

CITY OF GREATER GEELONG
DEVELOPMENT HEARINGS PANEL

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

ON THURSDAY 4 OCTOBER 2018

Meeting opened at 5:05pm.

1. COMMITTEE MEMBERS PRESENT:

Peter Smith, John Rush, Jessica Hurse, Vicki Shelton

2. OTHER OFFICERS PRESENT:

Susan Brown

3. APOLOGIES:

NIL

4. CONFIRMATION OF MINUTES:

MOVED: Vicki Shelton SECONDED: Jessica Hurse

That the minutes of the meeting of 20 September 2018 as circulated be adopted.

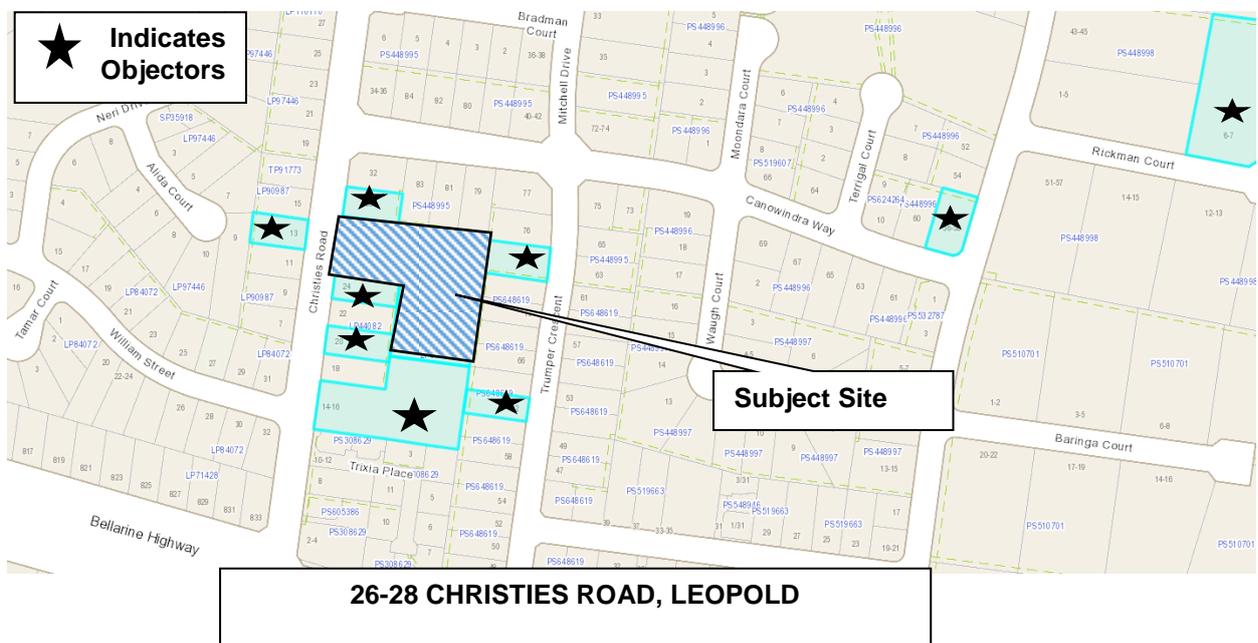
Carried

5. DECLARATION OF INTEREST:

NIL

6. MATTERS FOR CONSIDERATION:

Application No: PP-1228-2016
Applicant: Pulse Marketing International Pty Ltd
Subject Land: 26-28 Christies Road, LEOPOLD
Owner: MAD LEO Pty Ltd
Zone: General Residential Zone (Schedule 1)
Overlays: Nil
Existing Use: Single Dwelling
Proposed Development: Construction of Twenty One (21) Dwellings and Subdivide the Land into Twenty One (21) Lots



Summary

- The subject site is located approximately 130 metres north of the Bellarine Highway. The site is L-shaped with an area of 5247 square metres and frontage of 33.52 metres to Christies Road. The subject land is located within a residential context and is occupied with a single storey dwelling.
- The surrounding area mostly comprises low scale single storey dwellings on lots averaging approximately 650 square metres. The dwellings are generally hipped roof and garages are either to the side or the rear.
- The proposal is for the development of the land to construct a total of 21 dwellings, including three double storey dwellings facing Christies Road and subdivision of the land into 21 lots. The land is zoned General Residential Zone and no overlays affect the land.
- The plans received 12 October 2016 were advertised and 12 objections were received. The plans have not been amended at any stage. No consultation meeting was held.
- Design issues have been raised by the previous planners, including the initial request for further information letter. The applicant does not want to amend the plans as it would have consequences for losing garden area transition period exemptions.
- After considering the application against the Greater Geelong Planning Scheme and taking into consideration the concerns raised by the objectors, it is considered the proposal has not achieved an appropriate site and context design response. There are a number of Clause 55 objectives the application fails to achieve and is an indication of an overdevelopment of the site.

Moved: John Rush

Seconded: Jessica Hurse

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 Construction of Twenty One (21) Dwellings and Subdivide the Land into Twenty One (21) Lots at 26-28 Christies Road, LEOPOLD on the following grounds:

1. **The proposed development does not respect the existing neighbourhood character of the area including the lack of separation between the dwellings, the dominance of garages as viewed from Christies Road, the inability to provide adequate landscaping areas, the form of the dwellings as presented to Christies Road and the extent of walls on boundary. The proposed development therefore does not meet Clause 15.01-5S (Neighbourhood character), Clause 21.06-4 (Neighbourhood character) and Standard B1 and the objective of Clause 55.02-1 (Neighbourhood Character).**
2. **The design detail fails to adequately respond to the prevailing character of the area with respect to the visual dominance of the garages and the roof form of dwellings 1-3 and therefore fails the standard and objective of Standard B31 of Clause 55.06-1 (Design Detail).**
3. **Dwellings 1 to 3 have not been provided with north facing windows into the living areas and fails to adequately provide for passive solar energy and therefore does not meet the standard and objective of Standard B10 of Clause 55.03-5 (Energy efficiency).**
4. **The proposed development fails to provide adequate landscaping areas within the common accessway and the front garden areas consistent with the character of the area and for the amenity of the residents and has not had regard to the impact of the existing tree at 14-16 Christies Road and therefore fails to meet the standard and objective of Standard B13 Clause 55.03-8 (Landscaping).**

5. The extent of vehicle crossings proposed is considered excessive and inconsistent with the character of the area and therefore does not meet the Standard B14 and the objective of Clause 55.03-9 (Access).
6. The dwelling entrances toward the end of the north-south blind accessway are obscured and isolated from the street and therefore does not meet Standard B12 and the objective of Clause 55.03-7 (Dwelling entrance) and Standard B26 of Clause 55.05-2 (Dwelling entry).
7. The main bedroom for dwellings 10 and 11-21 are not provided with adequate separation from the common accessway to protect residents from vehicular noise and therefore fails Standard B15 and Clause 55.03-10 (Parking location).
8. The proposed walls on boundary are considered excessive and not consistent with the existing character of the area and in the case of the east wall on boundary for dwelling 10 will create visual bulk when viewed from the adjoining property to the east. The proposed walls do not comply with Standard B18 of Clause 55.04-2 (Walls on boundaries).
9. The accessway widths are not consistent with Table 1 of Clause 52.06 and vehicles will require several attempts to enter and exit the garages from the common accessways which does not allow for easy and efficient use.
10. The proposed development does not provide adequate areas for bins, letterboxes and gas and water meters and therefore does not meet Standard B34 and the objective of Clause 55.06-4 (Site Services) and Standard B30 of Clause 55.05-6 (Bin storage).
11. The proposed development has not demonstrated that private bin contractors can adequately enter the common accessway, empty bins and egress in a forward direction and therefore it is not known whether the common property accessway is adequate for management of waste as required by Standard B33 of Clause 55.06-3 (Common Property).

Carried

Report

THE SITE & LOCALITY

The subject site is located approximately 130 metres north of the Bellarine Highway. The site is L-shaped with an area of 5247 square metres and frontage of 33.52 metres to Christies Road. Two existing vehicle crossings along the Christies Road frontage provide access to the land. The subject land is located within a residential context and is occupied with a single storey dwelling.

The surrounding area mostly comprises low scale single dwellings on lots of an approximate average of 650 square metres; the exception being the land to the south at 14-16 Christies Road which has an area of approximately 3636 square metres. In the immediate vicinity, the predominant typology is single storey dwellings with hipped roofs. Garaging is either to the side or located towards the rear. External materials are generally brick and either tile or corrugated steel. Street setbacks are relatively consistent averaging between 6.0-6.5 metres with established front gardens.

The subject site has abutments with many properties. The rear (east) boundary abuts five properties, the north boundary abuts four properties and the south and west boundaries abut four properties. All adjoining properties contain modest scaled dwellings.

SITE HISTORY

No planning permits of relevance to this application have been issued to the subject land.

PROPOSAL

The proposal is for development of the land for 21 dwellings and subdivision of the land into 21 lots. The proposal can be summarised as follows:

Development

Dwellings 1-3

Comprise three two storey 4-bedroom dwellings with frontages to Christies Road. The dwellings are flat roof cuboid form only relieved by a shall gable on dwelling 2. Double width garages extend across the front facades of the dwellings separated by the dwelling entrances. The overall height being approximately 5.67 metres.

The dwellings facing Christies Road are attached at the ground floor and semi-attached at the first floor between dwellings 2 and 3.

Each dwelling will be provided with 35.96 m² of secluded private open space at the rear of the dwelling and together with the area in the front setback the minimum 40 square metres of private open space is achieved.

Dwellings 4-21

Comprise 18 single storey attached 2-bedroom dwellings accessed from internal common accessways. The dwellings have raked roof forms with clerestory windows to provide internal sunlight.

Single width garages are provided for each dwelling. 40 square metres of private open space including 25 square metres of secluded private open space is provided.

Subdivision

All proposed lots rectangular in shape. The proposed area of each lot is:

- Lots 1 to 3 – 276m² per lot
- Lots 4 to 10 - 170m² per lot
- Lots 11 to 15 -199m² per lot
- Lots 16 to 21 -186m² per lot

Easement

As stated in the Title details, the easement 1.83 metre in width is located on part of the north boundary and perpendicular to the north boundary approximately 37.5 metres east of Christies Road. The application does not include the removal of the easement. This is a primary permit trigger under clause 52.02 (Easements, Restrictions and Reserves). As the application did not include removal of easement, this is not part of this application. However, Council's Engineering Department have indicated that would not object to the removal of the easement.

GREATER GEELONG PLANNING SCHEME

Permit Trigger

A planning permit is triggered for this application pursuant to the following clauses of the Greater Geelong Planning Scheme:

- Pursuant to Clause 32.08-3 of the General Residential Zone a permit is required to subdivide land.
- Pursuant to Clause 32.08-6 of the General Residential Zone a permit is required to construct two or more dwellings on the lot.

Definitions

Pursuant to Clause 73.03 of the Planning Scheme 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 73.04.1 of the Planning Scheme a dwelling is nested in the Accommodation group.

Subdivision is not defined or nested in the Planning Scheme.

A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined at Section 3 in the Subdivision Act 1988 as the division of land into two or more parts which can be disposed of separately.

TITLE DETAILS

The title provided with the application does not contain a restrictive covenant or S.173 Agreement.

An easement 1.83 metre in width is located on part of the north boundary and perpendicular to the north boundary set back approximately 37.5 metres from Christies Road.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity. Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a cultural heritage management plan. The proposal is not listed as an exempt activity. The subject site is not located in a known Area of Cultural Heritage Sensitivity. Therefore, a cultural heritage management plan is not required.

COASTAL INUNDATION AND EROSION:

Clause 13.01-2S of the PPF 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.

Council's 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 13.04-1S of The 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 13.02 (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 13.02-1S 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. Therefore, no bushfire protection measures are required.

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.

REFERRALS:

The following referrals were undertaken:

External - Section 55:

Powercor (Determining Authority)

Powercor do not object to the application, subject to conditions.

Barwon Water (Determining Authority)

Barwon Water do not object to the application, subject to conditions

Downer (Determining Authority)

Downer do not object to the proposal, subject to a condition.

Country Fire Authority (CFA) (Recommending Authority)

The CFA did not object to the proposal, subject to conditions.

Internal

Council's Traffic Department

Council's Engineering Department did not object to the proposal. Should a planning permit be issued, it was advised that conditions relating to driveway widths, lighting, lighting in common areas, mailboxes within the common reserve on the south boundary and a reduction in the length of the blind aisles.

Council's Waste Department

Council's Waste Department have stated that there was not sufficient information in the waste management report to determine whether the private contractor, as advised in the report would be able to adequately access and egress the site in a forward direction. The waste report quoted an Appendix A provided truck turning circles. However, this was not provided by the applicant on request. Therefore, it is unclear whether the accessway layout is suitable for a private waste contractor.

Council's Engineering Department

Council's Engineering Department do not object to the proposal and have supplied without prejudice conditions include drainage/stormwater conditions requirements and construction of driveways and footpath across the width of the property.

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION

The application was not amended prior to public notification. The advertised plans received 12 October 2016 form the basis of this report. It is noted that these are the original plans lodged and the stated scale does not reflect the scale of the plans. This has made some difficulty in assessment.

GARDEN AREA REQUIREMENT

As the application has not been amended since it was lodged on 12 October 2016, the application meets the transition exemptions as it was lodged prior to VC110 introduced on 27 March 2017.

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)
- One (1) A3 signs was placed on the land.

12 objections have been received by Council.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

No consultation meeting was held as the applicant declined a meeting.

The concerns raised by the objectors are:

- Proposed lot sizes too small;
- Not consistent with the neighbourhood character;
- Overdevelopment of the land;
- Increased traffic and safety concerns for pedestrians;
- Limited access width for emergency vehicles;
- Lack of on-site car parking;
- Parking on the street;
- Impact to mature trees on adjoining property at 14-16 Christies Road;
- Excessive wall on boundary adjacent to 74 Trumper Crescent;
- Concerns about damage from vehicles hitting boundary fencing at the end of driveways;
- Overshadowing and overlooking to the south and north and east;
- Impact to storm water infrastructure from increased run-off;
- Impact of garbage bins on the street.

Response

The Clause 55 Assessment at the end of this report responds to many of the concerns raised relating to neighbourhood character, overshadowing and overlooking, stormwater drainage, impact to mature trees on adjoining property.

In relation to concerns about increased traffic and access for emergency vehicles and parking in the street, Council's Traffic and Engineering Departments have not raised concerns about increased traffic and on-street parking. If the application is supported, they require conditions relating to the location of the vehicle crossings to ensure that two on-street car parking spaces are provided.

The application was also referred to the Country Fire Authority who did not raise concerns regarding emergency vehicle access and recommended conditions should any permit issue.

With regard to the concern regarding the potential destruction of their tree at 14-16 Christies Road located close to the north boundary, no arborist report was provided. Walls are proposed to be located close to the tree including on the boundary. It is therefore suggested that should a Notice of Decision be issued or that the application is considered at VCAT, that the matter regarding the tree be addressed.

THE PLANNING POLICY FRAMEWORK (PPF)

The following State Planning Policies are applicable to this application:

11.01-1R – Settlement – Geelong G21

Relevant Strategy:

Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.

11.01-1S - Settlement - Victoria

Objective

To promote the sustainable growth and development of Victoria and deliver choice opportunity for all Victorians through a network of settlements.

Relevant Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a region or sub-region network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
- *Developing settlements that will support resilient communities and their ability to adapt and change.*
- *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Encouraging an integrated planning response between settlements within regions and in adjoining regions and states in accordance with the relevant regional growth plan.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
- *Improving transport network connections within and between regional cities, towns and Melbourne.*

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

15.01- 1S Urban Design

Objective

To create urban environments that are safe, functional and provide good quality environments with 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.

15.01-2S – Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Require a comprehensive site analysis as the starting point of the design process.

Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Encourage development to retain existing vegetation.

15.01-3S - Subdivision Design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- *Creating neighbourhood centres that include services to meet day to day needs.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
- *Protecting and enhancing native habitat.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
- *Reduce car dependency by allowing for:*
 - *.Convenient and safe public transport*
 - *Safe and attractive spaces and networks for walking and cycling*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

15.01-4S – Healthy neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- *Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
- *Streets with direct, safe and convenient access to destinations.*
- *Conveniently located public spaces for active recreation and leisure*
- *Accessibly located public transport stops*
- *Amenities and protection to support physical activity in all weather conditions.*

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 – Housing

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

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 to meet the needs of Victorians.

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 which:

- *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-serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

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 down costs for residents and the wider community.*
- *Encouraging a significant proportion of new development, to be affordable for households on 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.

Municipal Strategic Statement

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

21.06-3 - Urban consolidation

The **objectives** of Clause 21.06-3 of the Municipal Strategic Statement are to:

- *provide for the consolidation of existing urban areas in a managed way.*
- *encourage an appropriate range of development densities.*
- *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

The **objectives** of Clause 21.06-4 of the Municipal Strategic Statement are to:

- *manage the impact of urban change on existing neighbourhoods.*
- *ensure that new development responds to the existing neighbourhood character.*
- *protect areas with a significant garden character.*
- *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.*

21.14-2 - The Bellarine Peninsula

The **objectives** of Clause 21.14-2 of the Municipal Strategic Statement are to:

- *protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.*
- *facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourages street based activity.*
- *provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.*
- *preserve the individual character, identity and role of each Bellarine township.*

Strategies for Leopold:

- *Ensure the retention of Leopold as an urban island - supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.*
- *Support the development of the Ash Road Growth Area and other areas identified for residential development on the Structure Plan map.*
- *Support increased housing densities around the Sub Regional Retail Activity Centre and neighbourhood shopping strips at Ash Road and Dorothy Street.*

LPPF

There are no Local Planning Policies that specifically relates to this application.

Although it is noted that the subject site is **not** located in a designated Increased Housing Diversity Area where it is expected that the character of the area will evolve to accommodate more intensive development.

Response

The township of Leopold contain three Increased Housing Diversity Areas and these areas are zoned Residential Growth Zone (Schedule 2). In contrast, the subject site is located in a General Residential Zone (Schedule 1). This means that appropriate medium density housing is supported but high density development receives strategic support in the residential growth zones.

There are issues that have been identified in the recommended grounds. In relation to State and Local policy, it is considered that the proposed development and subdivision does not positively respond to the policy as it relates to neighbourhood character. In particular, Clause 15.01-5S which requires development to contribute to the existing or preferred neighbourhood character and consider the "pattern of local urban structure and subdivision."

Council's Municipal Strategic Statement on neighbourhood character at Clause 21.06-4 also requires development to be "responsive to the established character of the area" and strategic support is given to appropriate medium density housing that respects the existing neighbourhood character in General Residential Zones.

As Clause 21.06-4 requires medium density housing in General Residential Zones to respect the existing neighbourhood character in General Residential Zones, it is the existing neighbourhood character that the proposed development should respond to.

It is considered that the design response has not considered the existing pattern of development and subdivision with regard to the attached form of the dwellings, the dominance of car parking structures as viewed from Christies Road, the flat roof form of dwellings 1-3 the extent of hard surface accessways walls on boundaries and the lack of landscaping areas.

It is therefore considered that the proposed development is not consistent with State and Local policy with respect to neighbourhood character.

An assessment against Clause 55 and 52.06 is towards the end of this report. The proposal fails to meet a number of objectives and this supports the view that the design response is an overdevelopment of the site.

RELEVANT PARTICULAR PROVISIONS:

The following Particular Provisions are applicable to this application:

Clause 52.01 – Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Response

Pursuant to the schedule to Clause 52.01, the following contribution is required to be made:

Creation of one additional lot	None
Creation of two to nine additional lots	1 percent per additional lot up to a maximum of 5 percent
Creation of 10 or more lots on land zoned for residential purposes prior to August 31 st 2007	5 percent
Creation of 10 or more lots on land zoned for residential purposes after August 31 st 2007	10 percent
Waurm Ponds Creek Environs	10 percent

Pursuant to the above table a 5% contribution is required to be made. A condition of permit requires a cash contribution to be made.

Clause 52.06 – Car Parking

The requirements for car parking and design standards for access and car parking spaces are set out in Clause 52.06 (Car Parking) of the Greater Geelong Planning Scheme.

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Response

Car parking Provision

Clause 52.06-5 sets out the required number of car parking spaces. Each 2-bedroom dwelling requires 1 car parking space and the four bedroom dwellings require 2 car parking spaces. Visitor car parking is 1 car parking space to every 5 dwellings. If the number does not sum a whole number, the number of car parking spaces is rounded down to the nearest whole number.

Therefore the statutory requirement for this application is 27 on-site car parking spaces (24 for the dwellings and 4 for visitor parking). Therefore, the proposal meets the required number of car parking spaces.

Car Parking Spaces and Access

Access to car parking spaces is via the common accessways. The visitor car parking spaces are dimensioned 2.7 metres in width and the accessway width adjacent to the visitor car parking is 6.1 metres in width and 6.0 metres for the remainder of the accessways. As the car parking spaces are 2.7 metres in width egress from the visitor car parking and leaving in a forward direction can be achieved.

The single width garages for the dwellings contain garage doors 2.4 metres in width. They are set back from the boundary of each lot approximately 1.0 metre. Table 2 of Clause 52.06 requires an accessway width of 6.4 metres for a car parking space of 2.6 metres. As the accessway is proposed to be 6.0 metres for the most part, there is concern that the movements to and from the site will require multiple manoeuvres. Even though the garage is set back approximately 1.0 metre, there is landscaping and front entrance structures that would limit turning to begin until outside of each lot. Therefore, it is considered that the accessway widths are not adequate for easy and efficient use.

Clause 55 - ResCode Assessment – Two or More Dwellings on a Lot

The development is required to be assessed against Clause 55 as set out below:

<p>55.02-1 Neighbourhood character objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area.</p>	<p>Standard B1 The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Does not Comply The character of the surrounding area is predominantly single dwellings on lots. Dwellings are generally sited on land with a setback on at least one side boundary and often on both side boundaries and provide for established front and back garden areas. As stated previously, the predominant form of dwellings in the area is single storey with hipped roof and external walls of brick. Garaging is to the side or located towards the rear. Street setbacks are relatively consistent averaging between 6.0-6.5 metres. A purpose of the General Residential Zone is “to encourage development that respects the neighbourhood character of the area.” Council’s Municipal Strategic Statement relating to housing policy at Clause 21.04 supports appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas. It is considered the proposed development has aimed to maximise yield at the expense of providing dwellings that fit within the established character of the area. The dominance of garages and driveways as presented to Christies Road does not provide adequate garden area for landscaping and the built form does not integrate with the existing building form in relation to garaging and the extent of flat roof form of dwellings 1-3. The attached nature of the dwellings, including internally does not respect the existing rhythm and spacing of the building form in the surrounding neighbourhood. The extent of walls on boundary for dwellings 1 and 3 is also not representative in the surrounding area. The excessive level of hard surfacing in the common accessways without sufficient potential to soften the development is also not a feature of the surrounding area.</p>
<p>55.02-2</p>		

<p>Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>✓ Complies</p> <p>As set out above, the application complies with the planning policy framework. The required written statement has been provided.</p>
<p>55.02-3</p> <p>Dwelling diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>✓ Complies</p> <p>There is some variation in the dwellings to the extent that dwellings 1-3 provide 4 bedrooms and the remaining 18 dwellings provide 2 bedrooms. The single storey dwellings provide accessibility to ground floor utility and bathroom areas.</p>
<p>55.02-4</p> <p>Infrastructure objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Standard B4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>✓ Would comply subject to conditions.</p> <p>The site is serviced by the required infrastructure and the application has been referred to Council's Engineers who have not raised any concern about the ability for stormwater to be managed on site with a designed stormwater system, subject to conditions.</p>
<p>55.02-5</p> <p>Integration with the street objectives</p> <p>To integrate the layout of development</p>	<p>Standard B5</p> <p>Developments should provide adequate vehicle and</p>	<p>✓ Complies</p> <p>Dwellings 1-3 are oriented to Christies Road and</p>

<p>with the street.</p>	<p>pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>direct vehicle access from Christies Road. The remainder of the dwellings will face the internal accessways. No high front fencing is proposed.</p>
<p>55.03-1 Street setback objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 Walls of buildings should be set back from streets the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>Variation The required minimum street setback (based on the average setbacks of the properties to the north and south) is 7.05 metres. The proposed minimum street setback is 7.0 metres. The variation of 50mm is considered minor and immaterial and therefore acceptable in this instance.</p>

<p>55.03-2 Building height objectives To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 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. Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>✓ Complies The proposed overall maximum building height is 5.67 metres.</p>
<p>55.03-3 Site coverage objective To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site.</p>	<p>Standard B8 The site area covered by buildings should not exceed 60 per cent.</p>	<p>✓ Complies The site coverage of buildings is 54.45 percent of the site.</p>
<p>55.03-4 Permeability objectives To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 At least 20 per cent of the site should not be covered by impervious surfaces.</p>	<p>✓ Complies The town planning submission states that 23% of the site will be impervious.</p>

<p>55.03-5 Energy efficiency objectives To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Standard B10 Buildings should be:</p> <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Does not Comply</p> <p>Dwellings 1-3 do not receive any internal passive north solar access to assist in minimizing fossil fuel energy consumption.</p> <p>Dwellings 14-21 receive some north sunlight with the clerestory window design. It is considered the objective is not achieved in this instance and a variation to the standard is not supported. The subject site is not constrained and a site responsive design response would have been able to incorporate north facing windows into the living rooms so as to reduce reliance on fossil fuel.</p>
<p>55.03-6 Open space objective To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Standard B11 If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and useable. 	<p>- N/A Other than the accessways, there is no communal open space requiring consideration.</p>

<p>55.03-7 Safety objective To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Does not comply There is concern that the length of the north-south blind accessway together with the entrances of the dwellings toward the end of the accessway being set back further than the garage, results in these dwelling entrances being obscured and impacting on the safety of residents.</p>
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<p>55.03-8 Landscaping objectives</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Standard B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none">▪ Protect any predominant landscape features of the neighbourhood.▪ Take into account the soil type and drainage patterns of the site.▪ Allow for intended vegetation growth and structural protection of buildings.▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.▪ Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p>	<p>Does not comply</p> <p>The proposed development provides insufficient landscape areas to soften the extent of hard surfacing for the internal accessways, visitor car parking and driveways areas. The lack of landscaping also fails to respect the landscape character of the area. The lack of area to provide appropriate landscaping is also another indicator of an overdevelopment of the land.</p>
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<p>55.03-9</p> <p>Access objective</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none">▪ 33 per cent of the street frontage, or▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Does not Comply</p> <p>The width of the frontage is 33.52 The width of the vehicle crossings and accessway will total 47% of the front boundary width. Therefore, a variation of an additional 13% is sought.</p> <p>The application was referred to Council's Engineering Department who did not object to the proposal subject to conditions, including the vehicle crossing widths extended to 3.5 metres and adjustments to the location of the vehicle crossings to ensure there are two on-street car parking spaces are preserved.</p> <p>However, the Decision guidelines and objective also require consideration of the impact of new vehicle crossings on the neighbourhood character.</p> <p>It is considered that the proposed three single width crossings and a double width common accessway across the front boundary is considered excessive in this instance and not consistent with the character of the neighbourhood.</p> <p>The existing rhythm and pattern of vehicle crossings in the immediate neighbourhood displays a consistent pattern of one crossing per property. The extent of vehicle crossings proposed will appear incongruent with the existing character of the street.</p> <p>Therefore, it is considered that the proposal does not meet the objective and therefore the variation is not supported.</p>
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<p>55.03-10 Parking location objective To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</p>	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none">▪ Be reasonably close and convenient to dwellings and residential buildings.▪ Be secure.▪ Be well ventilated if enclosed. <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Does not comply The main bedrooms of dwellings 11-21 and 10 directly face the common accessway. The setback of the windows of the bedrooms from the accessway is 1.0 metre. The required setback is 1.5 in this instance. Given that the affected rooms are bedrooms and density of the proposed development and therefore the number of internal vehicle movements, it is considered the objective “to protect residents from vehicular noise within the developments” is not achieved.</p>
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<p>55.04-1 Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none">▪ At least the distance specified in a schedule to the zone, or▪ If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>✓ Complies The required setbacks have been achieved for the development and all side and rear setbacks comply with the formula contained in the standard.</p>
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<p>55.04-2 Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ For a length of more than the distance specified in a schedule to the zone; or ▪ If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>Does not comply The average height of the proposed walls on boundary does not exceed 3.2 metres and is therefore consistent with the standard.</p> <p>The east wall of dwelling 10 is located on the east boundary. The calculated maximum length for a length on the boundary is 17.5 metres. The proposed length of the wall is 17.1 metres and therefore also meets the standard.</p> <p>The north wall of dwelling 3 is located on the north boundary. The maximum length for this boundary is 29.167 metres. The proposed length of the wall is 20.7 metres. The wall meets the standard.</p> <p>The proposed south boundary wall for dwellings 15 and 21 is 22.8 metres in length. The calculated maximum length the standard allows is 19.67 metres. The variation sought is 3.13 metres.</p> <p>The objective of the standard includes to “limit the impact on the amenity of existing dwellings”. The proposed east wall for dwelling 10 extends for most of the width of the adjoining property to the east at 74 Trumper Crescent. The proposed wall has a consistent height of 3.1 metres from natural ground.</p> <p>Whilst the wall meets the standard, it is considered in this instance that the length of the wall (17.1 metres)</p>
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		<p>combined with a height of 3.1 metres will create a sense of visual bulk and impact on the amenity of the resident at 74 Trumper Crescent.</p> <p>The proposed south walls for dwellings 15 and 21 whilst not close to the dwelling as the dwelling is located close to Christies Road, The proposed south walls whilst it is likely to have a lesser impact on amenity, the variation to the standard of 3.1 metres indicates that the extent of walls are excessive for this context and inconsistent with the character of the area</p> <p>Concern has been raised by the owners at 14-16 Christies Road with the location of the proposed wall in relation to a tree on their land.</p> <p>No arborist report has been provided to consider the impact of the proposed walls on the neighbouring tree and this issue should be addressed if any permit were to issue.</p> <p>It is therefore considered that proposed east wall for dwelling 10 and the south walls for dwellings 15 and 21 are not consistent with the objectives of this clause.</p>
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<p>55.04-3 Daylight to windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>✓ Complies The required light courts have been achieved and all windows have access to the required level of daylight.</p>
<p>55.04-4 North facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>✓ Complies North facing windows on the adjoining property to the south are not affected as the common accessway is located on the south side of the land and provides separation between the dwelling the proposed development.</p>

<p>55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>✓ Complies The level of overshadowing associated with the development is within the requirements of the standard. In particular, it is noted that the shadows cast onto the secluded private open spaces of the adjoining properties to the east and south are minimal, taking into consideration the existing shadows cast by the existing fences.</p>
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<p>55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	<p>✓ Complies Subject to Conditions The windows of the first floor north and south habitable room windows have been set at least 1.7 metres in height from the finished floor and are known as highlight windows. No dimension are provided. However, this is something that could be conditioned should any planning permit issue.</p>
<p>55.04-7</p>		

<p>Internal views objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>N/A</p>
<p>55.04-8 Noise impacts objective To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p>Standard B24 Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>- N/A There are no external noise sources beyond the subject site which require consideration.</p>
<p>55.05-1 Accessibility objective To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>✓ Complies The entries to the ground floor of the dwellings are accessible to those with limited mobility.</p>

<p>55.05-2 Dwelling entry objective To provide each dwelling or residential building with its own sense of identity.</p>	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none">▪ Be visible and easily identifiable from streets and other public areas.▪ Provide shelter, a sense of personal address and a transitional space around the entry.	<p>Does not comply As previously stated in Standard B12 the dwelling entrances toward the end of the north-south blind accessway will be obscured due to the length of the blind accessway and the entrances set back further than the garages.</p>
<p>55.05-3 Daylight to new windows objective To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none">▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or▪ A verandah provided it is open for at least one third of its perimeter, or▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter.	<p>✓ Complies All habitable room windows face an outdoor space of the required dimensions, allowing light into habitable rooms.</p>

<p>55.05-4 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Standard B28 A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone. If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> ▪ 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 ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>✓ Complies</p>
<p>Clause 55.05-5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2+0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>✓ Complies The proposed secluded private open space receives adequate solar access and complies with the setback requirement of the standard.</p>

<p>Clause 55.05-6 Storage To provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Does not comply No storage has been provided for dwellings 16-21. Whilst a condition could be included in any permit issued, the impact to site coverage and permeability is not known. No additional space has been provided in the garages of dwellings 16-21 as is the case for the remainder of the dwellings.</p>
<p>Clause 55.06-1 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Façade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Does not comply Dwellings 1-3 will be the main part of the development viewed from the street. It is considered visual dominance of the double width garages across the frontages and the extent of flat roof form of these dwellings is inconsistent with the existing character in this part of Christies Road. Garages are not the dominant visual feature in this part of Christies Road and are either to the side of the dwelling or located towards the rear with the dwelling being the primary visual form. The roof form of dwellings 1-3 has not sufficiently incorporated design elements to integrate with the consistent hipped roof form in the area.</p>

<p>Clause 55.06-2 Front Fences To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> ▪ Streets in a Road Zone, Category 1: 2 metres. ▪ Other streets: 1.5 metres. 	<p>- N/A No front fence is proposed.</p>
<p>Clause 55.06-3 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.</p>	<p>B33 Development should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>	<p>✓ Does not comply The common property area comprises the internal accessways and an area for bins and letterboxes. A waste report was provided. However, the report did not demonstrate that private bin contractors can adequately enter the common accessway, empty bins and egress in a forward direction.</p>

<p>Clause 55.06-4 Site Services To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</p>	<p>B34 The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Does not comply The plans show the location of the bins to be located along side the common accessway on a length of land on the northside that is approximately 700mm. As the plans provided do not scale to 1:100 as stated and the area width is not dimensioned, the width is approximate. The main concerns are that the area is inadequate, will not blend in with the development and it has not been demonstrated that a private contractor can pick up the bins, turn and leave the site in a forward direction. The site plan states the bins will be enclosed. No further details or elevations are provided. Council's Traffic Engineer has advised the area for the mailboxes should be on dedicated land on the south side as there will be conflict with vehicles where the letterboxes are proposed.</p>
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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 subject site is a relatively large site within an established residential context and strategic policy supports medium density development in this area. The proposed development has not provided a responsive design that would integrate with the existing character of the area or consideration of amenity to adjoining properties. Internally, the development has compromised functionality and internal amenity for the occupants.

It is therefore recommended the application be refused.

7. **LATE REPORTS:**

NIL

8. **NEXT MEETING:**

18 October 2018

Meeting closed at 5.30pm

Peter Smith
Chair
4 October 2018