

25 October 2019

Ganche Chua
Circa Morris-Nunn Architects
Via email:

Dear Ganche

Preliminary Planning Assessment – Kangaroo Bay Boulevard Apartments

As requested I have reviewed the draft development proposal for the Kangaroo Bay Boulevard Apartments against the provisions of the Clarence Interim Planning Scheme 2015 and provide the following preliminary assessment.

The Site

The proposal relates to six titles between Kangaroo Bay Drive and Cambridge Road as shown below. The four titles facing Cambridge Road 92,94,96 and 98 Cambridge Road are zoned Inner Residential and the lower two sites Lots 3 and 4 Kangaroo Bay Drive are zoned Particular Purpose 35.0.



Figure 1 - Planning Scheme Zoning Map (Source: theList)

The Proposal

The proposal is described in the plans and rationale prepared by Circa Morris-Nunn Architects and includes:

- Demolition of existing houses;
- 100 multiple dwellings including apartment and townhouses 78;
- 300 car parking spaces including 200 residential spaces and 100 public car parking spaces;
- Approximately 1500m² of commercial tenancies on the ground floor of the buildings fronting Kangaroo Bay Drive.



Figure 2 - Proposal perspective (Source: Circa Morris-Nunn Architects)

The Planning Scheme

The site is within the Inner Residential Zone (92,94,96 and 98 Cambridge Road) and Particular Purpose Zone 35.0 (Lots 3 and 4) of the Planning Scheme.

There are no planning scheme overlays that apply to the site.

Under Clause 8.10.1 of the planning scheme the planning authority must, in addition to the matters required by s.51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with s57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

Relevantly, a standard is applicable if the site is within the relevant zone and the standard deals with a matter that could affect or be affected by the proposed development; cl.7.5.2.

A standard is defined to mean the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or corresponding performance criterion.

Compliance with a standard is achieved by complying with either the acceptable solution or corresponding performance criterion; cl.7.5.3.

The objective of the standard may be considered to help determine whether the proposed use or development complies with the performance criterion of that standard; cl.7.5.4.

The Land Use Planning and Approvals Act 1993 assess use and development separately and that dichotomy is brought over to the Planning Scheme where use and development is assessed against separate controls.

Particular Purpose Zone 35.0

Lots 3 & 4 are within the Boulevard area of the Particular Purpose Zone as shown in Figures 3 and 4 below.



Figure 3 - Extent of land within the Particular Purpose Zone

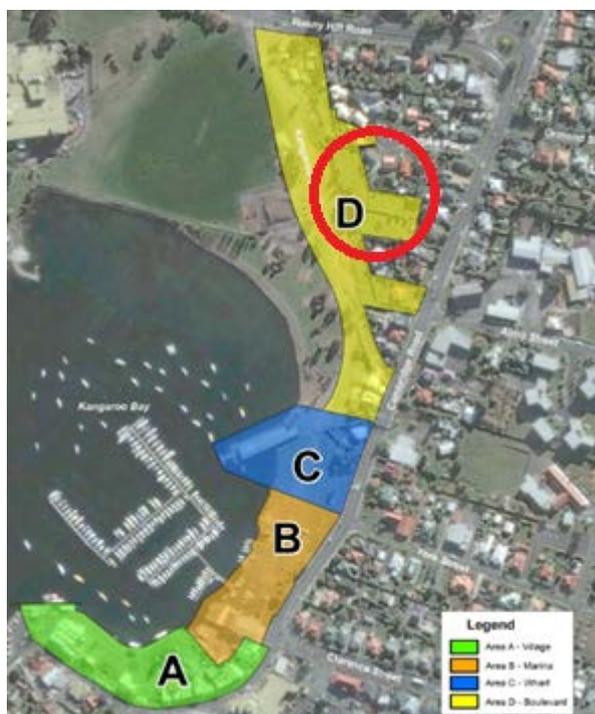


Figure 4 - Diagram 1 below, Clause 35.6 of the Local Areas Plan

Zone Purpose Statement

- To create a focal point for the City by providing an integrated range of tourism, recreational, commercial and residential uses and developments.
- To promote appropriate development for the Bellerive Village and Kangaroo Bay foreshore area that embraces the unique and high-profile nature of the area while being responsive to the area’s constraints and physical context.
- To improve access, traffic circulation and pedestrian movement in the area.
- To articulate a clear set of development controls for the area consistent with the strategic context.

Local Area Objectives

High quality development will be achieved by:

- (a) A consistent thematic approach, related to the waterside location and maritime activities, being reflected in the colours and materials of the built and spatial form.
- (b) Active frontages to be developed along the boardwalk, Cambridge Road and Kangaroo Bay Drive.
- (c) Development forecourts along Kangaroo Bay Drive being integrated with the activities of the buildings.

- (d) Outdoor spaces being integrated and well connected with adjacent spaces and roads to allow for visual and physical permeability.*
- (e) The provisions of passive surveillance of the public space within and adjacent to the Boulevard through residential occupancy located above compatible commercial uses at street level.*
- (f) The development along Cambridge Road to provide a defined edge to the street at a consistent scale, offering glimpses of the bay, and beyond, through corridors and laneways between buildings when viewed from Cambridge Road.*
- (g) The proposed development footprint along Kangaroo Bay Drive to provide a defined edge to the new street at a scale complementary with the escarpment, offering glimpses of the bay, and beyond, through corridors between buildings when viewed from Cambridge Road.*
- (h) Signage being integrated into the design of buildings and relating only to business located on the site or to local public events held in area.*
- (i) Illumination of roads, buildings, spaces or signage being sufficient for identification and to provide a safe environment without unreasonably impacting the residential amenity of surrounding areas.*
- (j) The redevelopment of the old ferry terminal providing an important destination and built form focus, with public access and activity spaces around the building.*
- (k) Development of, or contributions to, public art and artistic activity to focus interest in the public spaces.*
- (l) Private carparking to be rationalised through:
 - (i) Minimisation of private car parking within the Village.*
 - (ii) Any private car parking being integrated with the built form, primarily to the rear of developments.**
- (m) Traffic and access to be enhanced by:
 - (i) The inclusion of vehicular access from the Marina to Kangaroo Bay Drive.*
 - (ii) The provision of a ferry transport node, boat lay-by, new berths and refuelling options in the Wharf.**

Desired Future Character Statements

- *The Bellerive Village and Kangaroo Bay area is to be developed as a strong urban space reinforcing its role as a major entry to the waterfront.*
- *Bellerive Village and Kangaroo Bay is to be treated as a waterfront precinct where physical and visual contact with the water is a valued experience. Accessing the area via the water through private and public watercraft will be encouraged and enhanced.*

- *Development within the Bellerive Village area is to retain the varied built form character with high quality architecture offering innovative solutions to seasonal activities.*
- *The foreshore of the Bellerive Village and Kangaroo Bay area is to be treated as a continuous public space with an emphasis on safe and legible pedestrian movement with community access to the foreshore and to adjacent precincts, particularly the city centre at Rosny Park.*
- *High quality public space will enhance the social life of the city and the health of its residents through improvements to recreational opportunities and the creation or improvement of venues for outdoor events, festivals and the arts.*
- *High quality built form, through well designed architectural responses, will respond to the area's opportunities as well as its constraints. The redevelopment of the old ferry terminal will provide a feature architectural element cognisant of its location and visual importance in the Bay while maintaining public access and activity around its periphery.*
- *Re-establishment of the ferry terminal function will provide a strong enhancement of the pivotal public transport function in the wider area. Development should facilitate integrated urban transport services, including bus, ferry and cycle intermodal connections.*
- *Residential development opportunities, generally above ground level commercial activities, will increase the number of people using the spaces and improve safety through passive surveillance.*
- *Development will be encouraged for the economic, social and environmental returns it will bring to the Council and community as well as the gradual consolidation of activity centres.*

Use

The proposal includes ground level commercial tenancies fronting Kangaroo Bay Drive, residential apartments and vehicle parking for 100 cars other than directly associated with the use of the land.

Allowable used for the commercial tenancies include:

- *General Retail and Hire: local shop, shop or market (Permitted);*
- *Bulky goods sales: for boatsales or hire office) (Discretionary);*
- *Business and professional services: if primarily located on the street level frontage and for predominantly tourism related or service maritime activities (Discretionary);*
- *Food services: café, restaurant, take away food (other than a drive through) (Discretionary)*
- *Hotel industry: bar, bottle shop (other than a drive through) (Discretionary)*
- *Tourist operation:*

The *Residential* apartments (multiple dwellings) are a Discretionary Use.

Vehicle parking is also a Discretionary Use.

In my assessment these uses in the configuration proposed are likely to be able to further the Zone Purpose for an integrated range of uses and high quality urban design and pedestrian environment.

Development Standards for Building and Works (35.4)

Urban Design (35.4.1)

Objective:

To ensure built form and spatial form is a high quality and well designed to respond to the context of the area.

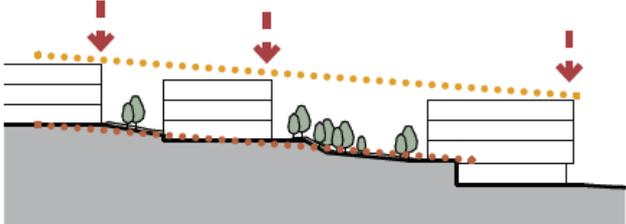
Development Standard	Assessment
<p>A1</p> <p><i>The development is for minor additions and/or alterations to an existing building.</i></p>	<p>The proposed redevelopment is to be assessed against P1.</p>
<p>P1</p> <p><i>The urban design of the development satisfactorily responds to the context of the site through:</i></p> <p><i>(a) private spaces are to provide open and clear connection to public spaces;</i></p> <p><i>(b) development forecourts are to be interconnected to provide for easy and legible movement between each other;</i></p> <p><i>(c) frontages to the street and pedestrian areas are to be active while entrances to buildings and spaces are to be legible in the wider streetscape.</i></p>	<p>The proposal has been designed with careful regard to the context, urban design and intended character of the area and is considered to satisfy P1 in that:</p> <ul style="list-style-type: none"> a) It includes a series of private spaces that will connect to Cambridge Road above and Kangaroo Bay below; b) It includes a forecourt along the Kangaroo Bay frontage that will act as an extension of the road reserve and provide opportunities for movement and connection between the ground floor tenancies and the street; c) The ground floor tenancies on Kangaroo Bay Drive are to incorporate higher floor to ceiling levels and will be orientated with large areas of glazing and entrances to provide activity, interest and legibility in the wider streetscape.

Building Height (35.4.2)

Objective:

To ensure that the scale of the development is appropriate for the context of the development and the buildings define the public spaces and streets.

Development Standard	Assessment
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<p>A1</p> <p>(a) The development complies with a three-dimensional building envelope described within an approved plan of subdivision; or</p> <p>(b) Buildings are not to exceed two storeys in height at the frontage to a public road.</p>	<p>Discussions with Council have confirmed that there is no relevant three-dimensional building envelope described within an approved plan of subdivision. The front building will also exceed two stories and the proposal is therefore to be assessed under P1.</p>
<p>P1</p> <p>(a) The height of buildings are to be consistent with the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements;</p> <p>(b) The height of buildings within the Village area is to be generally consistent with the surrounding development;</p> <p>(c) The height of buildings within the Boulevard area should generally not exceed 3 storeys above the escarpment at that location; and</p> <p>(d) Increased height of buildings in the Marina and Wharf areas may be considered where the development incorporates a scale and architectural response that is cognisant of its location and visual importance in the Bay and surrounds.</p>	<p>The proposal involves a four storey building along the Kangaroo Bay Road frontage and three storey buildings above the escarpment. The proposal is considered to satisfy P1 in that:</p> <p>a) The proposed development footprint along Kangaroo Bay Drive will provide a defined edge to that new street at a scale maintaining the intended general three storey height above the escarpment (see diagram 1 below) and will also offer opportunities for glimpses of the bay and beyond, through corridors between buildings when viewed from Cambridge Road (see (diagram 2 below)). Both these outcomes will further the intent statements under (cl. 35.1.2.2g);</p>  <p><i>Diagram 1</i></p> 

	<p><i>Diagram 2</i></p> <p>b) This criterion does not apply to the Boulevard Area;</p> <p>c) The buildings above and below the line of the escarpment do not exceed three stories above the height of the escarpment as shown in Diagram 1 above;</p> <p>d) This criterion does not apply to the Boulevard Area.</p>
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Setbacks (35.4.3)

Objective:

To ensure that the location of buildings allow for visual permeability and opportunities for activities integrated with public spaces.

Development Standard	Assessment
<p>A1</p> <p><i>The development complies with a three-dimensional building envelope described within an approved plan of subdivision.</i></p>	<p>Discussions with Council have confirmed that there is no relevant three-dimensional building envelope described within an approved plan of subdivision. The proposal is therefore to be assessed under P1.</p>
<p>P1</p> <p><i>(a) Setbacks from frontages to the boardwalk and Kangaroo Bay Drive and to be sufficient to contain activities within development forecourts;</i></p> <p><i>(b) Setbacks between buildings are sufficient to allow for view corridors through and beyond the area.</i></p>	<p>The proposal is considered to satisfy P1 in that:</p> <p>a) An approximate 5m setback buildings to the Kangaroo Bay Drive frontage has been incorporated to accommodate an active forecourt associated with the adjacent ground floor tenancies;</p> <p>b) The buildings have been arranged to allow view corridors above, through and around as shown in Diagram 2 above.</p>

Outdoor Space for Residential Use (35.4.4)

Objective:

To ensure that residential use is provided with adequate private open space, taking into consideration a commercial environmental context.

Development Standard	Assessment
<p>A1</p> <p><i>A dwelling must have an area of private open space that:</i></p>	<p>Each dwelling is to have an area of private open space located to take advantage of solar access and views. In some instances, the spaces may not satisfy the minimum quantitative dimensional standards of</p>

<p>(a) <i>is in one location and a minimum of 12m²;</i></p> <p>(b) <i>has a minimum horizontal dimension of 2m; and</i></p> <p>(c) <i>is directly accessible from a habitable room (other than one solely used as a bedroom).</i></p>	<p>A1. In such cases the detailed design will need to satisfy P1.</p>
<p>P1</p> <p><i>Sufficient private open space is provided for each dwelling appropriate for the size of the dwelling, the anticipated requirements of the occupants and any provided communal space or public open space in the vicinity.</i></p>	<p>In the event that some individual private open spaces area for a dwelling is less than 2m wide or 12m² the proposal will need to demonstrate that the space will provide an appropriate level of amenity. The generous areas of communal open space within the development and adjacent public recreational areas of Kangaroo Bay as shown in Diagram 3 below will certainly assist the satisfaction of these criteria.</p>  <p><i>Diagram 3</i></p>

Inner Residential Zone



Figure 5 - Extent of Inner Residential Zone

The Inner Residential Zone applies to the four titles fronting Cambridge Road as shown in Figure 5 above including:

- Block G - 2 Townhouses (3 storey) addressing Cambridge Road + 8 apartments behind
- Block H - 8 Townhouses to Cambridge Road (split level, 3 storey massing)
- Block I - 4 Townhouses to Cambridge Road (double storey, 2 storey massing)

The purpose of the Inner Residential Zone is:

- *To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- *To provide for compatible non-residential uses that primarily serve the local community.*
- *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*

- To encourage residential development that respects the neighbourhood character.
- To provide a high standard of residential amenity.
- To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.

Multiple dwellings are a permitted use in the zone.

Development Standards for Buildings and Works

Residential Density for Multiple Dwellings (11.4.1)

Objective:

To provide for inner urban densities that:

- (a) increase the number and density of dwellings; and
- (b) provide a range of dwelling types and sizes appropriate to the location; and
- (c) encourage efficient utilisation of residential land and services in inner urban areas.

Development Standard	Assessment
<p>A1</p> <p>Multiple dwellings must have a site area per dwelling of not less than 200m² and not more than 400m².</p>	<p>The proposal includes 22 residential dwellings within the extent of Inner Residential Zoned land (approximately 3060m²). This equates to a density of 1 dwelling per 139m² and is therefore to be assessed under P1.</p>
<p>P1</p> <p>Site area per dwelling may be:</p> <p>(a) less than 200m² if any of the following applies:</p> <p>(i) the development contributes to a range of dwelling types and sizes appropriate to the locality;</p> <p>(ii) the development provides for a specific accommodation need, such as aged care, special needs or student accommodation;</p> <p>(b) more than 400m² if any of the following applies:</p> <p>(i) site constraints preclude development at a higher density;</p>	<p>P1 provides for consideration of a dwelling density higher than 1 per 200m² subject to a)i) or a)ii).</p> <p>In my assessment the proposal satisfies at least criterion a)i) in that the development, including a mix of apartments, town houses as well as 1,2 and three bedroom apartments will contribute a mix of dwelling types appropriate to this inner urban area close to services, public recreation areas and public transport.</p>

<p>(ii) the development is designed or located to make provision for future development with a site area per dwelling of 400m² or less.</p>	
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Setbacks and building envelope (11.4.2)

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (c) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Development Standard	Assessment
<p>A1</p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street. 	<p>Complies with A1a). The Cambridge Road buildings will be setback 3m from the frontage.</p>
<p>A2</p> <p>A garage or carport must have a setback from a frontage of at least:</p> <ul style="list-style-type: none"> (a) 4m, or alternatively 1m behind the façade of the dwelling; or 	<p>N/A. The proposal does not include garages in front of the building line.</p>

<p><i>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</i></p> <p><i>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</i></p>	
<p>A3</p> <p><i>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</i></p> <p><i>(a) be contained within a building envelope (refer to diagrams 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by:</i></p> <p><i>(i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and</i></p> <p><i>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and</i></p> <p><i>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</i></p> <p><i>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</i></p> <p><i>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</i></p>	<p>The buildings have been designed so that they don't exceed 9.5m in height or the permitted building envelope under A3a.</p>

11.4.3 Site coverage and private open space

Development Standard	Assessment
<p>A1</p> <p><i>Dwellings must have:</i></p> <p>(a) <i>a site coverage of not more than 50% (excluding eaves up to 0.6m); and</i></p> <p>(b) <i>for multiple dwellings, a total area of private open space of not less than 50m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</i></p> <p>(c) <i>a site area of which at least 25% of the site area is free from impervious surfaces.</i></p>	<p>a) The proposed site cover is approximately 50% and will be confirmed in the application for a planning permit.</p> <p>b) the proposal adopts a communal open space arrangement to supplement individual areas of private open space for each dwelling. Given that the dwellings with ground level access will not achieve the 50m² permitted minimum, the dwellings will need to be assessed under P1.</p> <p>c) the proposal will achieve the minimum impervious surface of at least 25% of the site.</p>
<p>P1</p> <p><i>Dwellings must have:</i></p> <p>(a) <i>private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</i></p> <p>(i) <i>outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</i></p> <p>(ii) <i>operational needs, such as clothes drying and storage;</i></p> <p><i>unless the projected requirements of the occupants are considered to be satisfied by public open space in close proximity; and</i></p> <p>(b) <i>reasonable space for the planting of gardens and landscaping.</i></p>	<p>Similar to the considerations for private open space discussed above in relation to the Particular Purpose Zone it is considered that the requirements of P1 will be met.</p>
<p>A2</p> <p><i>A dwelling must have an area of private open space that:</i></p>	<p>See P2 below</p>

<p><i>(a) is in one location and is at least:</i></p> <p><i>(i) 24 m²; or</i></p> <p><i>(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</i></p> <p><i>(b) has a minimum horizontal dimension of:</i></p> <p><i>(i) 3 m; or</i></p> <p><i>(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</i></p> <p><i>(c) is directly accessible from and adjacent to, a habitable room (other than a bedroom); and</i></p> <p><i>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</i></p> <p><i>(e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</i></p> <p><i>(f) has a gradient not steeper than 1 in 10; and</i></p> <p><i>(g) is not used for vehicle access or parking.</i></p>	
<p>P2</p> <p>A dwelling must have private open space that:</p> <p>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play that is:</p>	<p>If A2 cannot be met, I consider that P2 can be demonstrated for similar reasons to discussed above in relation to the Particular Purpose Zone.</p>

<p>(i) conveniently located in relation to a living area of the dwelling; and</p> <p>(ii) orientated to take advantage of sunlight;</p> <p>unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity.</p>	
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Sunlight and overshadowing (11.4.4)

Objective:

To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and*
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.*

Development Standard	Assessment
<p>A1</p> <p><i>A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west and 30 degrees east of north (see diagram 11.4.4A).</i></p>	<p>The buildings are orientated towards Cambridge Road or the water and mountain and cannot achieve the northerly orientation in all instances. The proposed apartments therefore must satisfy P1.</p>
<p>P1</p> <p><i>A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</i></p>	<p>The design has been prepared with careful regard to solar access and each will have a habitable room receiving at least 3 hours direct sunlight on 21 June.</p>
<p>A2</p> <p><i>A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see diagram 11.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</i></p> <p><i>(a) The multiple dwelling is contained within a line projecting (see diagram 11.4.4B)</i></p>	<p>I expect that A2 or P2 can be satisfied given the orientation and spacing of the buildings. This will require detailed consideration in the evolution of the design prior to an application for a planning permit.</p>

<p>(i) at a distance of 3 m from the window; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) the multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) that part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>	
<p>P2</p> <p>A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see diagram 11.4.4A)</p>	<p>As above</p>
<p>A3</p> <p>A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of 11.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see diagram 11.4.4C):</p> <p>(i) at a distance of 3 m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p>	<p>I expect that A3 or P3 can be satisfied given the orientation and spacing of the buildings. This will require detailed consideration in the evolution of the design prior to an application for a planning permit.</p>

<p>(b) <i>The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</i></p> <p>(c) <i>That part, of a multiple dwelling, consisting of:</i></p> <p>(i) <i>an outbuilding with a building height no more than 2.4 m; or</i></p> <p>(ii) <i>protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</i></p>	
<p>P3</p> <p><i>A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of 11.4.3.</i></p>	<p>As above</p>

Privacy (11.4.6)

Development Standard	Assessment
<p>A1</p> <p><i>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</i></p> <p>(a) <i>side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the boundary; and</i></p> <p>(b) <i>dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:</i></p>	<p>I expect that either A1 or P1 and be satisfied.</p> <p>In my opinion it would be desirable for any north facing decks on Building G within 3m of the boundary with the neighbouring property to the north to provide screening to a height of 1.7m This would satisfy the planning scheme requirements in relation to protection of privacy of neighbouring properties.</p>

<p><i>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</i></p> <p><i>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</i></p>	
<p>A2</p> <p><i>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</i></p> <p><i>(a) the window or glazed door:</i></p> <p><i>(i) is to have a setback of at least 3 m from a side or rear boundary; and</i></p> <p><i>(ii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</i></p> <p><i>(iii) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.</i></p> <p><i>(b) the window or glazed door:</i></p> <p><i>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</i></p> <p><i>(ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</i></p> <p><i>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</i></p>	<p>The matters in A2 and P2 should be addressed in the detailed design of the proposal prior to an application for a planning permit.</p>

<p>A3</p> <p><i>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</i></p> <p><i>(a) 2.5m; or</i></p> <p><i>(b) 1m if:</i></p> <p><i>(i) it is separated by a screen of at least 1.7m in height; or</i></p> <p><i>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.</i></p>	<p>I expect that this can be satisfied as part of the design prior to submission of an application for a planning permit.</p>
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Planning Scheme Codes

The following codes will need to be addressed with specialist input:

- E5.0 Road and Railway code and E6.0 Parking and Access code (Traffic impact Assessment)
- E7.0 Stormwater Management code (stormwater management plan and assessment report),

Conclusion

Use

The proposed residential, commercial and carparking uses are either Permitted or Discretionary as configured and are considered to further the Zone Purpose for an integrated range of uses and high quality urban design and activated pedestrian environment.

Development

The proposal has been designed with careful regard to the context, urban design and intended character of the area and is considered to satisfy the relevant design considerations for the Particular Purpose Zone in that it includes:

- a series of private spaces that will connect to Cambridge Road above and Kangaroo Bay below;

- a forecourt along the Kangaroo Bay frontage that will act as an extension of the road reserve and provide opportunities for movement and connection between the ground floor tenancies and the street;
- ground floor tenancies on Kangaroo Bay Drive to incorporate higher floor to ceiling levels and will be orientated with large areas of glazing and entrances to provide activity, interest and legibility in the wider streetscape.

The proposed development footprint along Kangaroo Bay Drive will provide a defined edge to that new street at a scale maintaining the intended general three storey height above the escarpment. It will offer opportunities for glimpses of the bay and beyond, through corridors between buildings when viewed from Cambridge Road. Both these outcomes will further the design intent statements under (cl. 35.1.2.2g);

The development, including a mix of apartments , town houses as well as 1,2 and three bedroom apartments will contribute a mix of dwelling types appropriate to this inner urban area close to services, public recreation areas and public transport.

The extent of development within the Inner Residential Zone complies with the permitted building envelope for that Zone.

In my assessment the proposal demonstrates a high degree of compliance with the provisions of the Planning Scheme and is likely to be appropriate subject to the final design for an application for a planning permit.

I would be pleased to discuss as necessary

Yours sincerely



Frazer Read
Principal
All Urban Planning Pty Ltd