

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1277/2022
PERMIT APPLICATION NO. TPA/53752

CATCHWORDS

Section 77 of the *Planning and Environment Act 1987*; Monash Planning Scheme; Five, three storey attached townhouses; Clayton Major Activity Centre and Monash National Employment and Innovation Cluster; Residential Growth Zone Schedule 3 (RGZ3); Garden city outcomes in the RGZ3; Building typology; Design response; Dual crossovers and driveways; Landscaping opportunities; Internal amenity; Waste collection.

APPLICANT	Verdant Investment Capital Pty Ltd
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	6 Dunstan Street CLAYTON VIC 3168
HEARING TYPE	Hearing
DATE OF HEARING	17 February 2023
DATE OF ORDER	27 February 2023
CITATION	Verdant Investment Capital Pty Ltd v Monash CC [2023] VCAT 191

ORDER

Permit application amended

- 1 Pursuant to clause 64 of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting the following plans for the application plans:
 - Plans prepared by Jesse Ant Architects.
 - Sheets 1 of 11 to 11 of 11, Revision B, dated 22/12/2022.

No permit granted

- 2 In application P1277/2022, the decision of the responsible authority is affirmed.
- 3 In planning permit application TPA/53752, no permit is granted.

Margaret Baird
Senior Member



APPEARANCES

For Verdant Investment Capital Pty Ltd	Mr C Pippo, The North Planning.
For Monash City Council	Mr P English, Peter English & Associates.

INFORMATION

Description of proposal ¹	Construction of five, three storey attached dwellings. The dwellings contain three and four bedrooms with varied layouts. The dwellings are attached at ground level, with a break provided between Townhouses 3 and 4 at the first and second floors. Townhouses 1 and 2 face Dunstan Street. Townhouse 1 has a separate driveway and crossover with the balance of the dwellings accessed from a common driveway.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme (scheme).
Zone and overlays	Residential Growth Zone, Schedule 3 (RGZ3) Clayton Major Activity Centre and Monash National Employment and Innovation Cluster. Special Building Overlay (SBO) (part).
Permit requirements	Clause 32.07-5 – to construct two or more dwellings on a lot. Schedule 3 varies clause 55 Standards B6, B13, B17, B28 and B32. Clause 44.05 – to construct a building or construct or carry out works.
Relevant scheme policies and provisions	Clauses 11, 15, 16, 21, 22.01, 22.04, 22.05, 22.23, 32.07, 44.05, 52.06, 55, 65 and 71. The land is within the Principal Public Transport Network Area.
Subject land description	The land is on the south ² side of Dunstan Street. It is 981m ² in area, with a street frontage of 20.12 metres. The land is relatively flat and contains a single storey dwelling. Single storey dwellings are to the west and south. A two storey house is to the east.
Tribunal inspection	After the hearing on 17 February 2023 (unaccompanied).

¹ Corrections to the plans were noted at the hearing. These include two omitted ground floor west-facing windows and tree#1 (street tree) that has been removed.

² As the land is off-set from north, directional references have been simplified for ease.



REASONS³

INTRODUCTION

- 1 Verdant Investment Capital Pty Ltd (**applicant**) applied to the Monash City Council (**Council**) to construct six dwellings on the subject land. The Council refused to grant a permit, leading the permit applicant to apply to the Tribunal for a review of that decision.
- 2 Subsequent to the application for review being lodged, the permit application has been amended, through the substitution of amended plans. The amended proposal is for five dwellings. No party or other person has objected to the amendment. The Council has amended its grounds as some issues have been resolved.
- 3 The applicant has filed a landscape plan, three perspectives and a waste management plan it seeks to rely on. It has also tendered a revised layout for the western crossover.

OVERVIEW OF PARTIES' POSITIONS

- 4 The applicant submits the proposal is an appropriate response to the scheme's provisions and policies which are seeking to facilitate a new character. All clause 55 objectives contained in the scheme are met.
- 5 The applicant submits scheme policy does not preclude the proposed townhouse form of development, including balconies for open space. The design response offers variety and diversity. The two crossovers are acceptable on the wide lot. The volume of the building form has been well managed, ensuring it is not overbearing to the neighbouring properties. This is achieved through the building placement and the spatial separation along the side corridors which in turn allow for landscaping. In addition, the heavily articulated elevations serve to reduce any perceived building bulk. Adequate space is available for the provision of meaningful landscaping. A comprehensive and cohesive landscape scheme has been prepared.
- 6 Further, the applicant submits careful attention has been paid to the design, such as window sizes, to achieve an acceptable level of internal amenity. Waste management arrangements can be resolved, and the plans can be modified to address a street tree.
- 7 The Council acknowledges that some issues raised in its original grounds of refusal have been resolved or improved in the amended plans. However, it opposes a permit given outstanding issues remain, and cumulatively result in an unacceptable outcome. The Council says the proposal clearly achieves the outcomes anticipated in the scheme with respect to more intensive building forms, but it fails to achieve an outcome which is sufficiently respectful of the landscaping and built form expectations in the scheme.

³ The submissions and evidence of the parties and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.



- 8 Although its grounds are not based on the townhouse style typology, the Council considers that an apartment style development would have avoided a number of the issues with the proposal. With respect to the building typology, consequential issues focus on the inclusion of two crossings, the side-by-side presentation of the front two dwellings, the building's design detail and form, and insufficient landscaping to achieve the 'garden city' outcomes sought in this location. The Council has several additional concerns with respect to a street tree and internal amenity.
- 9 Statements of grounds raise similar concerns about the height and scale of the development, as well as shadowing, traffic and the 'neighbourhood environment'.

KEY ISSUES

- 10 Arising from the grounds, the key issues for my determination are:
- Is the proposed development acceptable with respect to design, built form and landscaping outcomes having regard to the purpose of clause 32.07 and applicable policy?
 - Would the proposal have an unacceptable impact on a street tree?
 - Is the proposed development acceptable in terms of its layout and internal amenity?
 - Would there be unreasonable off-site amenity impacts in terms of visual bulk and overshadowing?
 - Are arrangements for waste management acceptable?
 - Would traffic impacts be unacceptable?

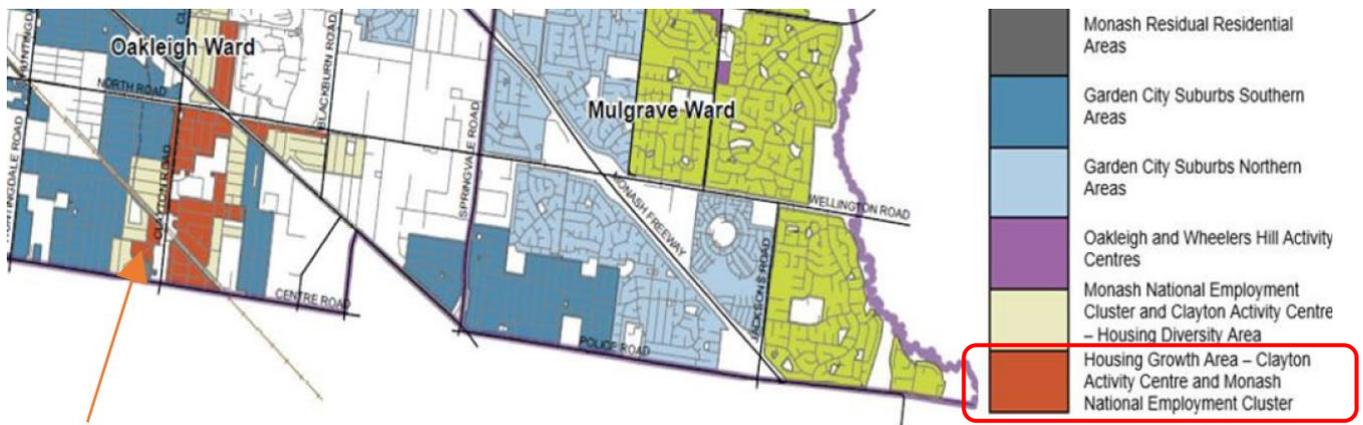
STRATEGIC CONTEXT

- 11 The strategic context is relevant to the assessment of this permit application, key elements of which are summarised below. I have also listed specific policy clauses, and relevant particular and general provisions in the 'Information' section of these reasons.
- 12 The land is subject to a range of policies that seek to encourage the achievement of urban consolidation and greater housing diversity in well serviced locations within the established suburbs of Melbourne. Clause 21.04 addresses residential development and describes where growth will be directed and how it will be managed. The plan in clause 21.04 identifies various categories associated with the residential development framework. There is some lack of clarity as to the multiple categories that might apply to the subject land. The Note to Map 3 states 'Category boundaries to be determined through Planning Scheme amendment process'.
- 13 Among others, clause 21.04 refers to applying the Residential Growth, General Residential, Neighbourhood Residential and Mixed Use Zones including specific schedules to achieve preferred development outcomes. Clause 21.06, with respect to 'Implementation' refers to 'Applying the



Residential Growth Zone to nominated areas of higher residential development within activity centres'. I refer to the RGZ and RGZ3 below.

- 14 Clause 21.06 also refers to (among others);
- Ensuring that new development minimises any loss of amenity to adjoining residential properties.
 - Addressing streetscape and neighbourhood character issues in any new development or redevelopment.
 - Encouraging creative design solutions for new development that enhances the quality of streetscapes particularly in relation to bulk of buildings, outdoor advertising, provision of open space and setbacks to ensure quality landscaping of frontages.
- 15 The 'Residential development framework map'⁴ shows the subject land in a 'Housing Growth Area - Clayton Major Activity Centre and Monash National Employment Cluster'.⁵



- 16 The policy basis, objectives and policies in clause 22.01 explain where residential growth is directed. The clause contains policies in clause 22.01-3, which I have considered as relevant but do not recite in full.
- 17 The strategic directions through local policy refer to Clayton as a primary focus for (among others) apartments, and a location where medium rise development is encouraged.⁶
- 18 Under clause 22.01-4, the preferred future character type for the Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster is:

The scale of new residential development will generally comprise larger footprint apartment development of a high-quality design and finish. Some infill town house and unit development will also occur.

Where possible on larger sites, developments will be multi-level, and set in open gardens. Although setbacks from all boundaries will be

⁴ Clause 21.04-1.

⁵ Relevant policies include clauses 15.01-1S, 15.01-2S, 15.01-5S, 15.02-1S and 21.04-3. The image is extracted from the applicant's submission, at page 7, clause 22.01-4 Residential Character Types, with red box added highlighting the applicable category.

⁶ Clause 21.06-3.



less than is common in other parts of Monash, the developments will ensure the incorporation of well-maintained landscaping to address the garden city character, albeit in a more urban form.

19 The purpose of the RGZ, in addition to supporting increased density and diversity of housing, seeks to implement policy and ensure residential development achieves design objectives specified in the schedule to the zone. Pursuant to clause 32.07-5 a development must meet the requirements of clause 55.

20 Schedule 3 to the RGZ applies to the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster and includes the following design objectives:

To facilitate housing growth in the form of apartment developments of a high quality design and finish.

To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.

To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.

21 RGZ3 varies clause 55 standards relating to minimum street setback, landscaping, side and rear setbacks, private open space and front fence height. Decision guidelines refer to whether the development contains elements of the 'garden city' character and specifically requires consideration of whether the proposal (as relevant):

- Includes well located open space, primarily unencumbered by easements, to provide for large tree planting and a mixture of indigenous and exotic vegetation in front, side and rear setbacks.
- Provides vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
- Sites buildings to minimise the need to remove of significant trees, and protects significant trees on the site and adjoining properties.
- Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and wide driveways, and minimising basement car parking, within the front setback.
- Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.

22 Additional decision guidelines include:

Where vehicle crossovers are located and whether they are minimised in number to prevent traffic disruption, and preserve nature strips and street trees.

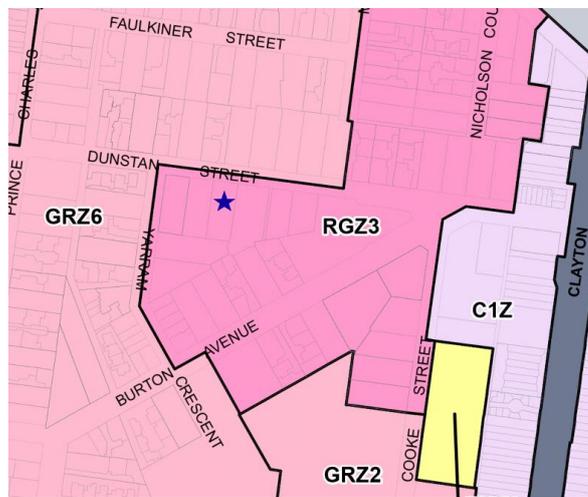


Include significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.

Whether the development uses robust and low maintenance materials and finishes that complement the neighbourhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).

Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to the adjoining properties in the General Residential Zone, where applicable.

- 23 It is evident that intensification is expected and sought. The built form, landscape and amenity outcomes sought are also clear in RGZ3. RGZ3 is framed with the apparent emphasis on preferred apartment formats.
- 24 It is noteworthy that properties opposite the subject land are within the General Residential Zone (**GRZ6**).⁷ Townhouses are evident in this area, including as currently in construction at No. 7 Dunstan Street. The subject land abuts properties to the east, west and south that are within the RGZ3. While these have an open backyard character, they are part of the locality that is directed for ‘accelerated growth’ using Mr English’s descriptor.



- 25 The SBO, through clause 44.05, is not a specific point of dispute in this proceeding.
- 26 Decision guidelines at clause 65 are relevant as are the provisions of clause 71.02-3 to deliver integrated decision making.
- 27 The Council has adopted the *Clayton Activity Centre Precinct Plan*, from 2020, which proposes three to five storeys for Precinct 3 within which the subject land is located. The *Clayton Activity Centre Precinct Plan* has not progressed to a scheme amendment and, Mr English advises, is on hold given some uncertainties associated with the Suburban Rail Loop project.

⁷ Plan extract from the Council’s submission. The subject land is marked with a blue star.

DESIGN, CHARACTER AND LANDSCAPE RESPONSE

- 28 It is common ground that the subject land is part of an area where housing growth is to be facilitated. The emergence of a new character is part of the implementation of settlement policy with the subject land part of the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster.
- 29 I have not been referred to any recent approvals of buildings of the scale and form proposed in this permit application, in this location. Statements of grounds state, correctly, that there is no existing three storey development in Dunstan Street.
- 30 As redevelopment occurs in line with the zoning and policy, new dwellings on the north side of Dunstan Street are expected to be different to this section of the south side where more intensive and dense built form is directed.
- 31 While there are units and townhouses on the north side of Dunstan Street in GRZ6, further west of the RGZ3 area, and further north toward Haughton Road, the immediate environs of the subject land in the RGZ3 is characterised by the original dwelling stock, mostly post-war cream brick. The lots in the RGZ3, around the subject land are generally larger than those in the GRZ6 opposite. A substantial contemporary form is associated with a church, at the corner of Dunstan, Burton and Cooke Streets. This is close to the commercial spine and rail station around Clayton Road. The Dunstan Street road profile is not particularly wide. It contains nature strips with street trees.
- 32 The RGZ3 has specific objectives with buildings up to and including four storeys being part of the purpose in clause 32.07. Apartments are the preferred typology to be facilitated. The likely typology adopted for any site will be affected by factors such as the lot size and configuration and there is benefit in facilitating the level of growth sought by the scheme in a location such as this. A townhouse development is one of the typologies cited in policy, with the preferred character larger emphasising large footprint apartment development with some infill townhouses and units. I also observe that a townhouse development could adopt a footprint that is similar to an apartment building.
- 33 Reflecting the overall focus in the scheme on garden city character, RGZ3 objectives include to 'ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees'. This type of outcome can be facilitated through an apartment-style development where parking and paving can be limited compared with ground level parking for individual townhouses.
- 34 A three storey form is not unexpected on the subject land mindful that higher forms are contemplated in the RGZ. This is the case even though there are no others currently, and the surrounds are one and two storey structures.



- 35 I accept the proposed development meets varied clause 55 standards with respect to street setback, permeability, site coverage, and (save for one incursion of 91mm) side and rear setbacks. These matters are relevant in assessing the proposal's response to clause 55 objectives, clause 32.07 and applicable policies, and its acceptability overall.
- 36 The key issues in the design response identified by the Council focus on:
- The lack of articulation along the front façade.
 - The side-by-side configuration as presented to Dunstan Street.
 - The dual vehicle crossings.
 - The lack of landscaping opportunities, particularly along the western boundary.
 - Various aspects of design detail including a lack of eaves and the inclusion of cantilevered building form.
- 37 I agree with Mr Pippo that the width of the subject land, at over 20 metres, is relevant when considering policy limiting crossovers and achieving the desired or preferred landscape opportunities associated with the street frontage. I accept Standard B14 is met. The scheme does not preclude two crossovers and there are examples in the wider area, as the applicant's submission demonstrates, although I observe that the vast majority are associated with unit development outside the RGZ area/housing growth area. I further accept the proposed eastern garage is recessed from the front façade.⁸



- 38 Decision guidelines in RGZ3 emphasise landscaping and the garden city character by encouraging open space to provide for large tree planting, and vegetation in the front setback that softens the appearance of the built form.

⁸ Northern perspective tendered by the applicant and prepared by the architect. There is currently no street tree.

- 39 Decision guidelines also emphasise minimising hard paving throughout the site including driveway length and width, providing landscaping on both sides of driveways, and minimising vehicle crossovers. Additional decision guidelines to be considered are:
- Whether the development contains elements of the ‘garden city’ character. Specifically, whether the proposal
 - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and wide driveways, and minimising basement car parking, within the front setback.
 - Where vehicle crossovers are located and whether they are minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- 40 Notwithstanding the lot width, I find the building’s presentation and its ability to achieve the RGZ3 objective is negatively affected by the two crossovers and extent of paving associated with driveways. There is a consequential loss of green space in the streetscape. Based on current conditions, the new western crossover and driveway abut access to No. 8 Dunstan Street which cumulatively result in a wide expanse of hard surfacing, parking and garaging. While the situation may change in the long term for No. 8 Dunstan Street, the outcome exacerbates the visual impact of hard surfacing and, overall, the outcome of the design response is at odds with the directions for this area provided by the scheme.
- 41 Further, the provision of two crossovers serving to multiple garages and paved spaces, gives rise to issues with respect to:
- Landscaping opportunities within the front setback as well as along both sides of the common driveway;
 - Space for waste collection on-street (as I refer to later);
 - The potential impact on a street tree and, subject to how waste management is resolved, there may not be an opportunity for a new street tree (as I also refer to again later).
- 42 I appreciate that the landscape plan shows canopy trees can be provided within the front setback and there are several locations where additional trees are proposed (some to 4 metres high). The applicant submits the quantum exceeds varied Standard B13. However, the scope for landscaping along the western side of the common driveway is constrained and the spaces to accommodate trees along the east side are also potentially limited.
- 43 Overall, I find that the site planning has not achieved an acceptable response to the strategic objectives sought for this location. This is a consequence of the development format and size of the proposed dwellings.
- 44 I do not consider cantilevered elements can be rejected outright as a design element. However, in the proposed design, the overhangs may affect the capacity of the proposed plantings to achieve scale, as the Council submits



While the perspective below⁹ is not a photomontage, the point made by the Council can be appreciated in the image with respect to the side elevation abutting No. 4 Dunstan Street.



- 45 RGZ3 encourages breaks and recesses in order to avoid buildings that dominate the streetscape, as set out below:
- Include significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- 46 The applicant's submission explains the architectural composition which has sought to break down any perceived mass but I consider that there is an issue in this regard that cannot be readily remedied by permit conditions. Building breaks and recesses are sought in order to avoid large front facades that dominate the streetscape. The strong gables and side-by-side form which are opposed by the Council do not represent significant breaks and recesses in building massing. The proposed development has a relatively vertical front façade plane, as the Council states, with the articulation greatly influenced by the gable detailing. There is also limited recession associated with the side elevations, in the front portion of the development, as would be seen from the street. The proposed break in the upper levels, into east and west modules as described by the applicant, would not contribute in relation to the streetscape.
- 47 The Council refers to the lack of eaves. I find the architectural expression is less of a concern given the growth objectives and the lack of specific direction about this in the RGZ3. RGZ3 requires consideration of 'robust and low maintenance materials and finishes that complement the neighbourhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials)' but does not cite roof forms and eaves.

⁹ Perspective tendered by the applicant and prepared by the architect.

- 48 For all of the above reasons, I am not persuaded that the proposal is acceptable when assessed under the purpose and provisions of clause 32.07 and RGZ3, including clause 55.02-1.

STREET TREE

- 49 The plans show a street tree (#1) that Mr English advises has been removed by the Council for purposes unrelated to this permit application.
- 50 The Council is concerned about the potential impact of the modifications to the existing western crossover on another street tree. This medium-sized tree is adjacent to No. 4 Dunstan Street. On the information shown on the plans, proposed changes to this crossover, by being extended westward, would result in construction in the tree protection zone and structural root zone. There is also the potential need for canopy pruning. The Council submits this is unacceptable and will not be approved.
- 51 While the Council submits this can be resolved by a single crossover elsewhere, the applicant has provided an alternative design with its written submission. This shows the existing crossing used and extended eastwards. This would mean no change to the tree or its setting.
- 52 Although it had limited time to review the alternative being offered, the Council considers this could be workable. However, the design has not been reviewed with the assistance of internal referral advice.
- 53 The alternative appears to protect the street tree, which is a positive outcome. However, as ventilated through the hearing, it is unknown whether the revised access may have implications for on-site waste collection that Council seeks, and more generally on vehicle movement for future occupants of the dwellings. I further note that it would affect the proposed landscaping and tree placement, based on the tendered landscape plan, although this is likely resolvable.

WASTE COLLECTION

- 54 The waste management plan filed with the applicant's submissions shows bin collection from the street. The siting of 10 bins is of concern to the Council, as waste management authority, given the extent of frontage available when also taking account of crossovers and a 'permit parking' street sign. I also observe the applicant's comment at the hearing about the potential for a street tree to be planted in the nature strip.
- 55 The Council states that even without the obstructions resulting from the second vehicle crossing and sign, the bins would occupy 100 percent of the frontage which would not be supported. Such an arrangement would effectively result in a wall of bins across the nature strip, and in situations such as this where there are space limitations, residents would ultimately place bins in front of neighbouring dwellings for collection. The Council's preferred method of collection would be via a private contractor within the site. This would necessitate a redesign of the common area where bins could be temporarily stored within the driveway for collection.



- 56 The applicant relies on the waste management plan and continuing discussions held with the Council's waste management staff. It believes waste collection from the street can work and the plans can be modified to accommodate on-site collection through a private service provided if required.
- 57 Mr English states the outcome is uncertain, and I agree. Waste collection can be expected to be resolved, however, the issue is that the provision of an on-site collection location as described by Mr Pippo has unknown impacts on access to and from dwellings, notably Townhouses 2 and 3. The potential loss of landscaping is a further uncertain impact raised by the Council. I find Standard B34, and the objectives in 55.06-4, are not met.

INTERNAL AMENITY

Open space

- 58 The Council does not oppose the layout of Townhouses 1 and 2 with balcony open space. Townhouses 3, 4 and 5 have ground level open space. As Mr English explains, an apartment development would be subject to clause 55.07, Standard B43, not varied Standard B28 which is different.
- 59 I have some concern about the ground level open space for three dwellings in the locations shown given shadowing cast by the development itself which could be compounded by the future development of land to the east. The southern open space for Townhouse 5 is shadowed most of the day at the September equinox. Mr Pippo refers to the proposal as having regard to, and achieving, equitable development outcomes but accepts that a design response for the adjacent site would need to take account of the proposed open spaces.

Screening

- 60 The Council accepts that overlooking is addressed in accordance with Standard B22 by the use of obscure glazing, highlight windows and external screens. Although the proposal satisfies the standard, the Council considers that the design is relatively unresponsive by adopting an approach which screens every upper level window, and limits outlook. The Council considers that a more site responsive, and acceptable design, is required.
- 61 The applicant has described the approach to achieve an acceptable outcome including the provision of larger windows, outlook to the sky and spacious rooms. Activation is achieved. The screening does not compromise internal amenity, in the applicant's submission.
- 62 The plans show that the proposal relies on extensive window screening across the middle and top floors to the east, west and south. In addition, there are limited ground level habitable windows to provide passive surveillance and activation within the site and associated with common property. I accept the Council's submission that the design does not achieve an acceptable level of internal amenity, even though adequate daylight to the new windows can be achieved as required by clause 55.05-3.



I find that internal and external views would be restricted, at the expense of compromising the amenity of the proposed dwellings. If there were no other concerns about the proposal, this would be a reason on its own to refuse a permit.

OFF-SITE AMENITY

- 63 RGZ3 design objectives include to provide a height, scale and form that respects any sensitive residential interfaces and minimises the appearance of visual bulk. Standards and objectives in clause 55 are also relevant in assessing these matters.
- 64 The statements of grounds refer to resident concerns about the extent of visual bulk and shadowing from the proposed development. As indicated in these reasons, the subject land and abutting properties are part of an area earmarked for substantial change and growth. The proposal complies with the varied Standard B17, other than a 91mm incursion for bedroom 2 in Townhouse 5, which I expect could be modified as this wall is opposite secluded private open space. The development also complies with Standard B19 with respect to daylight to existing windows and Standard B21 with respect to shadowing impacts.
- 65 The building would be large and present significant bulk to neighbours. The sensitivity of the backyard environment is not, however, the same as might be the situation in (for example) a Neighbourhood Residential Zone. Substantial visible built form is an expected outcome of the planning policies that apply to the development of land in the RGZ3.
- 66 Having said that, greater modulation to the building's side and rear elevations would be desirable, as would the ability to provide a stronger landscape outcome into the site's edges abutting existing secluded private open spaces.

TRAFFIC

- 67 Residents oppose the permit application for traffic reasons, as set out in the statements of grounds. They refer to Dunstan Street as already being very busy, with traffic feeding into and from Clayton Road. The street has seen an increase in traffic flow from its western end as more double storey dwellings are built. The residents submit the proposed development will increase traffic volumes and neighbours will face difficulties entering and exiting their own properties.
- 68 I understand this matter is a concern for existing residents. However, housing growth is directed to this location with an awareness of the capacity of roads and infrastructure. No specific safety issue has been identified. The consequential increase in vehicle movements in Dunstan Street and any delays with respect to property access are not reasons why a permit should be, or is, refused.
- 69 I record that I do not consider two crossovers are disruptive of traffic *per se*. But I note that cars from Townhouse 1 would need to reverse out and this is



not ideal. The ability for all cars to depart in a forward motion would be preferable, albeit not required in the current case by clause 52.06-9.

CONCLUSION

70 For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

Margaret Baird
Senior Member

