

CITY OF GREATER GEELONG
DEVELOPMENT HEARINGS PANEL

MINUTES OF THE MEETING HELD AT BROUGHAM STREET OFFICE,
100 BROUGHAM STREET, GEELONG

ON THURSDAY 22 OCTOBER 2018

Meeting opened at 5:03pm.

1. COMMITTEE MEMBERS PRESENT:

Peter Smith, John Rush, Peter Schembri, John Bryce

2. OTHER OFFICERS PRESENT:

Leanne Stockley

3. APOLOGIES:

NIL

4. CONFIRMATION OF MINUTES:

MOVED: John Rush SECONDED: Peter Schembri

That the minutes of the meeting of 4 October 2018 as circulated be adopted.

Carried

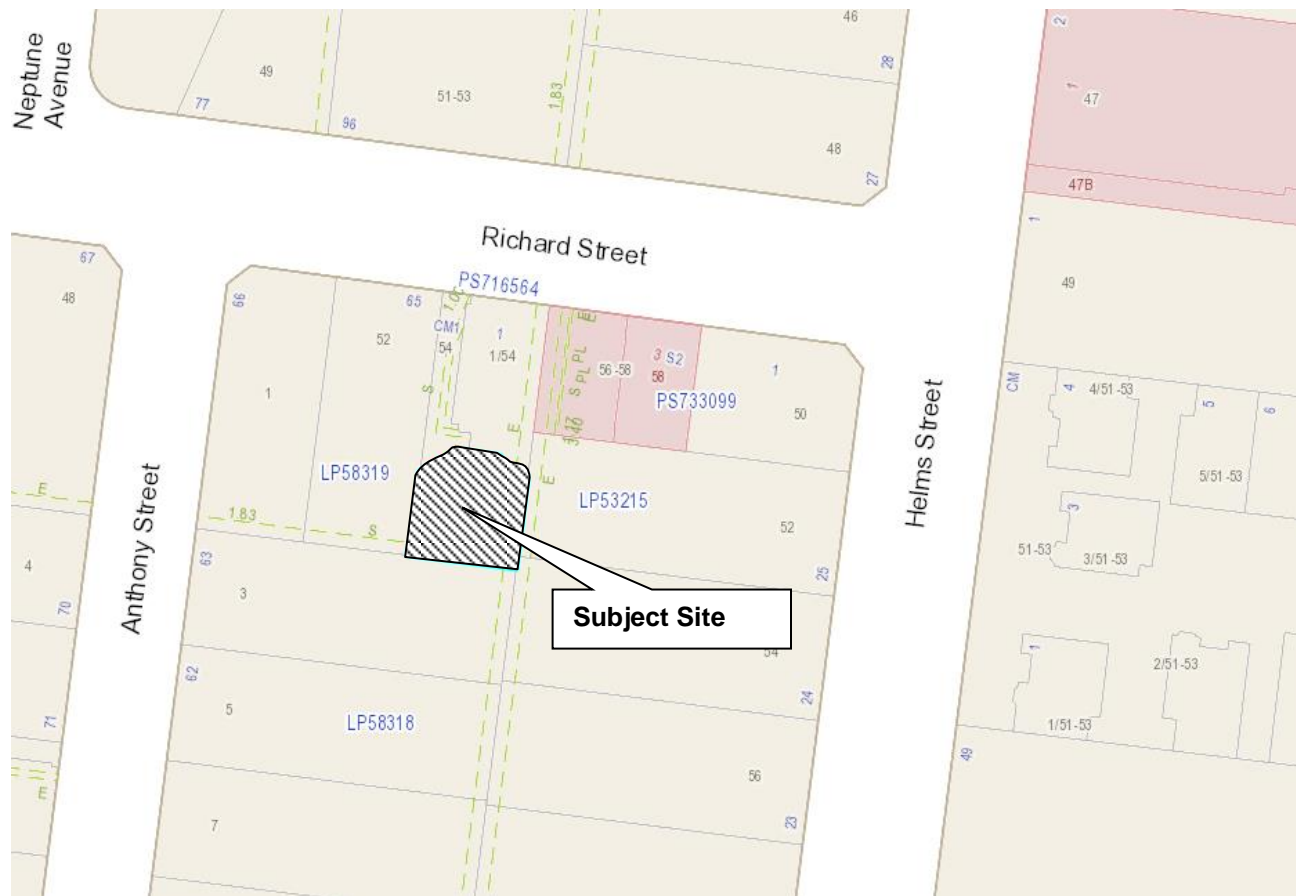
5. DECLARATION OF INTEREST:

NIL

6. MATTERS FOR CONSIDERATION:

Development Hearings Panel
Meeting No 574
Date: 18 October 2018

Application No: PP-462-2018
Applicant: P S Sharp
Subject Land: 2/54 Richard Street, NEWCOMB
Owner: P S Sharp
Zone: General Residential Zone, Schedule 2
Overlays: Nil
Existing Use: Vacant
Proposal: Buildings and Works for the Construction of a Dwelling



2/54 RICHARD STREET, NEWCOMB

Summary

- The subject site is the rear lot (lot 2) of a previously approved subdivision under planning permit 96-2013 at 54 Richard Street, Newcomb. The lot is accessed from Richards Street via common property along the west boundary, which also services lot 1.
- The subject site is vacant and flat, with an area of 223sqm. Two easements exist on the land running the length of the east boundary and the south boundary.
- PP-96-2013 was issued on 25 March 2013 for the Construction of a Second Dwelling and Two Lot Subdivision, in accordance with the endorsed plans. The permit was issued allowing either the development or the subdivision to progress independently of each other. This is via the application of a condition requiring a Section 173 Agreement be entered into, if seeking to subdivide prior to development. The permit holder undertook the Section 173 Agreement, and has not developed the second dwelling, but completed the subdivision. The Section 173 Agreement ties the development of the land to the subdivision
- The planning permit was not extended by the permit holder, and the permit, as it pertains to the approved development, has now expired.
- Permit 96-2013 was issued under the planning controls of the General Residential Zone, Schedule 1. The zoning that applies to the land has subsequently been amended via Planning Scheme Amendment C334, gazetted 09 June 2016. The zoning applied to the land is the General Residential Zone, Schedule 2, with the critical change being the required provision of secluded private open space. This has increased from minimum 25sqm (with minimum dimension of 3m) to 40sqm (with minimum dimension of 5m).
- The application seeks approval for the construction of a dwelling on lot 2, where the construction of a single dwelling on a lot of less than 300sqm requires planning permission under the General Residential Zone, Schedule 2.
- The proposed dwelling is of single storey form, consists of three bedrooms, open plan kitchen, living and dining, and provides a single car garage with additional tandem space.
- The development proposes secluded private open space with dimensions of 3.258m by 7.9m, equating to an area of 25.74sqm.
- The proposal is the same design as what was submitted for the previous application, PP-96-2013.
- The application was notified to the adjoining and surrounding owners and occupiers, with no objections received.
- Any new application must respond to the requirements of the policy “of the day”, in this case the secluded private open space requirements of a minimum 40sqm, with minimum dimension of 5m. The proposal submitted does not meet the standard applied by the schedule, and is therefore considered to not be in accordance with the requirements of the General Residential Zone, Schedule 2.
- It is considered that an alternative design can successfully respond the changes to the planning policy that occurred under Planning Scheme Amendment C334 in June 2016 and as such, it is recommended that the application in its current form be refused.

*Development Hearings Panel
Meeting No 574
Date: 18 October 2018*

Moved: John Rush

Seconded: John Bryce

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Refuse to Grant a Planning Permit for the Buildings and Works for the Construction of a Dwelling at 2/54 Richard Street, NEWCOMB on the following grounds:

1. The proposed development does not accord with provisions of Schedule 2 of the General Residential Zone for the provision of secluded private open space.

Carried

Report

The Site & Locality

The subject site is the rear lot (lot 2) of a previously approved subdivision under planning permit 96-2013. The lot is accessed from Richards Street via common property along the west boundary, which also services lot 1. Lot 1 contains the existing dwelling that was located on the parent lot, and this has now been on-sold post the subdivision.

The site itself is vacant and flat, with an area of 223sqm.

Two easements exist on the land running the length of the east boundary and the south boundary.

The subject site is located in Newcomb, between the Bellarine Highway to the south, and Portarlington Road to the North. Richard Street is accessed from Helms Street which runs between the two arterial roads.

Predominant land size ranges between 580sqm and 800sqm with some examples of multi-unit development and associated subdivision. Adjoining the subject site are rear yards of single dwelling developments, however a two dwelling development has occurred at 56 Richards Street, adjoining lot 1 of 54 Richards Street. Commercial/retail services are available at Bellarine Village/Newcomb Central, approximately 1km to the south west of the subject site.

Site History

As noted, the subdivision of the site was approved via planning permit 96-2013, and completed with titles issued in February 2015.

PP-96-2013 was issued on 25 March 2013 for the Construction of a Second Dwelling and Two Lot Subdivision, in accordance with the endorsed plans. The permit was issued allowing either the development or the subdivision to progress independently of each other. This is via the application of a condition requiring a Section 173 Agreement be entered into, if seeking to subdivide prior to development. The permit holder undertook the Section 173 Agreement, and has not developed the second dwelling.

The Section 173 Agreement serves to tie the development of the land to the subdivision, but also allows for development to progress in accordance with any amendment to the issued permit, or any subsequent permit issued.

The planning permit was not extended by the permit holder, and the permit, as it pertains to the approved development, has now expired. The permit holder has retained ownership of lot 2, and has now lodged the application for assessment here.

Permit 96-2013 was issued under the planning controls of the General Residential Zone, Schedule 1. The zoning that applies to the land has subsequently been amended via Planning Scheme Amendment C334, gazetted 09 June 2016. The zoning applied to the land is the General Residential Zone, Schedule 2.

The following table details the changes which occurred to the planning controls on the land. This table was available to the public via the Amendment C334 – Incremental Change Review 2015, published on the City of Greater Geelong website.

The notice of the proposed amendment was sent to land owners, advertised in local newspapers, and officially exhibited from 02 July 2015 to 03 August 2015.

Schedule 2 to the General Residential Zone.

Requirements	GRZ1 Schedule 1	GRZ2 Schedule 2 – Incremental Change Areas
<i>Height</i>	<i>Should not exceed a height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i>	<i>Must not exceed a height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height must not exceed 10 metres.</i>
<i>Landscaping</i>	<i>None specified.</i>	<i>One canopy tree per dwelling.</i>
<i>Private open space – single dwelling</i>	<i>A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</i>	<i>An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.</i>
<i>Private open space – two or more dwellings</i>	<p><i>A dwelling or residential building should have private open space consisting of:</i></p> <ul style="list-style-type: none"> <i>- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or</i> <i>- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or</i> <i>- A rooftop area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</i> 	<i>An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.</i>

<i>Application requirements</i>	<i>None specified.</i>	<i>Subdivision:</i> <i>When any of the lots being created are less than 500 square metres, a subdivision application must be accompanied by a development application or approved planning permit plans for the site for the construction of the dwellings.</i>
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In practice, the changes mean that any new development will be more consistent with the garden character of the area, by requiring a greater area of private open space than is currently the case in GRZ1 for two or more dwellings and by requiring a canopy tree for every new dwelling.

Proposal

The application seeks approval for the construction of a dwelling on lot 2, where the construction of a single dwelling on a lot of less than 300sqm requires planning permission under the General Residential Zone, Schedule 2.

The proposed dwelling is of single storey form, constructed of face brick and corrugated metal roof cladding of hipped form. The proposed dwelling consists of three bedrooms, open plan kitchen, living and dining, and provides a single car garage with additional tandem space.

The development proposes secluded private open space with dimensions of 3.258m by 7.9m, equating to an area of 25.74sqm.

The proposal is the same design as what was submitted for the previous application, PP-96-2013.

Greater Geelong Planning Scheme

Definition and Nesting

Pursuant to Clause 74 a dwelling is defined as:

A building used as a self-contained residence which must include:

- a) a kitchen sink;
- b) food preparation facilities
- c) a bath or shower; and
- d) a closet pan and wash basin.

It includes outbuildings and works normal to a dwelling.

Pursuant to Clause 75.01 a dwelling is nested in the Accommodation group.

Zone

Clause 32.08 General Residential Zone

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Overlay

No overlay applies to the land.

Permit required clause and condition

- Pursuant to Clause 32.08-5 of the General Residential Zone, a permit is required to construct a dwelling on a lot less than 300sqm.

Restrictive Covenant or Section 173 Agreement

A Section 173 Agreement was applied to the title in response to condition 18 of planning permit 96-2013.

The agreement allows for subdivision to progress in accordance with plans endorsed under the permit, ensuring that the development approved is constructed as approved, or any amendment to the permit, or subsequent permit.

The Section 173 Agreement serves the purpose of ensuring that what is approved, is constructed, regardless of the subdivision occurring, and while the permit is valid. The purpose of the agreement is not to lock down the provisions of a formally applied zone in perpetuity.

Cultural Heritage Management Plan (CHMP)

The construction of a single dwelling on a lot is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007.

In accordance with the above assessment, a cultural heritage management plan is not required.

COASTAL INUNDATION AND EROSION:

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Councils data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

LANDFILL GAS RISK ASSESSMENT

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.03-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”.

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The proposal is listed at Clause 13.05 as one of the uses or developments which should be considered:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.

- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

The site is not located within a designated bushfire prone area.

Officer Direct Or Indirect Interest:

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

State Planning Policy Framework

15.01-1S Urban design

Objective

- To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

15.01-5S Neighbourhood character

Objective

- To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Heritage values and built form that reflect community identity.

15.02-1S Energy and resource efficiency

Objective

- To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Strategies

- Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.

- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- Support low energy forms of transport such as walking and cycling.
- Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

16.01-1S Integrated housing

Objective

- To promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

16.01-2S Location of residential development

Objective

- To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

16.01-3S Housing diversity

Objective

- To provide for a range of housing types to meet diverse needs.

Strategies

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
 - A mix of housing types.
 - Adaptable internal dwelling design.
 - Universal design.
- Encourage the development of well-designed medium-density housing that:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-served locations.

16.01-4S Housing affordability

Objective

- To deliver more affordable housing closer to jobs, transport and services.

Strategies

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.
 - Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
 - Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
 - Ensuring the redevelopment and renewal of public housing stock better meets community needs.
- Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

THE LOCAL PLANNING POLICY FRAMEWORK (LPPF) AND MUNICIPAL STRATEGIC STATEMENT (MSS):

MSS

The following policies of the Municipal Strategic Statement are applicable to this application:

21.06-3 Urban consolidation

Objectives

- To provide for the consolidation of existing urban areas in a managed way.
- To encourage an appropriate range of development densities.
- To improve accessibility to urban services.

Strategies

- Manage urban consolidation and housing change across the municipality, by:
 - Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause).
 - Maximising opportunities for housing within Increased Housing Diversity Areas (as defined in Clause 22.63 Increased Housing Diversity Areas) by accommodating;
 - high density housing in the activity centres consistent with their primary commercial and retail role; and
 - medium density housing in residential areas with more intensive development being located closest to the core of activity centres.
 - Supporting appropriate medium density housing in the General Residential Zone (Schedule 1) areas.
 - Providing for incremental change in the General Residential Zone (Schedule 2) areas.
 - Limiting change in the Neighbourhood Residential Zone areas.
 - Encourage medium density housing in the Mixed Use Zone.
- Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.

21.06-4 Neighbourhood character

Objectives

- To manage the impact of urban change on existing neighbourhoods.
- To ensure that new development responds to the existing neighbourhood character.

- To protect areas with a significant garden character.
- To protect areas with views to significant landscape features.

Strategies

- Acknowledge that neighbourhood character in the Increased Housing Diversity Areas will adapt and evolve over time, particularly within and on the edges of activity centres, where land use and development will intensify.
- Ensure that development is responsive to the established character of the area.
- Support appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas. .
- Ensure that development in the transition areas of the Residential Growth Zones is responsive to and respectful of the neighbourhood character in any adjoining residential zones.
- Support the redevelopment of dwellings owned by the Office of Housing, as part of urban renewal initiatives.
- Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality's tree canopy.
- Avoid gated communities.
- Maintain the character of the Rural Living and Low Density Residential Zoned areas.
- Ensure that dwellings and extensions to dwellings over 7.5 metres have regard to the design objectives and decision guidelines of Schedule 14 to the Design and Development Overlay.

LPPF

There are no Local Planning Policies relevant to this application.

Referrals

Engineering Services

The unit offered no objection subject to stand conditions for vehicle access and drainage of the site. Their comments are noted.

No external referrals were required for the proposal.

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not amended prior to public notification.

PUBLIC NOTIFICATION:

The application is **not** exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was placed on the land

No objections have been lodged with Council.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The application was not amended following public notification.

ASSESSMENT

As a result of Planning Scheme Amendment C334, the land is now located in the General Residential Zone, Schedule 2, as opposed to the previous zoning of General Residential Zone, Schedule 1. As indicated in the table earlier in this report, the changes from Schedule 1 to Schedule 2 include greater requirements on areas of private open space to developments. Specifically:

	General Residential Zone, Schedule 1	General Residential Zone, Schedule 2
Private open space – single dwelling	A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.	An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.

The proposed design was compliant with the requirements of Schedule 1 private open space with a secluded area of at least 25sqm, with minimum dimension of 3m. The permit that gave approval to the design, PP-96-2013 has expired.

As such, any new application must respond to the requirements of the policy “of the day”, in this case the secluded private open space requirements of a minimum 40sqm, with minimum dimension of 5m. The proposal submitted does not meet the standard applied by the schedule, and is therefore considered to not be in accordance with the requirements of the General Residential Zone, Schedule 2.

The private open space standard lists as its objective:

To provide adequate private open space for the reasonable recreation and service needs of residents.

As with every standard of Clause 54 of the planning scheme, there is opportunity to vary the requirements of the standard if it is considered that the objective is still met by the alternative design.

The City of Greater Geelong has undertaken the planning scheme Amendment C334 to increase the private open space requirement in this location by the application of Schedule 2 of the General Residential Zone. As such, the objective to now be achieved by proposed development goes beyond the just the objective of the Clause 54 standard. The private open space objective for Schedule 2 is now twofold being:

- To provide adequate private open space for the reasonable recreation and service needs of residents; and
- To implement the findings of the Incremental Change Area Review 2015 – “to ensure that new single and multi-dwelling developments are sited to be consistent with the identified ‘garden character’ of the four identified areas” (Greater Geelong Planning Scheme Amendment C334, Panel Report, 24 November 2015, page 8).

The Newcomb area considered in the amendment documents identified the area as exhibiting characteristics that attributed to a ‘garden character’. The characteristics included:

- Setting or space around buildings, providing an opportunity for planting
- Presence of on-site vegetation or an established garden
- Condition and appearance of buildings including the approximate age of the buildings
- Presence of a nature strip and footpath
- Presence of street trees (whether new or established plantings).

The immediate area to this site in Richard Street, Anthony Street and Helm Street can be said to exhibit these characteristics with frontages and streetscapes including established vegetation and tree canopy evident to front and rear of lots; spacing between dwellings, and spacious rear yards.

With regard to the proposal, it is acknowledged that planning has the opportunity to contemplate and ultimately allow a design that is less than the standard, where appropriate. However, it is considered that the proposal does not successfully respond to the purpose of applying the General Residential Zone, Schedule 2 which recognised the garden character of the area, and seeks to ensure appropriate areas of open space to developments in order to deliver well-spaced housing which complements the existing character.

Opportunity was made available for the proposal to be amended to ensure compliance with the requirements of the zone, and it is considered that this could be achieved by an alternative dwelling design. This opportunity to make amendments and gain officer support for the proposal was not taken, and as such a decision must be made on the proposal submitted.

Legislative Issues

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.

Conclusion

The proposed development of a dwelling to lot 2 of 54 Richard Street does not accord with the provisions of the General Residential Zone, Schedule 2. The private open space requirements of Schedule 2 are not met by the proposal, and it is considered that an alternative design can successfully respond the changes to the planning policy that occurred under Planning Scheme Amendment C334 in June 2016.

As such, it is recommended that the application in its current form be refused.

*Development Hearings Panel
Meeting No 574
Date: 18 October 2018*

7. LATE REPORTS:

NIL

8. NEXT MEETING:

1 November 2018

Meeting closed at 5.30pm

Peter Smith
Chair
22 October 2018