

Advice Note

Responsible Officer:	<u>Mr S Cope, Director Urban Planning</u>
Date of Meeting:	<u>17 March 2020</u>
Meeting of the:	<u>Ordinary Meeting of Council</u>
Item:	<u>Reject and Replace Motion relating to Item P20 3841 – Six Multiple Dwellings at Lot 235 (5) Grimsay Road, Ardross</u>

DETAIL

In relation to the reject and replace motion submitted by Cr Mair, Officers are of the opinion that the reasons for refusal provided do not reflect the Element Objectives of the R Codes and as such would not provide the City with a defensible position should the matter be elevated to the State Administrative Tribunal.

1. Plot ratio of 0.69 is too high for R40 development area when it should be 0.6.

This aspect of the development must be considered in relation to the Element Objective of Part 2.5 of SPP 7.3 Vol 2, which is to ensure the overall bulk and scale is appropriate for the existing or planned character of the area.

2. The building envelope is being pushed out too much by an additional 11.5%

It is considered that in order for this to be a valid reason for refusal it should be made clear on what basis the figure suggested is calculated and how this may impact on amenity.

3. The plot ratio of 0.69 results in an additional 65.52 square metres of floor area which is a 15% increase over the allowable 436.8 square metres.

This reason essentially repeats the first reason for refusal. It follows that Reasons 1 and 3 should be considered together.

4. The 65.52 square metres represents almost the same size of one of the smaller units which is 79 square metres.

This aspect of the development must be considered in relation to the Element Objective of Part 2.5 of SPP 7.3 Vol 2, which is to ensure the overall bulk and scale is appropriate for the existing or planned character of the area. It is considered that the fact that the additional plot ratio equates to the size of a small apartment is, in itself, not relevant when considered against the Element Objectives of Part 2.5 of SPP 7.3 Vol 2.



5. That Side and Rear Setbacks are non compliant.

The rear setback meets the acceptable outcomes of Element 2.4 of SPP 7.3 Vol 2, in that the suggested rear setback provided by Table 2.1 'Primary Controls Table' is met. The side setback to the west also meets the acceptable outcomes and the suggested setback standard in Table 2.1. The side setback to the east requires a specific performance assessment against the Element Objectives of Part 2.4 as whilst the individual lengths of walls meet the acceptable outcomes of Clause 2.4, the average length of the whole eastern side wall does not. If this were to be relied upon as a reason to refuse the development, it should be stated how it is considered that the wall impacts on amenity having regard to the Element Objectives.

6. That the six multiple dwellings proposed for the site will potentially go to SAT since it requests a greater than allowable building bulk.

This is a statement rather than a reason for refusal.