

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 APRIL 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **MICHAEL GATES**
DEVELOPMENT OFFICER – PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. REPRESENTATIONS
4. APPLICANT’S RESPONSE TO REPRESENTATIONS
5. DPTI REFERRAL COMMENTS

HEARING OF REPRESENTORS **PHILIP AND TERESA BUXTON**
 HEARING OF APPLICANT **GREGG JENKINS**

DA NO.	:	110/00516/18
APPLICANT	:	RMTD PTY LTD
LOCATION	:	541 BRIGHTON ROAD, SOUTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	DISTRICT CENTRE – BRIGHTON AND HOVE POLICY AREA 16
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCT A THREE STOREY MIXED USE BUILDING COMPRISING FOUR OFFICES AND FOUR APARTMENTS (EACH WITH TWO BEDROOMS), A TWO STOREY DWELLING (WITH THREE BEDROOMS) ABOVE A CARPORT, AND A TWO STOREY RESIDENTIAL FLAT BUILDING COMPRISING TWO DWELLINGS (EACH WITH TWO BEDROOMS)
EXISTING USE	:	DETACHED DWELLING
REFERRALS	:	DPTI
CATEGORY	:	TWO
REPRESENTATIONS	:	FOUR – WITH ONE REQUESTING TO BE HEARD BY THE PANEL
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

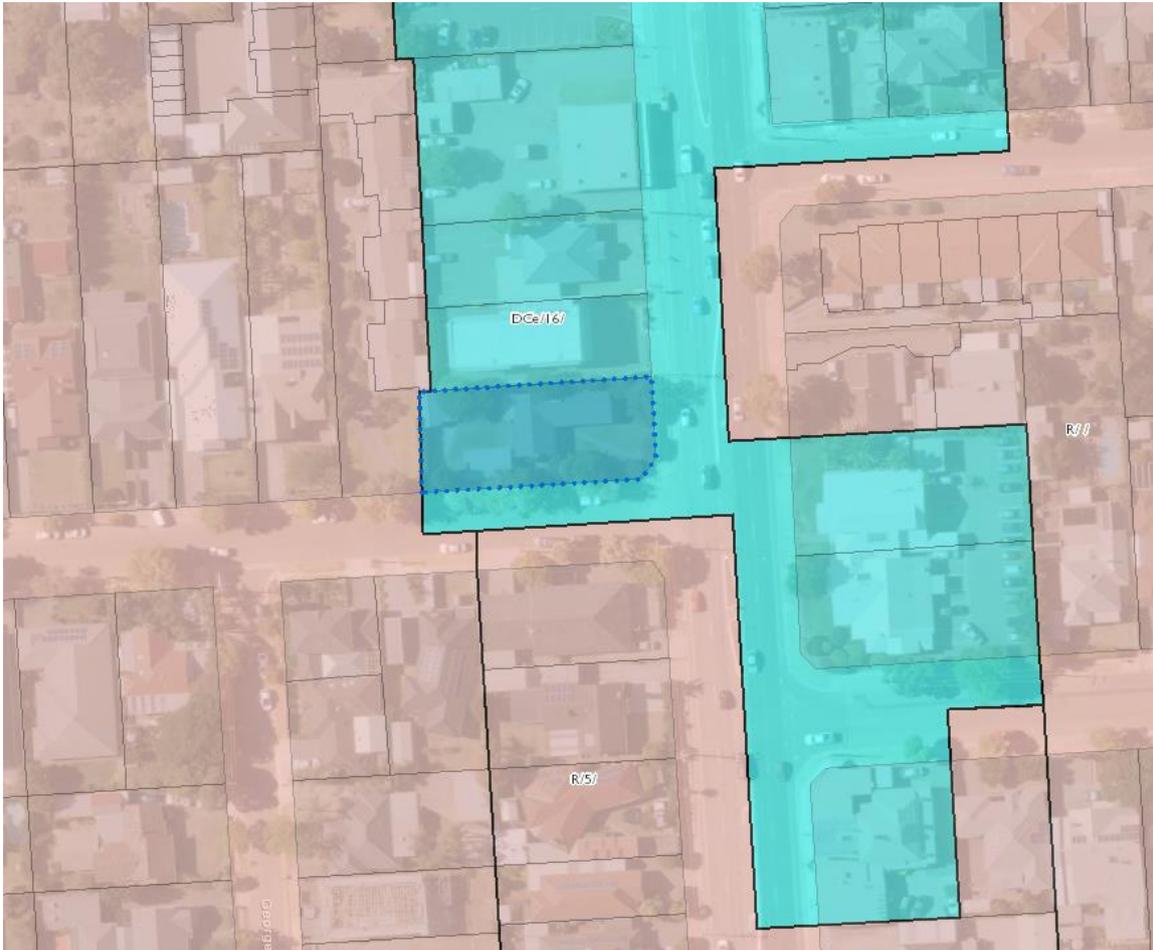
1. Site and Locality

The subject site is located on the western side of Brighton Road on the intersection with Oleander Street East. It has a frontage of 23.8 metres to Brighton Road, depth of 59.4 metres and a total area of 803 square metres. There is currently a single storey detached dwelling and associated outbuildings on the site. The site is relatively flat and there is no vegetation of any significance on the site. The site is located in the District Centre Zone, Policy Area 16, but abuts the Residential Zone to the west and south.



Aerial photo of the subject site

The locality comprises a mix of commercial uses along Brighton Road to the north and on the eastern side, and residential properties on the side streets, and further south along Brighton Road. There is a two storey commercial building abutting to the north, residential flat building to the west, dwellings to the south, and more commercial uses on the opposite side of Brighton Road. The locality is an area that has seen a reasonable amount of development with older dwellings being replaced by new dwellings and/or buildings.



Aerial photo showing the location of the zone boundaries

Refer to Attachment 1

3. Proposed Development

This application is for the construction of a three storey building fronting Brighton Road, with four office spaces on the ground floor, and four apartments on the two storeys above. Behind that is proposed a carport with a two storey dwelling on top, with another two storey building to the western end of the site, which will comprise two dwellings.

The three storey building will be constructed with tilt up concrete that will be finished in a grey colour, with some Scyon Matrix Panels to break up the visual mass of the walls, with a corrugated roof in a Colorbond Bushland colour. The dwellings will have balconies to the western side of the building on the two upper levels.

The other two buildings will also be constructed with concrete panels, but painted in a Dulux Ashville colour, with some small sections of Scyon panels and a corrugated roof in a Colorbond Jasper colour.

The three bedroom dwelling will have two balconies facing onto Oleander Street East. The residential flat building will have a single car garage for each dwelling and private open space area to the rear.

Refer to Attachment 2

4. Public Consultation

The application is a Category 2 form of development as per Schedule 9 of the Development Regulations 2008, as any development in a District Centre Zone that abuts a different Zone is classified as Category 2. Five representations were received. The main concerns are summarised as follows:

- Additional vehicle movements and on street parking;
- Stormwater disposal;
- Overlooking;
- Setbacks and scale of building not consistent with the locality; and
- Bin collection points.

Refer to Attachment 3

The applicant has provided a letter addressing the concerns raised by the representors.

Refer to Attachment 4

5. DPTI Referral

As the site is located on an arterial road (Brighton Road) and proposes new crossovers with 25 metres of Brighton Road the application was referred to DPTI. No concerns were raised with three conditions to be included as part of any approval.

Refer to Attachment 5

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – NON RESIDENTIAL DEVELOPMENT – COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Crime Prevention	
1. Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.	Complies.
2. Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.	Complies.
3. Development should provide a robust environment that is resistant to vandalism and graffiti.	Complies.
7. Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.	Complies.
8. Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.	Complies

Design and Appearance	
1. The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.	Complies.
2. Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.	Complies
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.
10. The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells).	Complies.
11. Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	Complies.
15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies.
18. The ground floor of mixed use buildings should comprise non-residential land uses.	Complies.
19. In mixed use areas, development facing the street should be designed to activate the street frontage(s): (a) including features that attract people to the locality such as frequent doors and display windows, retail shopfronts and/or outdoor eating or dining areas (b) minimising the frontage for fire escapes, service doors, plant and equipment hatches (c) avoiding undercroft or ground floor vehicle parking that is visible from the primary street frontage (d) using colour, vertical and horizontal elements, roof overhangs and other design techniques to provide visual interest and reduced massing.	Complies.

Design and Appearance (Cont)	
20. Where zero or minor setbacks are desirable, development should incorporate shelter over footpaths to enhance the quality of the pedestrian environment.	Complies.
21. Outdoor storage, loading and service areas should be: (a) screened from public view by a combination of built form, solid fencing and/or landscaping (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles (c) sited away from sensitive land uses.	Complies.
Energy Efficiency	
1. Development should provide for efficient solar access to buildings and open space all year around.	Complies.
2. Buildings should be sited and designed: (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings (b) so that open spaces associated with the main activity areas face north for exposure to winter sun (c) to promote energy conservation by maintaining adequate access to winter sunlight to the main ground level of living areas of existing dwellings on adjoining land.	Complies.
3. Except for buildings that take advantage of coastal views, development should promote the efficient consumption of energy through the use of larger but appropriately shaded windows on the north and east building surfaces and smaller windows on the south and west building surfaces.	Generally complies.
4. Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: (a) taking into account overshadowing from neighbouring buildings (b) designing roof orientation and pitches to maximise exposure to direct sunlight.	Complies.
Hazards	
5. Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following: (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.	Complies.
6. Development, including earthworks associated with development, should not do any of the following: (a) impede the flow of floodwaters through the land or other surrounding land (b) increase the potential hazard risk to public safety of persons during a flood event (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood (d) cause any adverse effect on the floodway function (e) increase the risk of flooding of other land (f) obstruct a watercourse.	Complies.
14. Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.	Complies.

Interface between Land Uses	
<p>1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</p> <ul style="list-style-type: none"> (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts. 	Complies.
<p>2. Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.</p>	Complies.
<p>3. Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of nearby residential properties.</p>	Complies.
<p>5. Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.</p>	Dwellings are a sensitive use but the mix of residential and commercial is encouraged within the Zone. The location of dwellings will not significantly affect the operation of the office.
<p>6. Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</p>	Complies. The office use is relatively small as to not unreasonably impact on the adjacent Residential Zone.
Landscaping, Fences and Walls	
<p>1. Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:</p> <ul style="list-style-type: none"> (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components) (b) enhance the appearance of road frontages (c) screen service yards, loading areas and outdoor storage areas (d) minimise maintenance and watering requirements (e) enhance and define outdoor spaces, including car parking areas (f) maximise shade and shelter (g) assist in climate control within and around buildings (h) minimise heat absorption and reflection (i) maintain privacy (j) maximise stormwater re-use (k) complement existing vegetation, including native vegetation (l) contribute to the viability of ecosystems and species (m) promote water and biodiversity conservation (n) establish buffers to adjacent development and areas. 	<p>Landscaping comprises ground covers and small shrubs along the driveway and small trees along the rear boundary. Landscaping occupies approximately 12% of the site and is considered reasonable given the area needed for on-site vehicle manoeuvring.</p>
<p>2. Landscaping should:</p> <ul style="list-style-type: none"> (a) include mature vegetation, the planting of locally indigenous species where appropriate and species tolerant of salt-laden winds near the coast (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained. 	Generally complies.

Landscaping, Fences and Walls (Cont)	
3. Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase leaf fall in watercourses (g) increase the risk of weed invasion (h) obscure driver sight lines (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.	Complies.
4. Existing substantial vegetation should be retained and incorporated within landscaping of new development where practicable.	Sparse existing vegetation to be removed.
Orderly and Sustainable Development	
1. Development should not prejudice the development of a zone for its intended purpose.	Complies.
2. The economic base of the region should be expanded in a sustainable manner.	Complies.
7. Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.	Complies.
9. Development should be undertaken in accordance with the following Structure Plan Map and Concept Plan Maps: (a) <i>Structure Plan Map HoB/1 - Holdfast Bay</i> (b) <i>Structure Plan Map HoB/2 - Brighton and Hove District Centre</i> (c) <i>Concept Plan Map HoB/1 - Jetty Road and Moseley Square</i> (d) <i>Concept Plan Map HoB/2 - Car Parking Areas</i> (e) <i>Concept Plan Map HoB/3 - Foreshore and Patawalonga</i> (f) <i>Concept Plan Map HoB/4 - Buckle Street</i> (g) <i>Concept Plan Map HoB/5 - Extent - Glenelg Foreshore and Patawalonga Zone.</i>	Complies.
Transport and Access	
5. Land uses that generate large numbers of visitors such as shopping centres and areas, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by existing transport networks and encourage walking and cycling.	The development will not generate high traffic movements but is nevertheless close to public transport routes.
8. Development should provide safe and convenient access for all anticipated modes of transport.	Complies.
10. Driveway cross-overs affecting pedestrian footpaths should maintain the level of the footpath.	Complies subject to standard condition.
11. Driveway crossovers should be separated and the number minimised to optimise the provision of on- street visitor parking (where on-street parking is appropriate).	Complies.
12. Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.	Complies.
13. Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.	Not applicable
14. Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.	Not applicable

Cycling and Walking (Cont)	
20. Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including: (a) showers, changing facilities and secure lockers (b) signage indicating the location of bicycle facilities (c) secure bicycle parking facilities.	Complies
21. On-site secure bicycle parking facilities should be: (a) located in a prominent place (b) located at ground floor level (c) located undercover (d) located where surveillance is possible (e) well lit and well signed (f) close to well used entrances (g) accessible by cycling along a safe, well lit route.	Complies.
26. On-site parking and manoeuvring areas servicing development abutting arterial roads should be designed to enable all vehicles to enter and exit the site in a forward direction.	Complies.
31. The number of vehicle access points onto arterial roads shown on <i>Overlay Maps - Transport</i> should be minimised, and where possible access points should be: (a) limited to local roads (b) shared between developments.	Complies.
34. Development with access from arterial roads or roads as shown on <i>Overlay Maps - Transport</i> should be sited to avoid the need for vehicles to reverse on to or from the road.	Complies.
35. Structures such as canopies and balconies that encroach onto the footpath of an arterial road should not cause visual or physical obstruction to: (a) signalised intersections (b) heavy vehicles (c) street lighting (d) overhead electricity lines (e) street trees (f) bus stops.	Complies.
37. Development should be sited and designed to provide convenient access for people with a disability.	Complies.
40. Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with zone requirements or, if not specified by the zone, <i>Table HoB/1 - Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number) unless all the following conditions are met: (a) the site is located within the Glenelg Policy Area 2 (b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces (c) a financial contribution is paid into the Council Car Parking Fund specified by the Council, in accordance with the gazetted rate per car park.	Does not comply.
41. Development should be consistent with Australian Standard AS: 2890 - Parking facilities.	Complies.

Cycling and Walking (Cont)	
42. Vehicle parking areas should be sited and designed in a manner that will: (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.	Mostly complies.
43. Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.	Complies.
45. Parking areas should be sealed or paved in order to minimise dust and mud nuisance.	Complies.
46. To assist with stormwater detention and reduce heat loads in summer, vehicle parking areas should include soft (living) landscaping.	Complies.
Waste	
5. Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.	Sufficient on-site areas available.

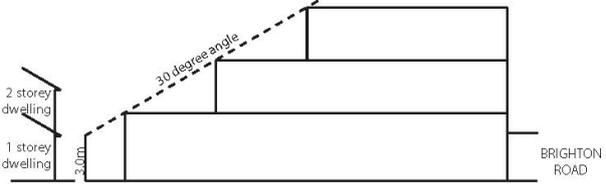
HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – DISTRICT CENTRE ZONE – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

Objectives	
1 Centres that accommodate a range of retail facilities, offices, consulting rooms, and cultural, community, public administration, entertainment, educational, religious and residential facilities to serve the community and visitors within the surrounding district.	Complies.
2 Development of visually and functionally cohesive and integrated district centres.	See Summary of Assessment
3 Centres accommodating medium to high-density residential development in conjunction with non-residential development.	Complies.
4 District centres that have a distinctive and attractive shopping strip character, with a predominance of shop windows and entrances, sited close to street frontages.	Complies.
5 Uses and activities providing, in convenient and accessible groupings, convenience goods and comparison goods to serve the day-to-day, weekly and tourist needs of the community.	The commercial tenancy will provide a local service to the community.

Objectives (Cont)	
7 The provision of facilities to enhance the function and amenity of the zone for pedestrians.	Complies.
8 Development that contributes to the desired character of the zone.	Considered to comply.
Desired Character	
Development of the District Centre Zone will achieve lively, vibrant places that provide for a wide range of retail, commercial, administrative, and community uses, services and functions. It will create inviting pedestrian and cycle friendly centres distinguished by historic architecture, high-quality functional spaces and ease of access.	The commercial use is only a small component of the development but is not considered to be seriously at variance with the desired character.
Principles of Development Control	
1 The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> • affordable housing • bank • child care centre • civic centre • consulting room • discount department store • dwelling in conjunction with non-residential development • educational establishment • emergency services facility • entertainment facility • health facility • hospital • hotel • indoor games centre • library • office • place of worship • playing field • pre-school • primary school • public transport terminal • residential flat building in conjunction with non-residential development • restaurant • shop • supermarket • swimming pool 	Complies.
3 Development comprising a variety of medium density residential (including affordable housing) and non-residential users should be developed only if it does not prejudice the operation of existing or future non-residential activity within the zone.	Complies.
4 Development should not be undertaken unless it is consistent with the desired character for the zone.	Considered to comply.
5 Development should be sited and designed to promote linkages between the various developments within the centre and adjoining main roads.	Complies
7 Dwellings and residential flat buildings should be located only behind or above non-residential uses on the same allotment.	Complies.

Principles of Development Control (Cont)	
8 Buildings should display: (a) articulated surfaces to visible walls (b) a traditional pattern of wall areas and window spaces (c) use of materials and colour finishes which blend with or complement, without copying, those used on the predominant historic buildings (d) clearly and appropriately defined public entry points.	Complies.
9 Development should incorporate verandas, parapet wall treatments and traditional window display frontages consistent with a traditional, linear shopping centre, providing public walkways and sheltered public and private spaces.	Complies.
13 Development should, wherever practicable, provide or make adequate provision for all of the following: (a) pedestrian linkages from public to private spaces (b) usable, pleasant and safe, open areas (c) street furniture including seating and rubbish bins (d) appropriate plantings (e) bicycle parking	Complies.
14. Vehicle parking should be provided in accordance with the rates set out in <u>Table HoB/1-Off Street Parking Requirements or Table HoB/1A-Off Street Parking Requirements for Designated Centres</u> (whichever applies).	Does not comply.
BRIGHTON AND HOVE POLICY AREA 16	
Objectives	
1 The development of the Brighton Centre in accordance with Structure Plan Map HoB/2 – Brighton and Hove District Centre to achieve: (a) a multi-purpose centre that incorporates and integrates a range of community and business activities with medium density residential development (b) a strong sense of locality by the coordinated development of consolidated sites and built form achieving a continuous built form edge and development at landmark sites as gateways to the District Centre (c) vibrant and connected pedestrian environment through activated building frontages, co-ordinated pedestrian cover, street furniture and widened footpaths.	Complies.
2 Progressive redevelopment of sites with poor layout and design and underutilised sites.	Complies. The site is presently under developed as a detached dwelling.
Desired Character	
The Brighton and Hove District Centre will be the focus of retail and community activities and services as well as commercial, office and after-hours activities. The most intensive retail development will be clustered around the existing supermarkets and will develop to service the surrounding community. Retail and commercial activities are to be less intensive in other areas of the zone, particularly south of Edwards Street.	Complies.
Sites that are underutilised or have poor layout and design will be progressively amalgamated and redeveloped in a coordinated manner to promote a vibrant and community oriented hub.	Does not include amalgamation with adjoining sites.

Desired Character (Cont)	
Residential development above or behind non-residential activities is encouraged throughout the zone. The Centre will provide for a variety of medium density and affordable housing developments, built in conjunction with the non-residential activities of the Centre. Residential development will not prejudice the operation of existing or future non-residential activity within the zone. Brighton Road and side street frontages will be activated by maximising the extent of fenestration along a continuous built form edge, providing legible entrances and providing pedestrian cover over footpaths with canopies and awnings. Buildings fronting Brighton Road will promote high quality design through active frontages and an attractive environment for pedestrians through setbacks that enable landscaping and streetscape spaces as well as providing set-back consistency with historic buildings. Per Structure Plan Map HoB/2 – Brighton and Hove District Centre, the centre will develop to include gateway buildings at each end of the centre, landmark structures at corner sites, and equally, sensitive development adjacent heritage buildings. Development will be cognisant of the interface with sensitive adjacent land uses, particularly residential areas. Buildings will be in the order of four storeys. Landscaping along Brighton Road, wider footpaths and the provision of street furniture and art will ensure that the centre is an attractive and pleasant destination at all times.	Complies.
Landscaping will also be utilised to provide a buffer between non-residential developments and adjacent residential areas.	Complies.
Carparking will be provided as undercroft or to the rear of developments to maximise the centre's presentation to Brighton Road. Car parking will gradually be consolidated and linked to improve overall centre access. The centre will also ensure a network of pedestrian pathways to link key destinations outside of the centre including the Brighton and Hove train stations, Brighton Oval, Brighton Primary School, Brighton Secondary School, Marymount School, St Teresa's School and the beach.	Complies.
Principles	
3 Buildings should be developed to a maximum height in the order of 4 storeys, although 5 storeys may be permitted on landmark sites.	Complies.
4 Buildings (excluding verandas, canopies and the like) should be set back from the Brighton Road frontage so as to create a safe and pleasant pedestrian environment and to encourage a consistent built form edge that supports a pedestrian centred environment.	Provides an appropriate built form edge to Brighton Road with canopy encroachment.
5 The ground level street frontages of buildings should contribute to the appearance and retail function of the area by providing at least 5 metres or 60 per cent of the street frontage (whichever is greater) as an entry/foyer or display window to a shop (including a café or restaurant) or other community or commercial use to provide pedestrian interest and activation.	Complies.

Principles (Cont)													
<p>9 Development adjacent a residential zone boundary should:</p> <p>(a) be set back within the 30° angle from the zone boundary when measured from a height of three metres above natural ground level (and as shown in figure below):</p>  <p>(b) locate and design servicing and loading areas to minimise disturbance to residential amenity</p> <p>(c) provide and maintain a landscaped buffer adjacent the property boundary to provide a visual screen to adjacent residential developments</p> <p>(d) include acoustic treatments to building plant and equipment, service and loading areas, and fencing to minimise disturbance to residential amenity as a result of activities on the site.</p> <p>Consolidated - 18 December 2014</p>	<p>Does not comply.</p>												
<p>10 Vehicle parking should be located at the rear or underneath buildings in the form of a full basement carpark or screened multi-level structures.</p>	<p>Complies.</p>												
<p>13 Development should minimise the number of access points onto Brighton Road by providing vehicle access:</p> <p>(a) from side streets or rear access ways as identified on Structure Plan Map HoB/2 – Brighton and Hove District Centre</p> <p>(b) via co-ordinated through-property access rights-of-way or common rear vehicle parking areas.</p>	<p>Complies</p>												
<p>14 Development should encourage and facilitate cycling as a mode of transport by incorporating end-of journey facilities including:</p> <p>(a) changing facilities and secure lockers for staff</p> <p>(b) signage indicating the location of bicycle facilities</p> <p>(c) bicycle parking facilities provided at the rates set out in the Table below:</p> <table border="1" data-bbox="199 1384 821 1818"> <thead> <tr> <th>Form of development</th> <th>Employee/resident (bicycle parking spaces)</th> <th>Visitor/shopper (bicycle parking spaces)</th> </tr> </thead> <tbody> <tr> <td>Residential component of mixed use building</td> <td>1 for every 4 dwellings</td> <td>1 for every 10 dwellings</td> </tr> <tr> <td>Office</td> <td>1 for every 200 square metres of gross leasable floor areas</td> <td>plus 1 per 1000 square metres of gross leasable floor area</td> </tr> <tr> <td>Shop</td> <td>1 for every 300 of gross leasable floor areas</td> <td>1 for every 600 square metres of gross leasable floor area</td> </tr> </tbody> </table>	Form of development	Employee/resident (bicycle parking spaces)	Visitor/shopper (bicycle parking spaces)	Residential component of mixed use building	1 for every 4 dwellings	1 for every 10 dwellings	Office	1 for every 200 square metres of gross leasable floor areas	plus 1 per 1000 square metres of gross leasable floor area	Shop	1 for every 300 of gross leasable floor areas	1 for every 600 square metres of gross leasable floor area	<p>Complies</p>
Form of development	Employee/resident (bicycle parking spaces)	Visitor/shopper (bicycle parking spaces)											
Residential component of mixed use building	1 for every 4 dwellings	1 for every 10 dwellings											
Office	1 for every 200 square metres of gross leasable floor areas	plus 1 per 1000 square metres of gross leasable floor area											
Shop	1 for every 300 of gross leasable floor areas	1 for every 600 square metres of gross leasable floor area											

6. Summary of Assessment

Seriously at Variance

Pursuant to Section 35(2) of the *Development Act, 1993* the proposal considered is not to be seriously at variance with the Holdfast Bay Council Development Plan.

Land use

The proposal for a mixed used development for small scale office and residential (in conjunction with non-residential development) is considered to be appropriate for the Zone and Policy Area given the multiple references to both forms of development within the PDC for the Zone and Policy Area. The proposal is a merit form of development as the proposal involves residential development in conjunction with office use.

Zone Objectives

The Desired Character for the District Centre Zone and the Brighton and Hove Policy Area 16 in particular anticipates a mix of non-residential and residential uses with residential uses being above or behind the non-residential uses. A range of non-residential uses including shops, office and consulting rooms are considered appropriate. This development is broadly consistent with the Zone Objectives as it comprises four small office tenancies fronting Brighton Road, with the dwellings located above and to the rear. The main component comprises the residential use, and while arguably the intent of the Zone is the reverse, there is no specific clarification of the desired ratio of commercial to residential within the relevant provisions. The District Centre Zone seeks lower scale commercial activities south of Edwards Street, which this proposal is considered to accord with.

The Principle of Development Control for the Zone do not specify a minimum site area for dwellings, but in reading the Principles it is clear a range of dwelling types, including upper-storey dwellings are anticipated. Therefore the mix of dwellings proposed in this instance is considered to be within the requirements specified for the District Centre Zone.

Built Form

The Zone and Policy Area encourages commercial development with verandahs fronting Brighton Road and residential development up to 4 storeys above or to the rear. Appropriate setbacks to residential zone boundaries are required but none are specified to other property boundaries. The three storey dwelling is proposed on the northern boundary, and the residential flat building will be on the western boundary for the ground level, with the upper level set in one metres. The office component is constructed to Brighton Road with large display windows on the ground level, with smaller windows on the upper level. Whilst there are no verandahs proposed, but the ground level is setback from the upper levels that will have a similar appearance and provides an area for landscaping. All of the buildings are setback from Brighton Road and Oleander Street East to allow for landscaping that will assist in soften the appearance of the buildings.

The scale of the buildings are compatible with the commercial building to the north and other buildings along Brighton Road in the same Zone. The building on the western end of the site comprises two dwellings and is of a lower scale as to be more compatible with the adjacent Residential Zone. At three storeys, the other two buildings are not as high as what can be

anticipated within the Zone and by stepping down to two storeys at the rear provide a suitable transition in scale to the rear adjoining Residential Zone.

The overall design of the buildings are considered to be appropriate for the locality with a pitched roof design to match the design of neighbour residential buildings, and articulation of the three storey building through the use of windows and Scyon cladding panels.

The two storey building does not specifically comply with Brighton and Hove Policy Area Principle 9 with regard to the setback from the Residential Zone boundary. Although the setback requirement is not met, the impact is considered to be relatively minor given the impact on the adjacent property is to the front common area of a residential flat building. While no side setbacks are specified with the District Centre Zone the setbacks proposed to the north are considered reasonable and will not result in any overshadowing or visual dominance given the site abuts the side of a two commercial building.

Access and Parking

The proposal will require the construction of three crossover points onto Oleander Street East, and the removal of two street trees. The proposal has been referred to Council's Horticulture Team who support the removal of the two trees given there several trees along the frontage already and the trees proposed to be removed offer little amenity to the streetscape.

The proposal provides on-site parking in accordance with the requirements of Table HoB/1 for the majority of the proposal, with the exception of visitor parking for the front dwellings. The building on the western side of the site has two spaces provided, with one under cover for each dwelling. The three bedroom dwelling has two parking spaces designated to it that meets the requirement for 1.5 spaces for the dwelling and 0.25 visitor space. The parking spaces under the two bedroom dwelling will be screen from the street by use of timber slats and landscaping.

Each of the office spaces are allocated a parking space in accordance with the requirements of Table HoB/1. The dwellings above are two bedroom dwellings and require 1.5 spaces per dwellings, 1 visitor space (requires 0.25 visitor space per dwelling), so a total of seven spaces. Five spaces are provided so there is a short two parking spaces. Overall the shortfall of two spaces is considered to be relatively minor and will be offset by the proximity to public transport along Brighton Road and the nearby railway line. Therefore there is considered to be sufficient parking in this instance as to not negatively impact on the adjacent Residential Zone.

Private Open Space

The Development Plan is silent in regard to minimum size of private open space within the District Centre Zone other than for apartments above ground level. The two dwellings with ground floor private open space areas at the western end of the site will have 36 square metres of private open space at the rear of the dwelling. The amount of private open space is considered reasonable and will have a northern aspect for the better enjoyment of the occupants.

All of the other dwellings exceed the requirement amount of private open space, with the three bedroom dwelling having two balconies of 12 square metres each facing onto Oleander Street East, which exceeds the minimum requirement of 15 square metres.

The two bedroom dwellings will have balconies on each level on the western side of the dwelling of 10 square metres each, which exceeds the minimum requirement of 11 square metres.

Overlooking

The upper levels on the northern side of the three storey dwelling and the western side dwellings will have obscure glazing up to a height of 1.7 metres above floor level. Screening is also provided to the eastern side of the balconies on the three level dwelling. These measures are considered to be acceptable and accords with the privacy requirements of the Development Plan.

Concerns were raised about the balconies of the three storey dwelling fronting onto Oleander Street East. Given these balconies face the street and do not directly overlook areas of private open space, the proposal is considered reasonable in this instance and within the requirements for the District Centre Zone.

Landscaping

The District Centre Zone does not specify a certain amount of space that should be provided for landscaping. In this instance the proposal provides landscaping around the perimeter of the site that will soften the appearance from both Brighton Road and Oleander Street East. The landscaping consists of small shrubs and trees up to five metres in height. The landscaping is considered to be acceptable for the site and considered to accord with the requirement of Principle 9 of the District Centre Zone.

Representations

The representations received during the notification process also raised concerns relating to:

- Additional vehicle movements and on street parking;
- Stormwater disposal;
- Setbacks and scale of building not consistent with the locality; and
- Bin collection points.

In regards to vehicle movements and onsite parking, it is considered that the majority of additional traffic will be as a result of the residential component of the development, not the office aspect, of which sufficient parking is provided. Therefore the additional vehicles movements are within what is envisaged by the Development Plan where adjacent a Residential Zone.

In regards to stormwater disposal, the applicant has provided a detailed stormwater plan which is considered to satisfy the requirement of Council.

In regards to the setbacks and scale of the buildings, it is noted that the adjacent Residential Zone allows for two stories. Therefore the additional floor above the height allowance of the Residential Zone is considered to be an acceptable transition between the two Zones, with District Centre allowing up to four stories in height.

In regards to bin collection space, there is no requirement listed in the Development, but this does require consideration. Given the dual frontage of the site, it is considered that there is sufficient space between the two frontages to allow for collection. Therefore the amount of potential bin collection area is considered reasonable in this instance.

Conclusion

In accordance with District Centre Zone and Policy Area 16 objectives the proposal provides a mix of commercial and residential development. The Development Plan does not provide clear guidance as to the appropriate ratio of commercial and residential components, other than references to provision of medium density residential development, with less intensive commercial development south of Edward Street. The development only has a small portion of office area and is predominately residential that will complement the adjacent Residential Zone. Whilst the proposal does not comply with the setback and on-site parking requirements, the shortfalls are considered to be minor and will not unreasonably impact on the amenity of the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality, it is considered that the proposal satisfies the relevant provisions of the Development Plan. The development is broadly consistent with the Desired Character of the District Centre Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

7. RECOMMENDATION

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00516/18, subject to the following conditions:**
 1. **That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
 2. **That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
 3. **That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.**
 4. **The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.**
 5. **That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**

6. That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE: Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

DPTI Conditions

7. All vehicular access to/from the site shall be gained via Oleander Street only in general accordance with the Wilcot Drafting, Site Plan, Planning (Revision C), dated 12 December 2018, Sheet 11 of 18. No direct vehicular access onto Brighton Road shall be permitted.
8. The eastern most crossover on Oleander Street shall comply with *AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways'*.
9. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Brighton Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the owner's expense.