed to limit internal views by being isolated or containing screening devices between adjacent balconies.  |
| <b>58.04-3 – Noise impacts</b> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>   | <b>Satisfied</b><br>There are no unusual noise sources within the development that may affect existing dwellings.<br><br>The site's location within a residential street ensures residents are protected from external sources, such as excessive traffic noise.   |
| <b>58.05-1 – Accessibility</b> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>   | <b>Satisfied</b><br>The proposal marginally meets the accessibility requirements for at least 50% of the dwellings (9 out of 17 = 52%) relating to appropriate door opening widths, entrance paths and access to an adaptable bathroom.  |
| <b>58.05-2 – Building entry and circulation</b> <ul style="list-style-type: none"> <li>To provide each dwelling and building with its own sense of identity.</li> <li>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul> | <b>Satisfied</b><br>The building entrance is well covered and easily identifiable.<br><br>The lift and stairwell are well located to provide equitable access.   |
| <b>58.05-3 – Private open space</b> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>  | <b>Not Satisfied</b><br>The balconies to Apartments 1.03, 2.04 and 3.04 are south-facing with no other solar aspect. The amenity to the private open space areas of these dwellings will therefore be limited based on the orientation and single solar aspect, which is deemed unacceptable.<br><br>The remaining areas satisfy the private open space requirement as follows:<br><br>Apartments G.01-G.05 are at ground floor and are each required to provide a minimum 25 square metres of private open space, with minimum 3m dimensions and convenient |

| Objective | Satisfied / Not Satisfied   |
|-----------|---|
|           | <p>access from a living room (with the exception of Apartment G.02, to be discussed).</p> <p>Apartment G.01 has two open space areas; a primary area accessible from living rooms within the front setback, and a secondary area at a subterranean level, with access from bedrooms only. The primary area easily exceeds the dimension and area requirements, providing a high level of amenity, usability and functionality.</p> <p>Apartments G.03 and G.04 share similar design characteristics with one another; each with a raised balcony and an area of open space at-grade at the rear of the site. Accessibility to these at-grade areas is not desirable given the length of path (Apartment G.03) or the high number of steps (Apartment G.04) required to access them. However, the paved/balcony areas are directly accessible from living areas and exceed the minimum area required.</p> <p>Apartment G.05 is provided with a south-facing private open space area, with eastern and western solar aspects. The balcony/raised paved area exceeds the minimum area and dimension requirements. Additional private open space area is provided in the form of a landscape buffer along the southern boundary, separated by a 1.7m high screen.</p> <p>Apartment G.02 is an exception to the above requirement, given it utilises an upper floor balcony for its primary private open space. A secondary area of private open space is provided at the lower, subterranean level, with access from bedrooms only. Given these characteristics, the private open space of this dwelling will be assessed under the balcony requirements.</p> <p>With the exception of the previously assessed Apartment 1.03, 2.04 and 3.04 balconies, all other first, second, third and fourth floor balconies (including Apartment G.02) meet the minimum dimension and area requirements. This includes taking into account the requirement for an additional 1.5m<sup>2</sup> to be provided where a heating or</p> |

| Objective  | Satisfied / Not Satisfied   |
|--|---|
|  | cooling unit is located on a balcony.   |
| <b>58.05-4 – Storage</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>   | <b>Satisfied</b><br>Internal and external storage areas exceed the minimum volume requirements. External storage cages are well located   |
| <b>58.06-1 – Common property</b> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>   | <b>Satisfied</b><br>The communal car parking areas, paths, landscape areas, internal lobby and corridors are practically designed. There are no apparent difficulties associated with the future management of these areas.   |
| <b>58.06-2 – Site Services</b> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>   | <b>Satisfied</b><br>Site services are appropriately provided and located.<br><br>Utility cabinets are integrated to complement the design of the development, including height, design, materials and finishes. Landscaping should provide an effective screen to these facilities, where practicable.  |
| <b>58.06-3 – Waste and recycling</b> <ul style="list-style-type: none"> <li>To ensure dwellings are designed to encourage waste recycling.</li> <li>To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul> | <b>Satisfied</b><br>The submitted waste management plan details that waste will be appropriately managed and collected on site.   |
| <b>58.07-1 – Functional layout</b> <ul style="list-style-type: none"> <li>To ensure dwellings provide functional areas that meet the needs of residents.</li> </ul>  | <b>Not Satisfied</b><br>All bedrooms meet the minimum dimensions and areas required.<br><br>Apartments 2.04 and 3.04 each comprise two bedrooms whereby the master (with access to an ensuite) is smaller than the secondary bedroom. The secondary bedroom meets the minimum dimensions required for the main bedroom.<br><br>For the purpose of assessing living areas against the relevant Standard B24, living areas exclude dining and kitchen areas. This is problematic for the assessment, as there are many instances where the plans show living areas incorporating dining areas, which is incorrect, exaggerating the true usable and |

| Objective  | Satisfied / Not Satisfied  |
|--|--|
|  | <p>functional space of living areas.</p> <p>There are also multiple instances where the plans show living areas incorporating circulation spaces, which is considered a further embellishment of the usable living room area in those affected dwellings.</p> <p>Apartment 1.03 (the only dwelling with one bedroom) is required to provide a minimum 10m<sup>2</sup> living area with minimum width of 3.3m. All other dwellings (with two or more bedrooms) are required to provide a minimum 12m<sup>2</sup> with minimum width of 3.6m.</p> <p>Having regard to the above, the following apartments do not appear to provide the minimum dimensions and/or area to living areas: G.02, G.05, 1.03, 2.02, 2.03, 2.04, 3.02, 3.03 and 3.04.</p> <p>The following additional shortcomings are observed:</p> <ul style="list-style-type: none"> <li>• Apartment G.05 is poorly laid out having regard to a dining area, providing residents with limited usability and poor functionality.</li> <li>• Apartments 2.02 and 3.02 do not provide any dining area, giving further impetus that the living spaces provided are inadequate.</li> </ul> |
| <p><b>58.07-2 – Room depth</b></p> <ul style="list-style-type: none"> <li>• To allow adequate daylight into single aspect habitable rooms.</li> </ul>  | <p><b>Satisfied</b></p> <p>All apartments meet the maximum room depth and provide appropriate floor to ceiling heights.</p>  |
| <p><b>58.07-3 – Windows</b></p> <ul style="list-style-type: none"> <li>• To allow adequate daylight into new habitable room windows.</li> </ul>  | <p><b>Not Satisfied</b></p> <p>All habitable room windows are provided with at least one window in an external wall of the building.</p> <p>However, daylight to all three subterranean bedrooms of Apartment G.01, and to a lesser extent the bedrooms of Apartment G.02, may be compromised due to the window locations relative to natural ground level, and the height and proximity of landscaping and fencing.</p>   |
| <p><b>58.07-4 – Natural ventilation</b></p> <ul style="list-style-type: none"> <li>• To encourage natural ventilation of dwellings.</li> <li>• To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul> | <p><b>Satisfied</b></p> <p>The plans demonstrate that at least 40% of dwellings provide effective cross ventilation.</p>   |

## Car parking, access, traffic and bicycle facilities

### Car parking and access

- 8.32 The 17 apartments comprise one, one-bedroom dwelling, 14, two-bedroom dwellings and two, three-bedroom dwellings. The Scheme requires that each one or two-bedroom dwelling is provided one vehicle space and that each three-bedroom dwelling is provided with two vehicle spaces. Despite the site being located within the Principal Public Transport Network buffer area, one visitor car parking space is required to every 10 dwellings pursuant to Schedule 1 to the Parking Overlay.
- 8.33 The development therefore generates a car parking requirement for 20 car parking spaces. The 19 car parking spaces proposed falls short of the statutory requirement by one car parking space. Sufficient car parking is allocated to each dwelling, with no visitor car parking provided.
- 8.34 The submitted traffic report presents findings of an on-street car parking survey of Frederick Street, concluding that at the time of the survey:
- 13 spaces were vacant (an occupancy rate of 41%) on the western side of the street, which has 2 hour restrictions 8am-6pm Saturday-Sunday; and
  - 17 spaces were vacant (an occupancy rate of 15%) on the eastern side of the street, which has Permit Zone restrictions 8am-6pm Monday-Sunday.
- 8.35 Despite the substantial basement footprint and minimal side setbacks provided, the basement layout is unable to accommodate one visitor car parking space to fulfil the statutory requirement. While it has been demonstrated that on-street car parking is likely to be available in the locality under Council's existing Parking Permit Policy, it is practical for a visitor car space to be provided on the site, particularly as future growth and development of the activity centre will only place additional pressure on on-street parking over time. The car parking reduction is therefore considered inappropriate.
- 8.36 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

| Design Standard        | Assessment   |
|------------------------|--|
| 1 – Accessways         | <ul style="list-style-type: none"> <li>• The accessway to the basement car park meets the minimum width and height clearance requirements.</li> <li>• A passing area is not required as the accessway is less than 50m long. A convex mirror at the bottom of the ramp will assist visibility on the blind corner.</li> <li>• All vehicles are able to exit the site in a forwards direction.</li> <li>• An adequate visibility splay area is provided along the exit lane.</li> <li>• A 4 metre internal radius is provided at changes of direction.</li> </ul> |
| 2 – Car Parking Spaces | <ul style="list-style-type: none"> <li>• Car parking spaces are provided in accordance with the dimensions and clearance areas required.</li> </ul>  |

| Design Standard        | Assessment   |
|------------------------|--|
| 3 – Gradients          | <ul style="list-style-type: none"> <li>• Driveway gradients have been assessed as compliant with the standard.</li> </ul>  |
| 4 – Mechanical Parking | <ul style="list-style-type: none"> <li>• No mechanical parking is proposed.</li> </ul>   |
| 5 – Urban Design       | <ul style="list-style-type: none"> <li>• The single-width driveway does not dominate public space.</li> <li>• The basement projects significantly above natural ground level due to the fall of the land towards the rear of the site. The development has not satisfactorily attempted to screen or obscure the projections of the basement.</li> </ul>                       |
| 6 – Safety             | <ul style="list-style-type: none"> <li>• Access to the residential car parking area is secured by a security gate.</li> <li>• Pedestrian access from the site frontage is clearly separated from the roadway.</li> </ul>   |
| 7 – Landscaping        | <ul style="list-style-type: none"> <li>• The driveway ramp to the basement is offset 1m from the southern boundary and is adjacent to hardstand areas on the northern side, which provides minimal landscaping, however the driveway is single-width. Landscaping can be established through the central part of the site frontage, which is considered acceptable.</li> </ul> |

### Traffic

- 8.37 The submitted traffic report conservatively estimates that the originally proposed 18-dwelling development could generate up to 90 vehicle trips per day, including approximately nine vehicle movements per AM peak hour and nine vehicle movements per PM peak hour. Approximately 80% of AM peak trips are anticipated to be vehicles leaving the site, while 70% of PM peak trips are anticipated to be vehicles returning to the site. It concludes that the volume of traffic generated by the development can be comfortably accommodated by Frederick Street, Merlin Street and the nearby road network.
- 8.38 Council's Infrastructure Services Unit have not raised concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report. The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the nearby arterial road network.

### Bicycle Facilities

- 8.39 Clause 52.34 (Bicycle facilities) requires three resident bicycle spaces and one visitor space for this proposal. Four bicycle spaces (three for residents and one for visitors) are provided, which meets the requirements of the Scheme. The three resident spaces are reasonably conveniently located at the end of the storage compound within the basement and the visitor space is well located within the site frontage. Dedicated showers or change room facilities are not required for a residential development.

### **Objector concerns**

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

Design and built form (overdevelopment, density, height, bulk, inadequate setbacks at basement, ground and first floors, high site coverage, inadequate landscaping)

- 8.41 The development does not adequately respond to the existing urban context, the preferred future development of the area or the topography of the site. The proposal does not provide adequate building setbacks or landscaping to side boundaries and presents massing and verticality.

Traffic and car parking (lack of off-street and on-street car parking, traffic congestion)

- 8.42 The number of on-site car parking spaces provided meets the requirement for residents but fails to provide a visitor car parking space, which will increase the demand for on-street car parking and cause a detrimental impact on the amenity of the area.
- 8.43 The potential traffic impacts have been assessed in the submitted traffic report and Council's Infrastructure Services Unit who both concluded that, when considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated within the road network without creating any adverse traffic safety or capacity problems.

Off-site amenity impacts (lack of privacy, overlooking)

- 8.44 The development has not fully considered the provision of adequate screening measures to the north and south. However, the proposal will not result in any unreasonable privacy issues to adjoining properties to the west due to the level of separation between the development and private open space areas and habitable room windows.

Construction impacts (damage to property, traffic, dust, noise, health and wellbeing)

- 8.45 Should a permit issue, a detailed construction management plan is required to be provided, which sets out matters relating to hours of construction, dust, dirt, mud control and the location of parking and site facilities for construction workers. The management plan would be enforced, where necessary, by Council's Compliance Unit.
- 8.46 Any potential damage to the adjoining property from construction is a civil matter that needs to be addressed by the building surveyor responsible for the development.

## 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.