

OFFICIAL

# **Planning Delegated Committee Meeting**

## **Agenda**

**8 June 2022 at 6:30pm**

**Council Chamber, Town Hall, Sturt Street,  
Ballarat**



## PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Planning Meeting apart from those listed in the confidential section.
- All attendees are encouraged to register their attendance by 4:30pm on the day of the meeting
- If you do wish to attend the meeting in person to make a submission, please contact [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au) or call 5320 5875 to register
- Members of the public who wish to make a submission on an agenda item but who are unable to attend the meeting in person may make a submission in writing:
  - Submissions must be submitted in writing to [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au) by no later than 4:30pm on the day of Planning meeting; and
  - limited to no more than 200 words that will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered by Council.

**ORDER OF BUSINESS:**

**1. Acknowledgement Of Country .....3**

**2. Apologies For Absence.....3**

**3. Declaration Of Conflict Of Interests.....3**

**4. Confirmation Of Minutes.....3**

**5. Officer Briefing.....3**

**6. Planning Delegated Committee Reports .....3**

    6.1. PLP/2021/566 - 17 Park Street Wendouree .....3

**7. General Business - Matters Arising From The Agenda .....66**

**8. Close .....66**

## **1. ACKNOWLEDGEMENT OF COUNTRY**



The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

## **2. APOLOGIES FOR ABSENCE**

## **3. DECLARATION OF CONFLICT OF INTERESTS**

## **4. CONFIRMATION OF MINUTES**

## **5. OFFICER BRIEFING**



## 6. PLANNING DELEGATED COMMITTEE REPORTS

### 6.1. PLP/2021/566 - 17 PARK STREET WENDOUREE

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Peri Bowman – Senior Statutory Planner

#### PURPOSE

1. Having failed to reach a decision for this matter at the Planning Delegated Committee of 13 April 2021, the matter was returned to the Committee on 11 May 2022. At the meeting of 11 May 2022 the Planning Delegated Committee resolved to defer the matter to provide an opportunity for the applicant to consider an amendment to the proposal that would consider incorporating a single story element to the proposal. The applicant, having considered the Committees request has chosen not to amend the application and this report is before the Committee to determine a position on Planning Permit Application PLP/2021/566, 17 Park Street, Wendouree.
2. The report has been modified to address matters raised in previous Committee meetings. These include:
  - The applicant's response to objections and comments by the Planning Delegated Committee;
  - Information on the Residential Zone Review brought by the Minister for Planning as Amendment C177 in 2014 which rezoned the area to Residential Growth Zone from General Residential Zone;
  - Information on the VCAT matter known as VCAT Creelman v Ballarat CC [2010] VCAT 994 (20 May 2010) at 27 Park Street, Wendouree; and
  - Additional information, including VCAT references, to provide context to the planning merit available to the officer in recommending approval to the Planning Delegated Committee.

#### BACKGROUND

3. A summary of the application has been provided below:

<b>RESPONSIBLE OFFICER</b>	Peri Bowman
<b>PERMIT NO.</b>	PLP/2021/566
<b>PROPERTY ADDRESS</b>	17 Park Street, Wendouree
<b>APPLICANT</b>	Virtue Property Group
<b>PROPOSAL</b>	Construction of five (5) townhouses and reduction in car parking requirements
<b>CURRENT USE</b>	Single dwelling
<b>SITA AREA</b>	1012sqm
<b>DATE RECEIVED</b>	16 August 2021
<b>DATE OF REPORT</b>	13 April 2022
<b>ZONE(S)</b>	Residential Growth Zone – Schedule 1

<b>OVERLAY(S)</b>	N/A
<b>PERMIT TRIGGERS</b>	32.07-5 Construct two or more dwellings on a lot 52.06-3 Reduction in car parking requirements
<b>TITLE PARTICULARS</b>	Caveat: AU034360h 10/02/2021 Caveator: Kelly Kwan Grounds Of Claim: Agreement with the following parties and date. Parties: The Registered Proprietor(s) Date: 08/02/2021 Estate or Interest: Freehold Estate Prohibition: Absolutely Lodged By: Local Lawyers Notices To: Local Lawyers Of 23 Lobelia Drive Altona North Vic 3025
<b>OBJECTORS</b>	Seven (7) objections Petition signed by 67 parties
<b>CHMP</b>	N/A
<b>CMA</b>	Corangamite Catchment Management Authority
<b>FLOOD PRONE</b>	No
<b>RECOMMENDATION</b>	Notice of Decision

## PROPOSAL

4. This application seeks approval to construct five (5) townhouse dwellings on the subject site. The existing dwelling will be demolished. The land is not proposed to be subdivided at this time.
5. The proposed townhouses will be two storeys and feature pitched roofs. The buildings will comprise a combination of grey brick veneer cladding and off-white Axon 400 cladding. The roofs will be finished in dark grey.
6. Dwelling 1 will have four bedrooms and two bathrooms with an open plan living, kitchen, dining area, a one-car garage and space for a tandem uncovered car space. This dwelling will be oriented to Park Street.
7. Dwelling 2 will feature a bedroom, bathroom, laundry and combined kitchen, living and dining space at ground floor alongside a single car garage. At first floor the dwelling will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 2 will have 25sqm of north-oriented secluded private open space and an additional 15.2sqm of open space, equating to a total of 40.2sqm.
8. At ground floor level Dwelling 3 will feature a bedroom, bathroom, laundry and combined kitchen, living and dining space. This dwelling will also have a single car garage at ground floor level and an additional uncovered tandem car parking space.

At first floor level, dwelling 3 will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 3 will have 25sqm of north-oriented secluded private open space plus a further 17.7sqm of open space, equating to a total of 42.7sqm.

9. Dwelling 4 will comprise a bedroom, bathroom, laundry and combined kitchen, living and dining space at ground floor. This dwelling will also have a single car garage and an additional uncovered car parking space. At first floor level, dwelling 4 will comprise two additional bedrooms, a living room, study, a second bathroom and a separate WC. Dwelling 4 will have 25sqm of north-oriented secluded private open space with an additional 15.3sqm of open space, equating to a total of 40.3sqm.
10. Dwelling 5 will be a four-bedroom townhouse. At ground floor level, this dwelling will comprise one bedroom, one bathroom, a laundry and a combined kitchen, living, dining space. At first floor level, this dwelling will comprise three bedrooms, a second bathroom, a separate WC and a living room. This dwelling will also have a single car garage and additional uncovered tandem car parking space. Dwelling 5 will have 25sqm of north-oriented secluded private open space with an additional 20.1sqm of open space, equating to a total of 45.1sqm.
11. Each dwelling will be provided with a rainwater tank. Dwellings 2, 3, 4 and 5 will be provided with a storage shelter whilst Dwelling 1 will be provided with space for storage within the garage.
12. The proposal also includes a common driveway off Park Street which will be shared by Dwellings 2, 3, 4 and 5. Low level landscaping is proposed along the southern boundary adjacent to the driveway. It is proposed to remove all existing vegetation on site. Replacement planting, including canopy trees, is proposed.
13. The attached plans further detail the development, including its layout and finishes.

## **SUBJECT SITE & SURROUNDS**

14. The subject site is located on the west side of Park Street, approximately 230m north of its intersection with Howitt Street. The rectangular shaped site has an area of 1018sqm, with a 20.2m street frontage and a depth of 50.2m. The site is currently occupied by a single storey dwelling with a garage. The site contains considerable vegetation, including mature trees at the front of the site as well as centrally within the site (Figure 1 below). There is one mature street tree located in front of the site. It is noted that the site is not located in a Vegetation Protection Overlay (VPO).

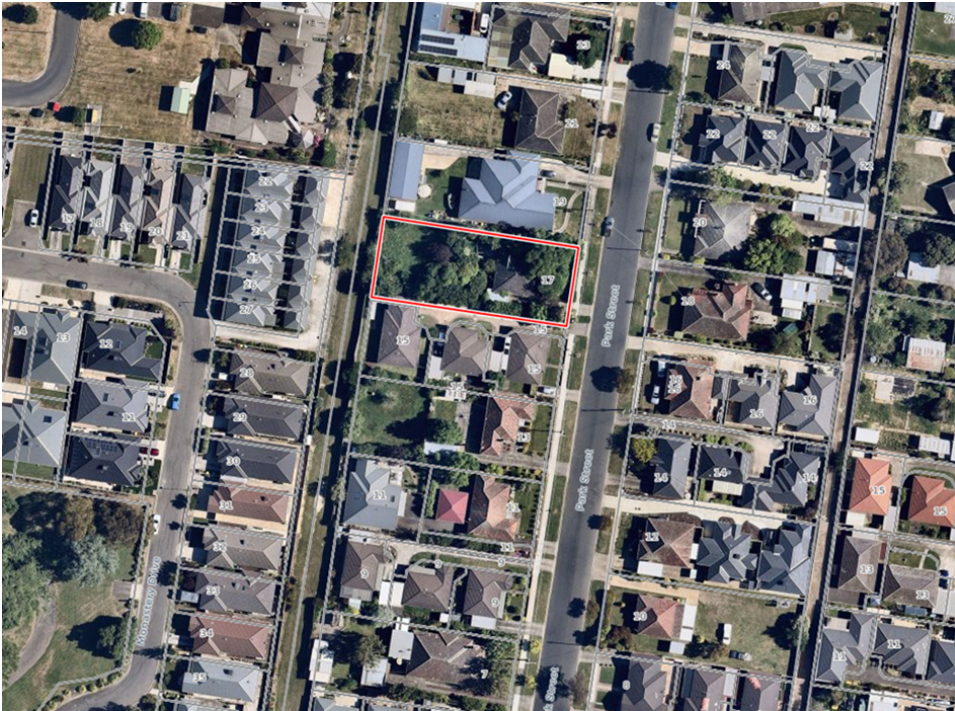


Figure 1: Application Site 17 Park Street, Wendouree

15. The immediate surrounding area is an established residential neighbourhood. To the north, the site is adjoined by a single residential dwelling. To the south are three townhouses. To the west is a multi-unit development and directly east (on the opposite side of Park Street) is a single dwelling. There are also a number of townhouse developments located along Park Street.
16. The Kelaston Aged Care Facility is located to the south-east of the site, on the corner of Park Street and Howitt Street and the Stockland Shopping Centre is located to the north. Whilst this shopping centers' main entrance is on Gillies Street North, it also backs onto Park Street and direct access is available from here. Howitt Street, to the south of the site, accommodates a number of retail services and amenities. Wendouree Primary School and Ballarat Grammar are located within 500m – 750m walking distance of the Site.
17. Bus services extend along Gillies Street North and Howitt Street in close proximity to the site and Wendouree Railway Station is located approximately 750m south-west of the Site.
18. In September 2014 the Minister for Planning, adopted Amendment C177 which implemented the Residential Zone review. This amendment was adopted under the Ministers section 20(4) powers exempting the reforms from notice.

## PLANNING PERMIT HISTORY

19. There is no planning permit history for this site.

## PUBLIC NOTIFICATION

20. The following forms of notice were undertaken:

- Notices sent to the owners and occupiers of all properties in the immediate vicinity of the site; and
- One public notice displayed along the Park Street frontage.

21. City of Ballarat has received seven (7) letters of objection and a petition signed by 67 parties.

22. The key issues raised by objectors are:

23. Level of Development

- The number of dwellings on site;
  - The increased density of development along Park Street (with reference to other multi-unit developments that have occurred over the last 20 years);
  - The application represents the overdevelopment of the site.
- For guidance in respect to areas identified as convenience living corridors, in the matter *Guest v Ballarat CC* [2020] VCAT 3 (9 January 2020), Member K Birtwistle for the property at 108 Smythes Road, Delacombe states:

*'12. Clause 21.02 of the Planning Scheme identifies that Ballarat is forecast to grow significantly towards 160,000 people by 2040. Most of this increased population is planned to be accommodated through infill in established areas, convenience living close to public transport, urban renewal precincts, and in properly planned greenfield growth areas such as Ballarat West.*

*13. Policy at Clause 21.02-1 seeks to facilitate higher density infill housing in areas of convenience living. Areas of Convenience Living are identified as being areas of housing close to public transport and services where growth in density and diversity of housing supports the long-term potential for a rapid-transit style public transport network in Ballarat. Strategies to achieve this are to facilitate higher intensity residential infill development within convenience living areas which are within 200 metres from an identified network of high frequency public transport corridors.*

*14. The review site is identified as being within a "convenience living" corridor. As such, it is within an area in which the municipal Council has decided must deliver more intense housing to meet expected need for new housing.*

*15. In support of this, the review site and surrounding land is zoned GRZ. Council has not chosen to apply a different residential zone, such as the Low Density Residential Zone which has larger minimum lot sizes. So, despite the historically larger than standard lot sizes in the immediate area, the policy and zoning context identify a preferred character of higher density development and smaller lot sizes to provide for housing growth and diversity.'*

- This VCAT Order considers General Residential Zone (GRZ), however could be applied to the greater intensity zone of Residential Growth Zone where Member Birtwistle states:

*'28. I agree that the removal of existing vegetation and the time needed to establish replacement planting on the site will mean that for a period of time, the two story development will be visible from adjacent properties, including the Guest property. However, the mere visibility of new development is not a reason for refusing an application; if that were so, then no new development would occur. Double storey buildings, if designed suitably, enable efficient use of a site.*



29. A measure of what is reasonable is what the Planning Scheme says. In this case the land is identified as being part of an area in which higher density housing is to be encouraged. Higher density housing often means more than one storey development and smaller lot sizes. The GRZ allows development up to three storeys or 11 metres in height. The development proposes a mix of one and two storeys with a maximum building height of 7.6 metres. This is well under what the GRZ allows'.

[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2020/3.html?context=1;query=Guest%20v%20Ballarat%20CC;mask\\_path=au/cases/vic/VCAT](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2020/3.html?context=1;query=Guest%20v%20Ballarat%20CC;mask_path=au/cases/vic/VCAT)

#### 24. Design

- The surrounding area is predominantly single storey in character and the proposed development is two-storey;
- Excessive bulk and scale;
- Out of keeping with the neighbourhood character.
- Location of Dwelling 1's garage (too close to the boundary)

*In the matter Askin v Monash CC [2009] VCAT 656 (17 April 2009), Member John Quirk states that:*

'10. The responsible authority encourages designs to respect the existing neighbourhood character or contribute to a preferred neighbourhood character and also respond to the features of the site. It also expects, under Clause 55, that consideration should be given to the pattern of development in the neighbourhood and the built form, scale and character of surrounding developments. One of these matters of course is that many of the dwellings in the area are single storey, although diagonally opposite in Chivers Street is a three or four dwelling double storey development. I will not give any weight to a single storey character as it is clearly known by this and other responsible authorities that two storey development is a normal form of development within most suburbs today. That is a change that has been occurring for years and has been consistent with the provisions of not only Rescode but the Good Design Guide and Rescode 2 before it.'

[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/656.html?context=1;query=Monash%20CC;mask\\_path=au/cases/vic/VCAT](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2009/656.html?context=1;query=Monash%20CC;mask_path=au/cases/vic/VCAT)

#### 25. Amenity

- Reduction in residential privacy (overlooking of neighbouring dwellings and gardens);
- Insufficient information to assess overlooking impact;
- Loss of daylight and sunlight to neighbouring properties

#### 26. Traffic

- The proposed reduction of two car parking spaces (as per the requirements of Clause 52.06);
- Increased car parking pressures along Park Street

#### VCAT Creelman v Ballarat CC [2010] VCAT 994 (20 May 2010)

This VCAT decision has been referenced by many objectors as setting a precedent to the area. The matter was for four single storey dwellings on a lot at 27 Park Street, Wendouree (PLP/2009/306) and brought by objectors against City of Ballarat for its decision to grant a Planning Permit. The decision made by Member Carew was made on 6 May 2010 (attached) and was under the General Residential Zone provisions at the time. The member supported Council's decision and specifically states:

'1. It is proposed to construct and subdivide four single storey, two bedroom dwellings at 27 Park Street, Wendouree.



2. Park Street has seen significant unit development in recent years, driven in part by its proximity and access to the Stockland Shopping Centre. The residents are concerned that this development is an overdevelopment of the site and will contribute to the increasing change in character of the area.

3. At the Hearing, I received submissions from all parties. Submissions, plans, photos and other documents submitted at the hearing are retained on Tribunal files.

4. Having considered the State and Local Planning Policy Frameworks, the purpose of the Zone, the decision guidelines of the relevant Clauses of the Ballarat Planning Scheme and the submissions of the parties, I have determined to affirm the decision of the responsible authority and grant a permit. My reasons are set out below.”



27 Park Street, Wendouree

#### 27. Amendment C177 Ministerial Zone Review

In September 2014 the then Minister for Planning adopted Amendment C177 which implemented the Residential Zone review. This amendment was adopted under the Ministers section 20(4) powers exempting the reforms from notice.

The C177 amendment was supported by Council at its September 2014 meeting changed areas from General Residential Zones to Residential Growth Zones due to proximity to activity centres where there may be potential for growth and housing diversity. For this area specifically comments to the Minister stated the Wendouree Activity Centre identifies areas for medium density housing between Stockland and Ballarat Grammar, and general support for higher density residential in proximity to centres.

#### 28. 22 Park Street, Wendouree

There is also some discussion of 22 Park Street. Records show that under delegation in 2012 officers approved a five single story dwelling development, 2 with one bedroom and three with two bedrooms. All dwellings made provision for a single car park only. In 2015 the proponent

applied to amend the plans under secondary consent to a four dwelling development. The provisions for secondary consent means an application would not have to be advertised if the end result provided for less dwellings or did not contribute any further to any amenity issues that may have already been considered. In this respect a four single story dwelling development was approved at 22 Park Street. This matter was not considered by VCAT.



22 Park Street, Wendouree

29. Other

- Devaluation of neighbouring properties;
- Potential health and safety issues;
- Potential increase in crime;
- Loss of trees;
- Urban heat island effect due to lack of green space around dwellings;
- General objections to notification process;
- General objections to the consistency of application material submitted;
- Construction impacts (noise)

30. Applicant’s response to Objections

- Attached as 17 Park St – LDA Planning Summary for Council

**EXTERNAL REFERRALS**

31. None required

**INTERNAL REFERRALS**

32. The application was internally referred to Council’s Traffic and Transport Team and Engineering Team. Their comments are provided below:

Department	Advice
Traffic & Transport	<i>The following is the Traffic and Transport Section’s review of the proposed development of five dwellings (as amended) at 17 Park Street, Wendouree. Advice of the amended referral was received on 20 August 2021.</i>

	<p><i>The 1,012sqm site on the west side of Park Street has a 20.12m street frontage. It is occupied by a single storey brick veneer dwelling. The building is to be removed prior to development. The site is in the Residential Growth Zone and the street is a local access road under council management.</i></p> <p><i>The street frontage has a sealed road pavement, concrete kerb &amp; channel and footpath and grassed nature strip.</i></p> <p><i>There will be five semi-detached double storey 2-bedroom dwellings running down the north side of the rectangular site with a shared accessway down the south side. The front dwelling will have 4 bedrooms and the remaining four will have 3 bedrooms each.</i></p> <p><i>There is no proposal to subdivide the dwellings at this stage.</i></p> <p><u><i>Layout and Property Access</i></u></p> <p><i>The 4-bedroom dwelling at the front of the site will have separate access from a new crossover to be constructed at the northern end of the street frontage. The remaining 3-bedroom dwellings will utilise an existing crossover and a new shared accessway.</i></p> <p><i>A revised swept path analysis has been provided for vehicles in the shared accessway. These indicate that corrective maneuvers will not be required to access all garages. All turning vehicles can undertake simple 2-point manoeuvres and enter and exit the shared accessway in a forward direction in a safe and convenient manner.</i></p> <p><i>The shared accessway and independent driveway shall be set out generally as indicated on any approved plans and constructed to council approval.</i></p> <p><i>A separate crossing permit should be sought from City of Ballarat to check the compliance of the existing crossing and construct a new crossover. All works required shall be arranged by the Applicant and be at his/her cost.</i></p> <p><i>Waste collection should be arranged through Council's Waste Management Unit. Any service provided by Council shall be in approved bins located at the kerbside on the prescribed collection days.</i></p> <p><i>Mailbox facilities should be suitably located inside the property line.</i></p> <p><u><i>Parking</i></u></p> <p><i>Under Clause 52, 2 spaces for each 3 or more-bedroom dwelling with 1 under cover should be provided. The 4-bedroom dwelling at the front will have single garage with a tandem space in the independent driveway. Two of the 3-bedroom dwellings off the shared accessway will have single garages with a drive through space beyond the garage. Another will have a single garage and an open space in front of the adjacent dwelling. One dwelling will have a single garage only. A visitor parking space as prescribed under Clause 52.06 is not provided, however dispensation is supported for this space. Dispensation is not supported for dwelling 2 with a single garage only as requested by the Applicant.</i></p> <p><i>A Parking Demand Assessment has been prepared a qualified Traffic Consultant to support the application. The Assessment included a car parking demand survey conducted to determine available parking within 250m of the subject site. There are approximately 69 on-street car</i></p>
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	<p><i>parking spaces available to residents. The closest public bus stop to the site, Vision Australia bus stop, is approximately 280m away or a 4-minute walk.</i></p> <p><i>The demand study indicated low occupancy throughout the day with the highest occupancy (42%) observed at 12:00pm on Thursday. The average occupancy for this area is 37% with demand rarely exceeding 40%. The Consultant concludes there are a sufficient vacant on-street parking spaces for residents and visitors to utilise.</i></p> <p><i>In an established residential precinct such as this, officers are of the view that a second space should be provided for all dwellings in conformance with Clause 52.06.</i></p> <p><i>The dimensions of garages, parking spaces and driveways should comply with the design standards of clause 52.06-9 of the Planning Scheme.</i></p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. <i>That the development of five dwellings at 17 Park Street, Wendouree is not supported as presented.</i></li> <li>2. <i>That a second parking space is provided for dwelling 2 or conversely the plans are modified to show 2- bedrooms only.</i></li> <li>3. <i>That the layout and dimensions of the shared accessway, independent driveway garages and parking spaces meet the requirements of Clause 52.06-9 of the Planning Scheme and are generally as indicated on the approved site plan.</i></li> <li>4. <i>That the shared accessway, independent driveway and street crossings are constructed to council approval and drained to a legal point of discharge.</i></li> <li>5. <i>That all traffic using the shared accessway enters and exits in a forward direction.</i></li> <li>6. <i>That the Applicant makes a separate application for a crossing permit to check the compliance of the existing crossover and construct a second crossing. The arrangements and costs of all necessary works shall be borne by the Applicant.</i></li> <li>7. <i>That Waste collection services are arranged through Council's Waste Management Unit. Any service provided by Council shall be in approved bins located at the kerbside as agreed on the prescribed collection days.</i></li> <li>8. <i>That mailbox facilities are suitably located within the property line.</i></li> </ol>
Officer comment	<p>Whilst Planning Officers acknowledge the concerns raised by Traffic &amp; Transport, having reviewed the materials submitted by the applicant, and given the site's accessible location, officers are comfortable that the traffic and parking solutions proposed are acceptable in their current form. Importantly, in a Residential Growth Zone such as this, increased scales and densities are encouraged. This is considered appropriate in a traffic and parking sense given the proximity of a variety of public transport services.</p>

Department	Advice
Engineering	Verbal advice was received on 18 March 2022. This advice confirmed the need to include standard conditions upon any permit issued.

Officer comment	Acknowledged. Standard conditions have been included.
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### OFFICER DIRECT OR INDIRECT INTEREST

33. No officer involved in the preparation of this report has declared a conflict of interest.

### PLANNING PERMIT TRIGGERS

34. A Planning Permit is triggered for the proposed development by the following clauses of the Planning Scheme:

- 32.07-5 Construct two or more dwellings on a lot
- 52.06-3 Reduction in car parking requirements

### PLANNING POLICY FRAMEWORK & LOCAL PLANNING POLICY

35. The following policies are relevant to the consideration of this application:

- Clause 11.01 – Victoria
  - Clause 11.01-1S – Settlement
  - Clause 11.01-1R – Settlement: Central Highlands
- Clause 11.02 – Managing Growth
  - Clause 11.02-1S – Supply of Urban Land
- Clause 15.01 – Built Environment
  - Clause 15.01-2S – Building Design
  - Clause 15.01-3S – Neighbourhood Character
- Clause 16.01-2S – Residential Development
  - Clause 16.01-001S – Housing Supply
  - Clause 16.01-3S – Housing Diversity
- Clause 19.03 – Development Infrastructure
  - Clause 19.03-3S – Integrated Water Management
- Clause 21 – Municipal Strategic Statement
  - Clause 21.01 – Municipal Overview
  - Clause 21.02 – Settlement and Housing
  - Clause 21.03 – Environmental and landscape values
  - Clause 21.06 - Built form, heritage and design

36. The relevant planning policy framework is discussed in the Key Issues section of this report.

### ZONING

37. The site is located in a Residential Growth Zone – Schedule 1 (RGZ1).

38. Clause 32.07 sets out that the purposes of the RG1Z, as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*

- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

39. The application seeks to deliver five, two-storey dwellings which will benefit from excellent access to existing public transport services, as well as being located in close proximity to existing retail facilities and amenities at Stockland Wendouree Shopping Centre and along Howitt Street. The site is also located near to existing schools (including Wendouree Primary School and Ballarat Grammar School). The development will increase local prevailing densities when compared to existing development in the immediate surrounding area. However, the development still achieves identified design objectives and performance standards and maintains a sympathetic relationship with surrounding sites. Importantly, the purposes of the RGZ1 include to intensify residential densities to reflect the opportunities available to the site due to its proximity to services and facilities. The proposal is consistent with the purposes of the RGZ1 in this regard.

40. Clause 32.07-9 prescribes a maximum building height of 13.5m. The proposal has a maximum building height of 8.0m and two storeys only.

## OVERLAYS

41. The site is not affected by any overlays.

## PARTICULAR PROVISIONS

42. The following Particular Provisions are relevant to the proposal:

### 43. Clause 52.06 (Car Parking)

Clause 52.06 applies to:

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

Before:

- *a new use commences; or*
- *the floor area or site area of an existing use is increased; or*
- *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use*

44. Clause 52.06 requires the following car parking spaces:

- 2 spaces to each three or more bedroom dwelling plus;
- 1 space for visitors every five dwellings for developments of five or more dwellings

The proposal comprises two four-bedroom dwellings and three-bedroom dwellings.

As such, 10 resident parking spaces and one visitor parking space are required. A total of nine parking spaces, being two for each dwelling except Dwelling 2 for which only one parking space is proposed. No visitor parking is provided.



As the proposal represents a shortfall in car parking against the requirements of Clause 52.06, a parking needs assessment has been submitted. The car parking demand survey assessed available parking within 250m of the subject site. It was found that there are approximately 69 on-street car parking spaces available that residents and their visitors could utilise. The car parking survey was conducted across multiple days and at peak times for school drop off and pick up. The parking survey results indicate that there are sufficient spaces available for use. It is also noted that the site has excellent access to existing public transport services and is within walking distance of retail, services, amenities and schools.

On balance, it is considered that a reduction of two parking spaces can be supported. In terms of design standards, Clause 52.06-9 requires that car spaces within garages or carports must be at least six metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space, as measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space. Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Dwellings 1, 3, and 5 will have two car parking spaces provided in tandem. One space will be under cover, located within a garage, whilst the second space will not be under cover. Dwelling 4 will also be provided with two car parking spaces, one of which is in a garage and one which is uncovered. Dwelling 4's car parks are not provided in tandem.

Dwelling 1's garage is sufficiently sized (3.5m by 6.0m) and is adjoined by a 3m wide driveway, which is long enough (7.5m) to park an additional car in tandem.

Dwelling 2 and Dwelling 4's garages are sufficiently sized to park one car each, being 3.5m by 6.5m.

Dwelling 4's additional car park, which is open-air, measures 3.0m by 6.0m. Dwellings 3 and 5 both have garages which measure 3.5m by 6.5m. The additional tandem parking space is located to the rear and measures 5.0m by 3.5m. This represents a shortfall against the requirement for a length of 12.5 metres for tandem car parks. This is considered acceptable given the 2<sup>nd</sup> space is not confined by built form

45. With respect to accessway design, Clause 52.06-9 requires accessways to:

- Be at least 3 metres wide;
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide;

If the accessway serves four or more car spaces or connects to a road in a Transport Zone, the accessway must be designed so that cars can exit the site in a forwards direction.

46. The proposed accessway has a minimum width of 3m, which is maintained for the full extent of the site. Swept paths have been submitted which demonstrate all cars can exit in a forwards direction as required.

47. Clause 52.17 (Native Vegetation)

The purpose of the clause is to *'ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.'* Planning approval is required to remove, destroy or lop native vegetation, including dead vegetation.

48. It is noted that Clause 73.01 defines native vegetation as *'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses.'*

49. The Development Impact Assessment (13/08/2021) prepared by Axiom Tree Management submitted with the application confirms that:

- Forty-seven (47) trees were assessed on and adjoining the subject site;
- Most trees assessed were self-sown common exotic ornamental fruiting and garden specimens;
- No self-sown Victorian native specimens were present on the Site.

50. Given that the trees on-site are not native vegetation, the requirements of Clause 52.17 are not applicable.

51. Clause 53.01 (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*

The proposal does not include subdivision and all five proposed dwellings will be located on one lot. As such, Clause 53.01 is not applicable. Should a future permit application seek approval to subdivide the land the provisions of Clause 53.01 will then apply.

52. Clause 55 (Two or more dwellings on a lot)

Provisions in Clause 55 apply to an application over a site located in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, which seeks to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building.

53. Clause 55 is relevant to this application. A Clause 55 assessment is provided at Attachment A. The proposal meets the majority of the Standards within Clause 55. Some concessions are sought, with respect to Standard B15, B17, B18, B19, B22. However, the development is fully compliant with the corresponding objectives. It is emphasised that the proposal primarily seeks to meet the purposes of the RGZ1 and this can often result in certain built form standards being contravened in an effort to achieve a suitable density in context. As such, on balance, it is considered that addressing Objectives 55.03-10, 55.04-1, 55.04-2, 55.04-3, and 55.04-5 in lieu of the related performance standards will ensure an appropriate built form outcome.

54. Please refer to the full Clause 55 Assessment contained in Attachment A for further detail.

## KEY MATTERS

55. Policy support

The proposal for five dwellings is consistent with Clauses 11.01-1S, 11.01-1R (Settlement) and 11.02-1S, as it contributes to urban consolidation objectives by increasing housing choice within an established residential area, with convenient access to existing services.

Ballarat is forecast to grow significantly towards 160,000 people by 2040. Clause 21.02-1 (Urban Growth) recognises that most of this increased population is planned to be

accommodated through infill in established areas and the application assists in achieving this objective.

The Ballarat Strategy (2015) outlines a shared community vision for a greener, more vibrant and connected Ballarat, embracing the concept of a '10 Minute City'. The '10 Minute City' concept contained in Clause 21.01-3 reflects community aspirations to maintain existing levels of access to destinations and services even when the city grows over time. Maintaining a compact, efficient and productive settlement form is noted in local policy as being critical to Ballarat's long-term future as a 10 Minute City. Specific guidance is provided on change in the following areas (as identified under Clause 21.02-1 and in Figure 2 -Housing Framework Plan):

- Areas of convenience living.
- Urban renewal precincts.
- Strategic investigation areas.
- Prioritised completion of the Ballarat West Growth Area.
- Longer-term greenfield investigation areas.
- Townships.
- Ongoing change areas.

The subject site is located in an urban renewal area and an ongoing change area. Clause 21.02-2 states ongoing change areas are residential areas that are valued for their existing suburban character and housing supply. Infill development is encouraged at a scale appropriate to their relative distance to high frequency public transport corridors, activity centres, employment and taking into account neighbourhood character. Clause 21.02-3 identifies that urban renewal precincts are sites or areas with significant potential for large-scale renewal and redevelopment. The Wendouree Village is an identified urban renewal precinct.

In addition to being within an Ongoing Change Area, the site is located in the Residential Growth Zone, which seeks to provide housing at increased densities in buildings up to and including four storeys whilst also encouraging a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

The development of five dwellings on a 1012 sqm lot is considered an appropriate outcome for the site in the context of the purposes of the RGZ1. Specifically, the development provides for a higher-density in a location with excellent access to existing retail, services, amenities and transport connections, whilst still providing an appropriate transition from existing surrounding lower densities. The development is also consistent with the objectives of an ongoing change area and this urban renewal precinct.

Overall, there is clear policy support for the development proposal.

**56. Does the proposal provide an appropriate design response?**

The proposal comprises five two-storey townhouses, featuring pitched roofs, integrated garages, a combination of brick veneer cladding, render and metal Colourbond roofing with front porches and no front fence. Pitched roofs, brick and low or no front fences are common features of the local area and the proposal is consistent with the existing neighbourhood character in this regard.

It is acknowledged that the local area predominantly features single storey dwellings. However, a two-storey development on this site is considered to be an appropriate outcome, noting that the RGZ1 otherwise allows for up to four storeys.

The design response provides an appropriate transition between the existing predominantly low-density character of the neighbourhood and the anticipated future neighbourhood character of the area, as envisioned by the RGZ1 and this identified urban renewal area.

57. Does the proposal provide a satisfactory traffic and parking solution?

The application is supported by a Traffic Impact Assessment, Parking Needs Assessment and Swept Path drawings.

The proposal seeks a reduction of two car parking spaces against the requirements of Clause 52.06 and will deliver nine residential parking spaces for the five dwellings, with no visitor parking space proposed. This represents a shortfall of one resident parking space and one visitor parking space.

The car parking needs assessment accompanying the application identified that there were a considerable number of parking spaces available along surrounding streets which would appropriately off-set any car parking shortfall on site. Furthermore, the site is located within walking distance of existing public transport services and also within walking distance to existing retail, services and amenities. Accordingly, car dependency would likely be reduced.

Officers are comfortable with the reduction in car parking spaces provided, noting the site context and the findings of the car parking analysis.

With respect to access, it is noted that the submitted swept paths demonstrate that all vehicles can enter and exit the site in a forwards direction. Visibility splays have been shown on the plans to ensure vehicle and pedestrian safety. In terms of trip generation, the traffic impact assessment anticipates that daily vehicle trips associated with the site will range from 25 – 32.5 trips and anticipated weekday peak hour vehicle trips will range from 2.5 – 3.3 trips. Council agrees with the findings of the traffic impact report, that the traffic generated by the development would be minimal and is not expected to generate any significant adverse impacts on the local road network.

Overall, the proposal provides a satisfactory traffic and parking solution.

58. Does the proposal result in any adverse amenity impacts?

In terms of residential privacy, it is noted that 1.8m high timber fences are proposed along the subject site's boundary with 19 Park Street. This approach will mitigate mutual overlooking between the private open space of proposed Dwellings 2, 3, 4 and 5 and 19 Park Street. At first floor level, the proposed north-facing windows will be fitted with privacy screens and/or frosted glass to a height of 1.7m above floor level. As such, this will mitigate overlooking to the windows and open spaces of 19 Park Street.

The south-facing upstairs windows of all five dwellings will be setback sufficiently to avoid overlooking impacts to the dwellings at 15 Park Street.

No rear facing windows are proposed, and regardless, a minimum setback of 12m to the dwelling at 22-27 Monastery Road will be retained.

In terms of access to sunlight and daylight, the north-facing windows located opposite the subject site in Units 1, 2 and 3 15 Park Street are setback 4m – 6m from the common boundary and development within the Site has been setback from this boundary.

Shadow diagrams have been submitted, with additional shadow drawings completed by the assessing officer. This assessment shows that the extent of overshadowing will comply with relevant performance standards.

59. Does the proposal represent an appropriate outcome in terms of vegetation?

The proposal seeks to remove all existing vegetation from the site. It is understood that all existing vegetation on site is non-native and predominantly comprises small self-sown specimens and exotic species that are unlikely to become canopy trees.

As discussed above, the proposal would not require assessment under Clause 52.17 as the trees are non-native. The applicant has indicated replacement planting, including genuine canopy trees would be provided. To ensure this, the requirement to submit a detailed landscaping plan will be secured by condition. It is also noted that the existing street tree located within the nature strip at the front of the site will be retained, with tree protection details provided. This will be secured by conditions.

## 60. Response to issues raised in objections

### 61. Density and Overdevelopment

Concerns regarding the level of development on site was raised by multiple objectors. Specifically, the number of units on the site, as well as the height of the proposed buildings.

It is re-iterated that the site is located in the RGZ1 which allows for increased residential densities on appropriately located sites and also allows for building heights of up to four storeys and 13.5m. Furthermore, the site is located in an urban renewal precinct which comprises areas with significant potential for large-scale renewal and redevelopment

Whilst the proposal would represent a higher density than existing surrounding development (which predominantly comprises 1 – 3 dwellings per lot), the proposal would still be wholly consistent with the density objectives sought for land within the RGZ1.

The proposal is largely compliant with Clause 55 standards and wholly consistent with Clause 55 objectives, including those relating to site coverage, permeability and open space. As such, whilst objector concerns are acknowledged, the proposal is not considered to be an overdevelopment of the site and is consistent with the future directions of this precinct.

### 62. Residential Amenity

Loss of amenity was raised in multiple objections, generally expressed through privacy and loss of sunlight or daylight to habitable windows or private open spaces. Officers are satisfied the development would not adversely impact on current living conditions and existing levels of residential amenity.

### 63. Design and Neighbourhood Character

Objector's raised concerns regarding the character of the proposal, particularly noting the height and design would be out of keeping with the neighbourhood character. As discussed previously, the proposed building height and development form is considered appropriate for the site and locality which is emerging and changing. Furthermore, the proposal is considered to have appropriately responded to neighbourhood character, through the use of similar materials, roof forms and no front fencing. The neighbourhood character is changing in this locality and the proposal contributes to this emerging character.

### 64. Other

A range of other objections were also raised. A number of these issues have been covered in earlier sections of this report.

Additional issues raised and not previously discussed within this report include:

- a. Devaluation of neighbouring properties;
- b. Potential health and safety issues;
- c. Potential increase in crime;
- d. Urban heat island effect due to lack of green space around dwellings;

- e. The notification process;
- f. Inconsistency of application materials;
- g. Construction impacts (noise)

In response to (a) it is noted that the value of properties is not a material planning consideration and cannot be taken into assessment.

With regard to item (b), it is unclear how exactly the proposal would impact on health and safety. However, in response to item (g), it is noted that the submission of a Construction Management Plan will be secured by condition and this will address any concerns regarding health and safety, such as noise and dust control during the construction process.

In relation to item (c), it is noted that the proposal has incorporated CPTED principles where possible, ensuring that the proposed communal accessway to Dwellings 2, 3, 4 and 5 will allow for passive surveillance. Furthermore, dwelling 1 will have windows oriented to Park Street, again facilitating passive surveillance.

With respect to item (d), it is emphasised that the development will provide approximately 240sqm of open space on site, in addition to landscaping along the southern property boundary. Furthermore, the applicant has proposed replacement planting including canopy trees, which will be secured by condition. For these reasons, it is considered that the proposal would deliver an appropriate level of green space around the proposed dwellings.

With regards to (e) the Ballarat City Council Policy for Advertising Planning Applications requires that notice be sent to 3 properties behind the site. The officers interpretation of this, based on the intent of the policy to notify parties which may be impacted, was to send notification to parties across the unmade land facing Monastery Drive.

With Regards to (f) it is noted that there are some minor inconsistencies within the documentation provided with the application material, however it is considered there is enough consistent information which can be relied upon to enable an informed assessment and recommendation.

#### 65. Conclusion

The proposal is considered to accord with the relevant decision guidelines of the Ballarat Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

### OFFICER RECOMMENDATION

#### 66. That the Planning Delegated Committee:

**66.1 Having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to conditions.**

### ATTACHMENTS



1. Governance Review [**6.1.1** - 1 page]
2. PLP2021566 Clause 55 Assessment [**6.1.2** - 15 pages]
3. PL P 2021566 17 Park Street Wendouree Plans [**6.1.3** - 14 pages]
4. PLP2021566 Delegated Recommendation Conditions [**6.1.4** - 6 pages]
5. Creeman v Ballarat CC P 32852009 au cases vic VCAT 2010 994 [**6.1.5** - 6 pages]
6. 17 Park St - LDA Planning Summary for Council v 1.0 [**6.1.6** - 2 pages]

OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. This report aligns with Council's Vision, Council Plan, Strategies and Policies.

**COMMUNITY IMPACT**

2. There are no community impacts identified for the subject of this report.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. If applicable, the cost of running a VCAT hearing is already included within the Statutory Planning Unit's approved budget.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no legal and risk considerations relevant to the subject of this report.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the subject of this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. This planning permit application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. Council received seven objections and a petition with 67 signatories.

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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**CLAUSE 55 ASSESSMENT**

<b>55.02-1 Neighbourhood character objective</b>	<b>Standard B1</b>	<b>Met</b>	<b>Comments</b>
<p><i>To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.</i></p> <p><i>To ensure that development responds to the features of the site and the surrounding area</i></p>	<p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site</i></p>	Yes	<p>The planning report, drawings and technical information submitted describes the site context and design response.</p> <p>The design response is considered to be appropriate given the RGZ1 zoning of the site, which allows for increased densities in appropriate locations and given the site's excellent access to existing services and amenities including public transport.</p> <p>The two-storey design is considered to be an appropriate design response. Whilst the neighbourhood character is predominantly single storey, the RGZ1 allows for up to four storeys. As such, a two storey proposal represents a balanced response to the zoning and the neighbourhood character.</p>
<b>55.02-2 Residential policy objective</b>	<b>Standard B3</b>	<b>Met</b>	<b>Comments</b>
<p><i>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.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</i></p>	<p><i>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.</i></p>	Yes	<p>The proposal's built form, whilst representing a higher density than neighbouring buildings, is sympathetic to the existing neighbourhood character and reflects the potential future character of the area as expected within the RGZ1. The development responds to the pattern of development in the surrounding area and the expectation of the future land development and form in this growth area close to transport, schools and facilities.</p>

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<b>55.02-3 Dwelling diversity objective</b>	<b>Standard B3</b>	<b>Met</b>	<b>Comments</b>
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i>	<p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> <li><i>Dwellings with a different number of bedrooms.</i></li> <li><i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i></li> </ul>	NA	The proposal seeks approval for five dwellings only.
<b>55.02-4 Infrastructure objective</b>	<b>Standard B4</b>	<b>Met</b>	<b>Comments</b>
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	<i>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</i>	Yes	The proposal is located in an established residential location and will be connected to existing services.
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	<i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i>	Yes	The proposal is for five dwellings only and will not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.
	<i>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.</i>	NA	
<b>55.02-4 Integration with the street objective</b>	<b>Standard B5</b>	<b>Met</b>	<b>Comments</b>
<i>To integrate the layout of development with the street</i>	<i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i>	Yes	<p>Pedestrian access to Dwelling 1 will be via a proposed pathway from Park Street to the front porch. Vehicle access to Dwelling 1 will be via a proposed driveway from Park Street located on the northern side of the site.</p> <p>Vehicle and pedestrian access to Dwellings 2 – 5 will be via the proposed shared accessway running along the site's southern boundary.</p>
	<i>Development should be oriented to front existing and proposed streets</i>	Yes	<p>Proposed Dwelling 1 is oriented to Park Street.</p> <p>Dwellings 2 – 5 will be oriented to the shared accessway.</p>
	<i>High fencing in front of dwellings should be avoided if practicable</i>	Yes	No front fencing is proposed to Park Street.

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	<i>Development next to existing public open space should be laid out to complement the open space.</i>	N/A	The site is not located next to public open space.
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<b>55.03-1 Street setback objective</b>	<b>Standard B6</b>	<b>Met</b>	<b>Comments</b>															
<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</i>	<p><i>Walls of buildings should be set back from streets the distance specified in Table B1 below.</i></p> <table border="1"> <thead> <tr> <th>Development context</th> <th>Minimum setback from front street (metres)</th> <th>Minimum setback from a side street (metres)</th> </tr> </thead> <tbody> <tr> <td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td> <td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td> <td>Not applicable</td> </tr> <tr> <td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td> <td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td> <td>Not applicable</td> </tr> <tr> <td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td> <td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td>Not applicable</td> </tr> <tr> <td>The site is on a corner.</td> <td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td> </tr> </tbody> </table>	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable	The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.	Yes	The front wall of Dwelling 1 is set back from Park Street 6.5m (on the south side of the lot) to 7.4m (on the north side of the lot). This aligns with the front setback to the existing neighbouring dwellings.  Specifically, the front dwelling at 15 Park Street, which adjoins the site to the south, has a front setback of 4.9m. The dwelling at 19 Park Street has a front setback of 8.2m.
	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)															
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	<i>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.</i>	Yes	Dwelling 1's single storey front porch / verandah does not encroach more than 2.5m into this setback.															
<b>55.03-2 Building height objective</b>	<b>Standard B7</b>	<b>Met</b>	<b>Comments</b>															
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i>	<i>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.</i>	Yes	The proposed dwellings are two storeys only with a maximum height of 8.0m. Regardless, within the RGZ1 the maximum building height is 13.5m.															
	<i>Changes of building height between existing buildings and new buildings should be graduated.</i>	Yes	Both adjoining dwellings are single storey. An increase of one storey to a maximum height of 8.0m is considered to be sufficiently gradual, particularly noting that the maximum building height in the RGZ1 is 13.5m.															
<b>55.03-3 Site coverage objective</b>	<b>Standard B8</b>	<b>Met</b>	<b>Comments</b>															

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<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i>	<i>The site area covered by buildings should not exceed 60 per cent</i>	Yes	An area of 435sqm will be covered by the proposed buildings. This equates to 43% of the 1012sqm site.
<b>55.03-4 Permeability objective</b>	<b>Standard B9</b>	<b>Met</b>	<b>Comments</b>
<i>To reduce the impact of increased stormwater run-off on the drainage system</i> <i>To facilitate on-site stormwater infiltration</i>	<i>The site area covered by the pervious surfaces should be at least 20% of the site</i>	Yes	Approximately 24% of the site area will be permeable.
	<i>The stormwater management system should be designed to:</i> <ul style="list-style-type: none"> <li><i>Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i></li> <li><i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i></li> </ul>	Yes	The application is supported by a Storm Report including WSUD Plan and Maintenance Plan which appropriately addresses requirements.
<b>55.03-5 Energy efficiency objective</b>	<b>Standard B10</b>	<b>Met</b>	<b>Comments</b>
<i>To achieve and protect energy efficient dwellings and residential buildings</i>  <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i>	<i>Buildings should be:</i> <ul style="list-style-type: none"> <li><i>Orientated to make appropriate use of solar energy</i></li> <li><i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced</i></li> </ul>	Yes	Dwellings 2, 3, 4 and 5 situate their main living area (the open plan kitchen, dining and living room) and their gardens on the north side of the development. Therefore, the development makes appropriate use of solar energy.
	<i>Living areas and private open space should be located on the north side of the development if practicable</i>	Yes	
	<i>Developments should be designed so that solar access to north-facing windows is maximised</i>	Yes	Dwelling 1's main living area (the open plan kitchen, dining and living room) and open space is oriented to the east and will still achieve good solar access.
	<i>Developments should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged</i>	NA	The proposed windows to habitable rooms are predominantly oriented north, west and east and will allow for solar access.  The site is located in the Residential Growth Zone, and regardless there are no existing rooftop solar



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			energy systems located on lots directly adjoining the site.
<b>55.03-6 Open space objective</b>	<b>Standard B11</b>	<b>Met</b>	<b>Comments</b>
<i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i>	<p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> <li><i>Be substantially fronted by dwellings, where appropriate</i></li> <li><i>Provide outlook for as many dwellings as practicable</i></li> <li><i>Be designed to protect any natural features on the site</i></li> <li><i>Be accessible and useable</i></li> </ul>	NA	No public or communal open space is proposed.
<b>55.03-7 Safety objective</b>	<b>Standard B12</b>	<b>Met</b>	<b>Comments</b>
<i>To ensure the layout of development provides for the safety and security of residents and property</i>	<i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i>	Yes	<p>The proposed entrance to Dwelling 1 is located to the front of the site, oriented to Park Street. The entrances to Dwellings 2 – 5 are from the shared accessway. The proposed entrances are considered clear, easy to access and provides for the safety and security of residents and property.</p> <p>The planting details contained within the application will not create unsafe spaces.</p> <p>The proposed dwellings have been designed to facilitate casual surveillance on the proposed accessway, ensuring safety and security.</p> <p>The only private spaces on site are each dwelling's gardens. All private gardens are secured by 1.8m high timber fencing</p>
	<i>Planting which creates unsafe spaces along streets and accessways should be avoided</i>	Yes	
	<i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i>	Yes	
	<i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i>	Yes	
<b>55.03-8 Landscaping objective</b>	<b>Standard B13</b>	<b>Met</b>	<b>Comments</b>
<i>To encourage development that respects the landscape character of the neighbourhood</i>	<p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none"> <li><i>Protect any predominant landscape features of the neighbourhood</i></li> <li><i>Take into account the soil type and drainage patterns of the site</i></li> <li><i>Allow for intended vegetation growth and structural protection of buildings</i></li> </ul>	Yes	Indicative landscaping details have been included on the plans. The proposal includes low level landscaping along the southern boundary.

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<p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site</i></p>	<ul style="list-style-type: none"> <li><i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i></li> <li><i>Provide a safe, attractive and functional environment for residents</i></li> </ul>		<p>The existing vegetation on site is non-native and is not considered to specifically contribute to the neighbourhood character.</p> <p>The applicant proposes to plant two new canopy trees within the front setback, and this can be secured as part of a future landscape plan.</p> <p>A detailed landscaping plan should be provided to fully address Standard B13, and this will be secured by condition.</p>
	<i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i>	N/A	
	<i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i>	Yes	
	<i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i>	Yes	
<b>55.03-9 Access objective</b>	<b>Standard B14</b>	<b>Met</b>	<b>Comments</b>
<p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i></p>	<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> <li><i>33% of the street frontage, or</i></li> <li><i>if the width of the street frontage is less than 20m, 40% of the street frontage</i></li> </ul>	Yes	The site has a frontage of approximately 20m onto Park Street. One shared accessway with a width of 3m is proposed, in addition to a private driveway to Dwelling 1, which also has a width of 3m. As such, a total of 6m is proposed to be accessways, which equates to 30% of the frontage.
	<i>No more than one single-width crossover should be provided for each dwelling fronting a street</i>	Yes	Two single-width crossovers are proposed. One will serve Dwelling 1, and the second will serve Dwellings 2, 3, 4 and 5.
	<i>The location of crossovers should maximize the retention of on-street car parking spaces</i>	Yes	The two crossovers have been located at the northern and southern end of the site to ensure the maximum gap is available in between. This ensures on-street car parking is still possible in front of the property.
	<i>The number of access point to a road in a Road Zone should be minimised</i>	NA	Park Street does not form part of a Transport Zone.
	<i>Developments must provide access for service, emergency and delivery vehicles</i>	Yes	The development will be accessible by service, emergency and delivery vehicles from Park Street

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<b>55.03-10 Parking location objective</b>	<b>Standard B15</b>	<b>Met</b>	<b>Comments</b>
<p><i>To provide convenient parking for resident and visitor vehicles</i></p> <p><i>To protect residents from vehicular noise within developments</i></p>	<p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> <li>• <i>Be reasonably close and convenient to dwellings and residential buildings</i></li> <li>• <i>Be secure</i></li> <li>• <i>Be well ventilated if enclosed</i></li> </ul>	Yes	Each proposed dwelling has its own lock up garage providing secure parking for one vehicle. The garages are integrated into the design of the dwellings and are therefore very convenient in terms of access.
	<p><i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway</i></p>	Obj. Met	The shared accessway is setback 1m from habitable windows into Dwellings 3, 4 and 5, and the window sills are not 1.4m above the accessway. On balance, given the limited number of vehicle movements associated with this development, the proposed windows are not expected to be unduly affected by vehicle noise, such that Objective 55.03-10 would be achieved.

<b>55.04-1 Side and rear setbacks objective</b>	<b>Standard B17</b>	<b>Met</b>	<b>Comments</b>
<p><i>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</i></p>	<p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 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.</i></p>	Obj. Met	The proposal meets the objectives of 55.04.-1. The proposal has generous setbacks around the building. There is a 6.9m long wall on the north boundary facing 19 Park Street but this does not impact on the adjoining dwelling which is setback 2.1m. Boundary setbacks and roof forms are also carefully designed to reduce visuals impact to adjoining properties.
	<p><i>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 0.5m into the setbacks of this standard</i></p>		
	<p><i>Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard</i></p>		
<b>55.04-2 Walls on boundaries objective</b>	<b>Standard B18</b>	<b>Met</b>	<b>Comments</b>
<p><i>To ensure that the location, length and height of a wall on a boundary respects the</i></p>	<p><i>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 a lot</i></p>	Obj. Met	Dwelling 1's single storey garage is constructed on the northern property boundary but has a

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<p><i>existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i></p>	<p><i>should not abut the boundary for a length of more than:</i></p> <ul style="list-style-type: none"> <li>▪ <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i></li> <li>▪ <i>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, whichever is the greater.</i></li> </ul> <p><i>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.</i></p> <p><i>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.</i></p>		<p>maximum length of 7m, which complies with Standard B18.</p> <p>The proposal includes a 13m long two-storey wall built along the rear boundary, which would not comply with Standard B18.</p> <p>However, the proposal meets the objectives of 55.04-2, noting there is a long, narrow, unmade lane to the rear of the site, ensuring a minimum setback of 12m to the nearest residential development (at 22 – 27 Monastery Drive).</p>
<p><b>55.04-3 Daylight to existing windows objective</b></p>	<p><b>Standard B19</b></p>	<p><b>Met</b></p>	<p><b>Comments</b></p>
<p><i>To allow adequate daylight into existing habitable room windows</i></p>	<p><i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot</i></p> <p><i>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window</i></p> <p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</i></p> <p><i>Refer to Diagram B2</i></p>	<p>Obj Met</p>	<p>The proposal will meet the objective of 55.04-3, ensuring neighbouring properties will retain adequate access to daylight via habitable room windows.</p> <p>Habitable windows located opposite the subject site within the dwelling at 19 Park Street are setback approximately 2m from the common boundary.</p> <p>Habitable windows located opposite the subject site in Unit 1 / 15 Park Street are setback 4m from the common boundary.</p> <p>Habitable windows located opposite the subject site in Unit 2 / 15 Park Street are setback 6m from the common boundary.</p>

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			<p>There are no habitable windows located in Unit 3 / 15 Park Street oriented to the shared boundary with the subject site.</p> <p>Habitable windows located in the dwellings at 22 – 27 Monastery Drive to the rear are setback a minimum of 12m.</p>
<b>55.04-4 North facing windows objective</b>	<b>Standard B20</b>	<b>Met</b>	<b>Comments</b>
<i>To allow adequate solar access to existing north-facing habitable room windows</i>	<i>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m 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. Refer to Diagram B3</i>	N/A	<p>There are no north-facing habitable window in existing dwellings within 3m of the Site.</p> <p>North-facing windows located opposite the subject site in Unit 1 / 15 Park Street are setback 4m from the joint boundary.</p> <p>North facing windows located opposite the subject site in Unit 2 / 15 Park Street are setback 6m from the common boundary.</p> <p>The only north facing windows located in Unit 3 / 15 Park Street is setback more than 6m from the common boundary.</p>
<b>55.04-5 Overshadow open space objective</b>	<b>Standard B21</b>	<b>Met</b>	<b>Comments</b>
<i>To ensure buildings do not significantly overshadow existing secluded private open space</i>	<p><i>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September</i></p> <p><i>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</i></p>	Yes	<p>Shadow diagrams for the 22<sup>nd</sup> of September have been assessed and the secluded private open space of 1-3/15 Park Street will receive a minimum of 25sqm of sunlight for 5 hours between 9am-3pm.</p>

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55.04-6 Overlooking objective	Standard B22	Met	Comments
<p><i>To limit views into existing secluded private open space and habitable room windows</i></p>	<p><i>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 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i></p> <ul style="list-style-type: none"> <li><i>• offset a minimum of 1.5m from the edge of one window to the edge of the other</i></li> <li><i>• have sill heights of at least 1.7m above floor level</i></li> <li><i>• have fixed, obscure glazing in any part of the window below 1.7m above floor level</i></li> <li><i>• have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</i></li> </ul> <p><i>Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard</i></p> <p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <li><i>• perforated panels or trellis with a maximum of 25% openings or solid translucent panels</i></li> <li><i>• permanent, fixed and durable</i></li> <li><i>• designed and coloured to blend with the development</i></li> </ul>	<p>Obj. Met</p>	<p>Privacy screens and/or frosted glass to a height of 1.7m above floor level is proposed. Dwelling 2, 3, 4 and 5's north facing upstairs windows will be screened to limit any potential overlooking impacts to 19 Park Street.</p> <p>The south-facing upstairs windows of all five dwellings will be setback sufficiently to avoid overlooking impacts to the dwellings at 15 Park Street.</p> <p>No rear facing windows are proposed.</p> <p>Dwelling 1 has a balcony which is oriented to Park Street and will not directly overlook any neighbouring properties. No other balconies are proposed.</p> <p>Timber fencing to a height of 1.8m is proposed to private open spaces to reduce mutual overlooking.</p>
<p><b>55.04-7 Internal views objective</b></p>	<p><b>Standard B23</b></p>	<p><b>Met</b></p>	<p><b>Comments</b></p>
<p><i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development</i></p>	<p><i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development</i></p>	<p>Yes</p>	<p>Dwelling 1 has a balcony which is oriented to Park Street and will not directly overlook any neighbouring properties. Dwellings 2, 3, 4 and 5 do not feature balconies.</p>

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			<p>Privacy screens and/or frosted glass to a height of 1.7m above floor level is proposed across Dwelling 2, 3, 4 and 5's north facing upstairs windows to limit any potential overlooking impacts to 19 Park Street. Overall, less than 50% of 19 Park Street's open space will be overlooked.</p> <p>The south-facing upstairs windows of all five dwellings will be setback sufficiently to avoid overlooking impacts to the dwellings at 15 Park Street.</p> <p>The proposal includes 1.8m high timber fences to all private open spaces to ensure that the privacy of each proposed dwelling's secluded private open space will be protected.</p>
<b>55.04-8 Noise impacts objective</b>	<b>Standard B24</b>	<b>Met</b>	<b>Comments</b>
<i>To contain noise sources in developments that may affect existing dwellings</i>	<i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i>	NA	No mechanical plant is proposed as part of the development.
<i>To protect residents from external noise</i>	<i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties</i>	NA	There are no significant noise sources on immediately adjacent properties.
	<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	NA	The development site is not located close to any busy roads, railway lines or industry.
<b>55.05-1 Accessibility objective</b>	<b>Standard B25</b>	<b>Met</b>	<b>Comments</b>
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	<i>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.</i>	Yes	All proposed dwellings are accessible from ground floor level. The car parking finished surface level is very similar to the dwelling finished floor level and this will allow for at grade access. All dwellings have been designed to provide a bedroom, bathroom and the main kitchen, living and

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			dining space at ground floor level to cater to all accessibility requirements.
<b>55.05-2 Dwelling entry objective</b>	<b>Standard B26</b>	<b>Met</b>	<b>Comments</b>
<i>To provide each dwelling or residential building with its own sense of identity</i>	<p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> <li><i>be visible and easily identifiable from streets and other public areas</i></li> <li><i>provide shelter, a sense of personal address and a transitional space around the entry</i></li> </ul>	Yes	Access to each dwelling is via a front porch which is clearly visible either from Park Street or from the shared accessway. The proposed front porches provide shelter and clearly delineate the address and individual entry of each dwelling.
<b>55.05-3 Daylight to new windows objective</b>	<b>Standard B27</b>	<b>Met</b>	<b>Comments</b>
<i>To allow adequate daylight into new habitable room windows</i>	<p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> <li><i>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i></li> <li><i>a verandah provided it is open for at least one third its perimeter, or</i></li> <li><i>a carport provided it has two or more open sides and is open for at least one third of its perimeter</i></li> </ul>	Yes	All proposed habitable windows achieve an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, located within the development site. No verandahs or windows to car ports are proposed.
<b>55.05-4 Private open space objective</b>	<b>Standard B28</b>	<b>Met</b>	<b>Comments</b>
<i>To provide adequate private open space for the reasonable recreation and service needs of residents</i>	<p><i>A dwelling or residential building should have private open space:</i></p> <ul style="list-style-type: none"> <li><i>an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</i></li> <li><i>a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</i></li> <li><i>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</i></li> </ul>	Yes	<p>Each dwelling will be provided with direct access to private open space. The private open space provision is as follows:</p> <p>Dwelling 1 – a total of 70sqm of private open space located at the front of the property. With an additional 8.74sqm of secluded private open space provided through the first floor balcony.</p> <p>Dwelling 2 – a total of 40.2sqm of private open space, of which 24sqm will be secluded.</p>



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			<p>Dwelling 3 – a total of 42.7sqm of private open space, of which 25sqm will be secluded.</p> <p>Dwelling 4 – a total of 40.3sqm of private open space, of which 25sqm will be secluded.</p> <p>Dwelling 5 – a total of 45.1sqm of private open space, of which 25sqm will be secluded.</p>
<b>55.05-5 Solar access to open space objective</b>	<b>Standard B29</b>	<b>Met</b>	<b>Comments</b>
<i>To allow solar access into the secluded private open space of new dwellings and residential buildings</i>	<i>The private open space should be located on the north side of the dwelling or residential buildings</i>	Yes	<p>The private open space for Dwellings 2, 3, 4 and 5 is located along the northern boundary of the site.</p> <p>Dwelling 1's private open space is located at the front of the site and will have an eastern orientation.</p>
	<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall Refer to Diagram B29</i>	N/A	No southern secluded private open space is proposed.
<b>55.05-6 Storage objective</b>	<b>Standard B30</b>	<b>Met</b>	<b>Comments</b>
<i>To provide adequate storage facilities for each dwelling</i>	<i>Each dwelling should have convenient access to at least 6m<sup>3</sup> of externally accessible, secure storage space</i>	Yes	Each dwelling is provided with a storage shed with a volume of 6m <sup>3</sup> . Dwelling 1's storage is located within the garage. Dwelling 2, 3, 4 and 5's storage is located within each unit's private open space.
<b>55.06-1 Design detail objective</b>	<b>Standard B31</b>	<b>Met</b>	<b>Comments</b>
<i>To encourage design detail that respects the existing or preferred neighbourhood character</i>	<i>The design of buildings, including:</i> <ul style="list-style-type: none"> <li>• <i>Facade articulation and detailing,</i></li> <li>• <i>Window and door proportions,</i></li> <li>• <i>Roof form, and</i></li> <li>• <i>Verandahs, eaves and parapets,</i></li> </ul> <i>should respect the existing or preferred neighbourhood character.</i>	Yes	The proposal incorporates a pitched roof to all dwellings, which is consistent with the roof form of the local area.

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			Dwelling 1, which fronts onto Park Street has been designed to feature a front porch / verandah, which is consistent with a number of dwellings in the street.
	<i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character</i>	Yes	Each dwelling features a garage which has been integrated into the development and will visually compatible with the host property.
<b>55.06-2 Front fences objective</b>	<b>Standard B32</b>	<b>Met</b>	<b>Comments</b>
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	<i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i>	N/A	No front fence to Park Street is proposed.
	<i>A front fence within 3m of a street should not exceed:</i> <ul style="list-style-type: none"> <li>• Streets in a Road Zone – 2m</li> <li>• Other Streets – 1.5m</li> </ul>	N/A	No front fence to Park Street is proposed.
<b>55.06-3 Common property objective</b>	<b>Standard B33</b>	<b>Met</b>	<b>Comments</b>
<i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i>  <i>To avoid future management difficulties in areas of common ownership</i>	<i>Developments should clearly delineate public, communal and private areas</i>	Yes	The proposal clearly delineates private areas (private open space) through use of fencing and landscaping. The proposal clearly delineates communal space (the shared accessway) with consistent materiality. No public areas are proposed.
	<i>Common property, should be functional and capable of efficient management</i>	Yes	The only common property proposed is the shared accessway which provides access to 4 of 5 dwellings. It will be functional and easily managed.
<b>55.06-4 Site service objective</b>	<b>Standard B34</b>	<b>Met</b>	<b>Comments</b>
<i>To ensure that site services can be installed and easily maintained</i> <i>To ensure that site facilities are accessible, adequate and attractive</i>	<i>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</i>	Yes	The proposal plans clearly delineates a services space close to the site's frontage to Park Street.
	<i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development</i>	Yes	The proposal plans clearly show bin and recycling enclosures within the garage of Dwelling 1, and within the private open

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	<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	space of Dwellings 2, 3, 4 and 5. There is easy access to Park Street for collection.  Mail boxes are proposed to be located together at the front of the property to ensure convenient access by Australian Post.
	<i>Mailboxes should be provided and located for convenient access</i>	Yes	





DRAWING REGISTER	
No-Rev.	Name
	COVER SHEET
100N	SITE CONTEXT-FEATURE SURVEY PLAN
110N	DESIGN RESPONSE
201N	GROUND FLOOR PLAN
202N	UPPER FLOOR PLAN
203N	ROOF PLAN
501N	ELEVATIONS SHEET 1
502N	ELEVATIONS SHEET 2
801N	SHADOW DIAGRAMS
802N	POS DIAGRAM

17 PARK STREET WENDOUREE

**RE COUNCIL RFI ISSUE**  
COVER SHEET

8/10/2021

2021052TP

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- NOTES**
1. TREE TRUNK DIAMETERS AND SPREADS SHOWN THIS PLAN ARE SHOWN APPROXIMATELY TO SCALE.
  2. THIS FEATURE AND LEVEL SURVEY HAS BEEN UNDERTAKEN FOR PLANNING AND REVISION PURPOSES ONLY.
  3. LAND IN SHEDDY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.
  4. COMMENTS ARE ON A LOCAL SCALE DATE BASED FROM TITLE BEARINGS.
  5. THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A COMMITMENT TO CONSTRUCTION.
  6. ADVISORY SHOULD BE CONTACTED TO ASCERTAIN THE POSSIBLE LOCATIONS OF UNDERGROUND SERVICES AND EXISTING UTILITIES AT ALL STAGES.
  7. DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND SHOULD BE VERIFIED ON THE GROUND.
  8. THIS PLAN WAS PLACED ON 27/07/2021 AND WAS VERIFIED AT THE TIME OF PLACEMENT. VERIFICATION SHOULD BE CARRIED OUT BY SUITABLY QUALIFIED PERSONS BEFORE USE FOR CONSTRUCTION PURPOSES.
  9. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE FOR WHICH IT HAS COMMISSIONED.
  10. THIS IS NOT A TITLE RE-COMMISSIONMENT SURVEY.



PHOTO 1

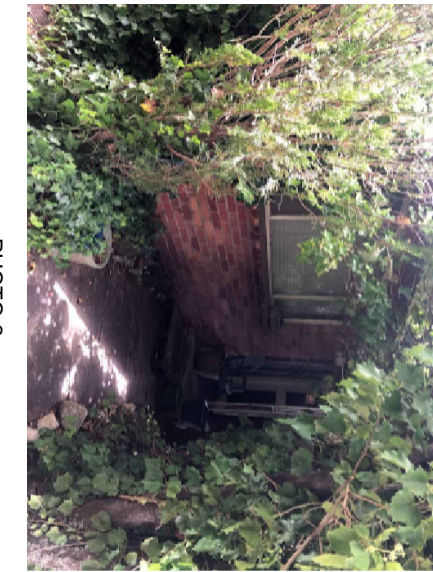
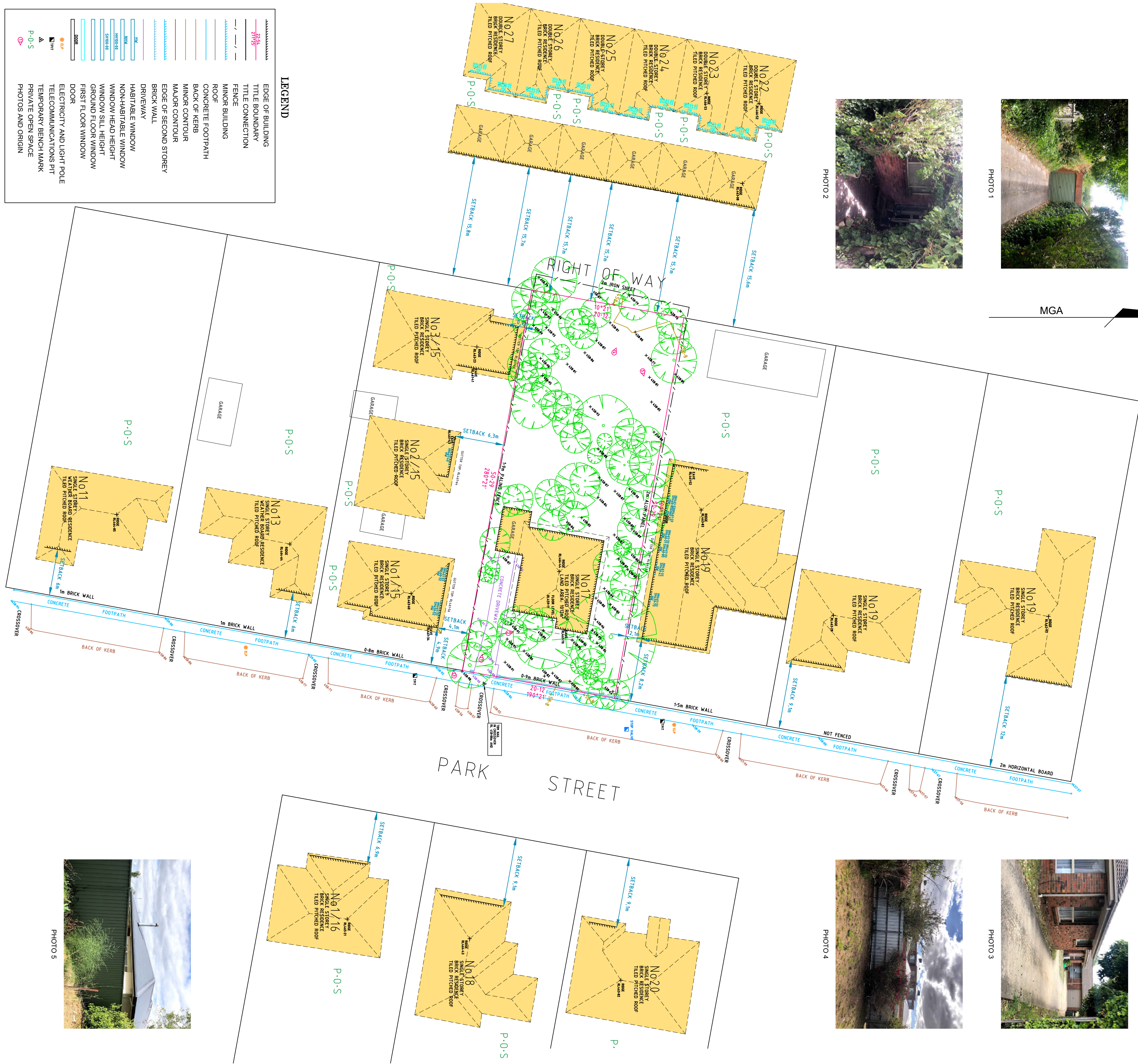


PHOTO 2



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AMENDMENTS:	DATE:	REVISION NO.:	AWAYING NO.:
NEWWAYS REF: 7/6 F2			
DATE OF SURVEY: 23/02/2021			
JOB REFERENCE: 201988	VERSION: 1	ORIGINAL SHEET SIZE: A1	SCALE: 1:250
LENGTHS ARE IN METRES			
GEOMATICS ENGINEERS MELBOURNE PTY LTD	417/286 Smtt Road, Melb, Victoria	PHONE: 0455 519 435	EMAIL: melbourne@melbournegeo.com.au
<b>GEM</b>			
DATUM NOTES:	CONFORMS TO THE AUSTRALIAN HEIGHT REFERENCE CONVENTION AND THE AUSTRALIAN HEIGHT REFERENCE CONVENTION INTERVAL IS 0.2m		
TITLE PARTICULARS:	TITLE REF: NA 8614 PA 445 LTP PLAN REF: 14/ 20/ 21 OFFICE USE ONLY		
COUNTY OF GREENVILLE	PARK STREET		
CROWN ALLOTMENTS: 8839PA1 SECTION C	VOC3585		
SURVEYOR:	LF:	CLIENT:	
DRAWN:	TG:	PROJECT:	FEATURE AND LEVEL SURVEY
SHEET 1 OF 1			

17 PARK STREET WENDOUREE

RE COUNCIL RFI ISSUE  
SITE CONTEXT-FEATURE SURVEY PLAN

2021052TP100N

8/10/2021

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w: www.virtueppg.com

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P. 8488 8003  
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E. admin@livedesignarch.com.au  
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ACN: 6580746074





SITE PLAN

- (A)** Great front setback to meet planning requirement
- (B)** Balcony and upper floor setback from Ground floor to reduce visual impact and create architecture features
- (C)** P.O.S to be allocated on the Northern side to maximize solar access
- (D)** Driveway to be allocated on the Southern side of the site to minimize shadow impact to the next door properties.
- (E)** Separation between Dwelling 3 & 4 in upper level to reduce building bulk and visual impact
- (F)** Traditional pitch roofs to respect existing site context and neighbourwood characters.



SOUTH ELEVATION

17 PARK STREET WENDOUREE

RE COUNCIL RFI ISSUE  
DESIGN RESPONSE

2021052TP110N

8/10/2021

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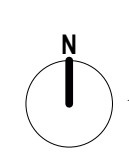
**DEVELOPMENT SUMMARY**

SITE AREA:	1012M <sup>2</sup>
SITE COVERAGE:	44%
PERMEABILITY:	24%
DWELLING QUANTITY:	5

<b>DWELLING 1</b>	<b>176M<sup>2</sup></b>
GROUND	103M <sup>2</sup>
UPPER	73M <sup>2</sup>
<b>DWELLING 2</b>	<b>155M<sup>2</sup></b>
GROUND	84M <sup>2</sup>
UPPER	71M <sup>2</sup>
<b>DWELLING 3</b>	<b>157M<sup>2</sup></b>
GROUND	88M <sup>2</sup>
UPPER	69M <sup>2</sup>
<b>DWELLING 4</b>	<b>153M<sup>2</sup></b>
GROUND	83M <sup>2</sup>
UPPER	70M <sup>2</sup>
<b>DWELLING 5</b>	<b>153M<sup>2</sup></b>
GROUND	77M <sup>2</sup>
UPPER	76M <sup>2</sup>

**NOTE:**  
 \* ALL ROOF AREAS TO BE CONNECTED TO RWTs  
 \* EACH DWELLING HAS 2500L RWT  
 \* RWTs CONNECT TO TOILETS AND LAUNDRIES



17 PARK STREET WENDOUREE

**RE COUNCIL RFI ISSUE**  
 GROUND FLOOR PLAN

8/10/2021

2021052TP201N

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17 PARK STREET WENDOUREE

RE COUNCIL RFI ISSUE  
UPPER FLOOR PLAN

2021052TP202N

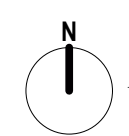
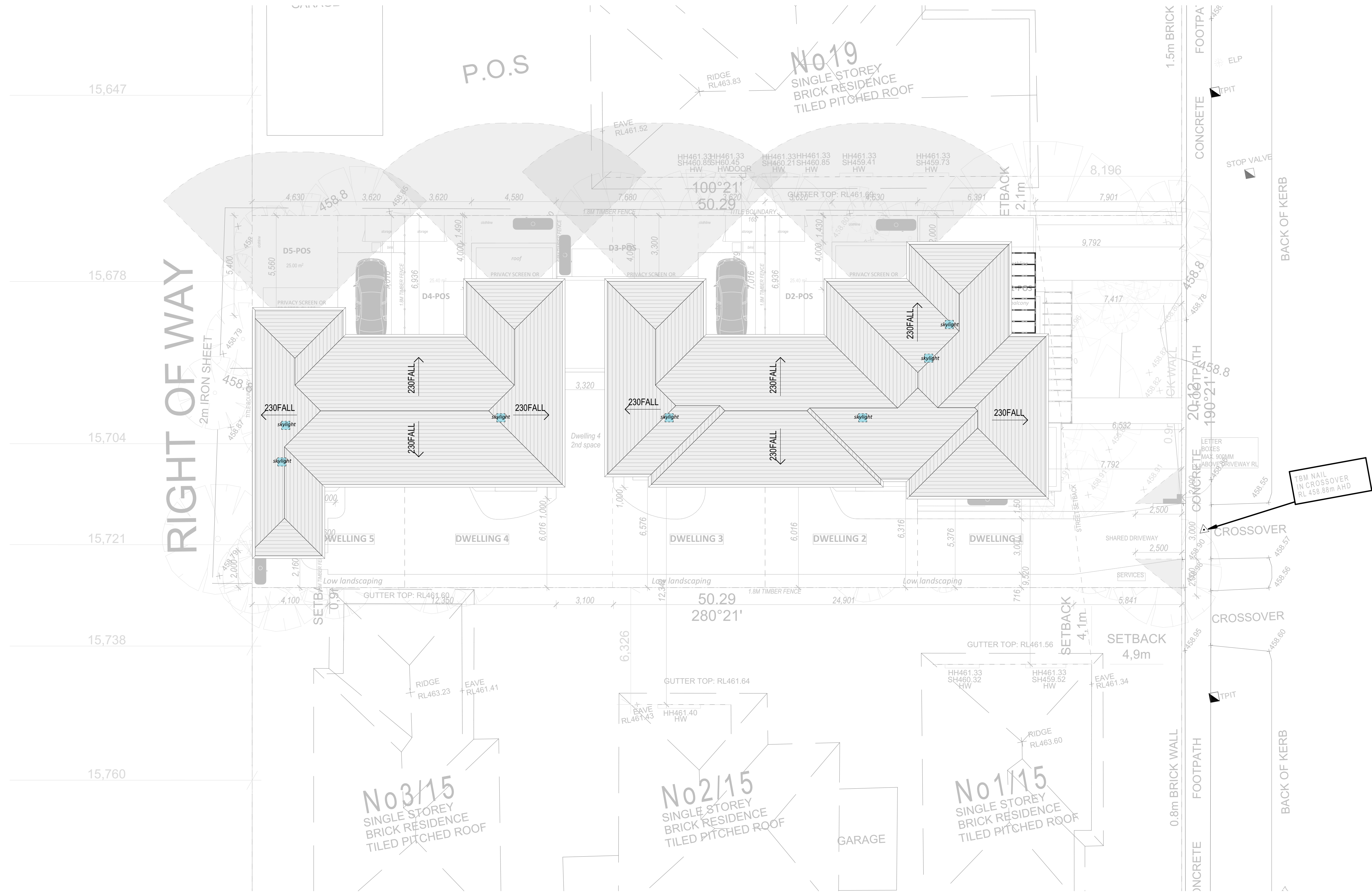
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PARK STREET

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17 PARK STREET WENDOUREE

RE COUNCIL RFI ISSUE  
ROOF PLAN

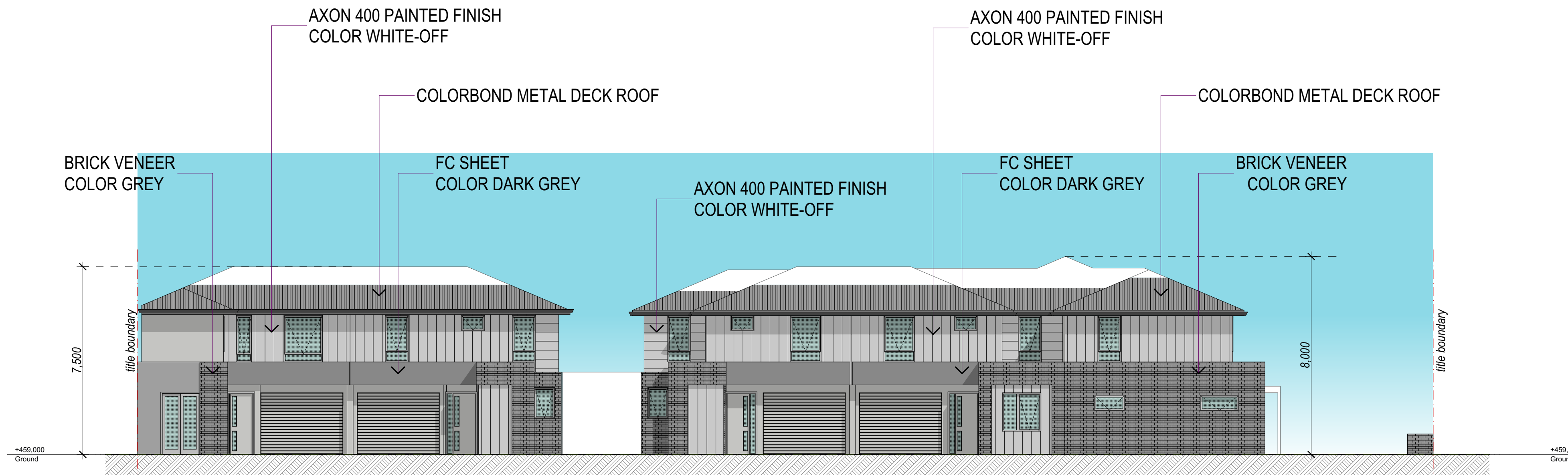
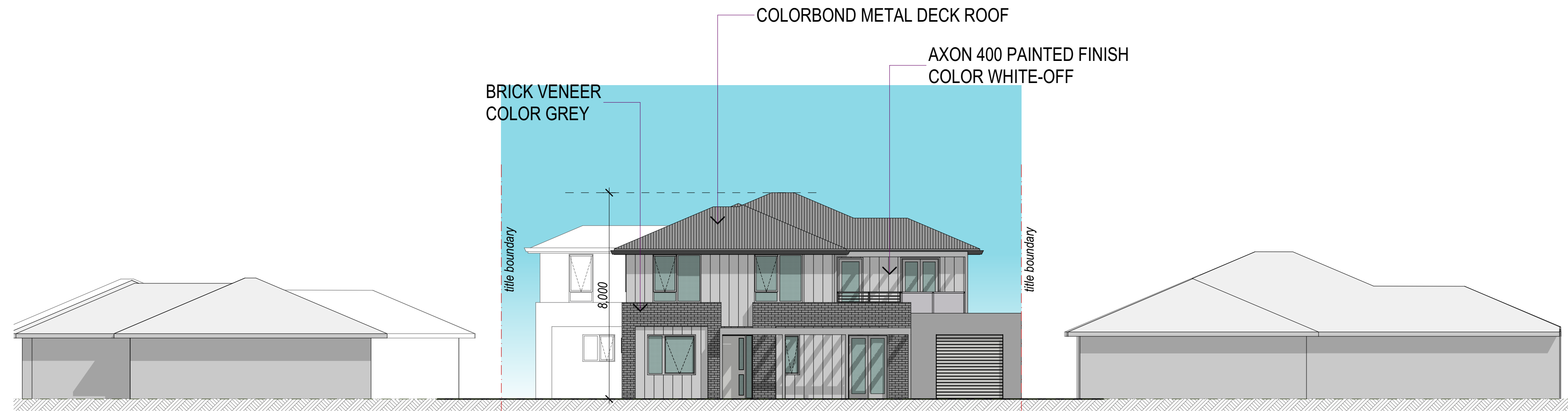
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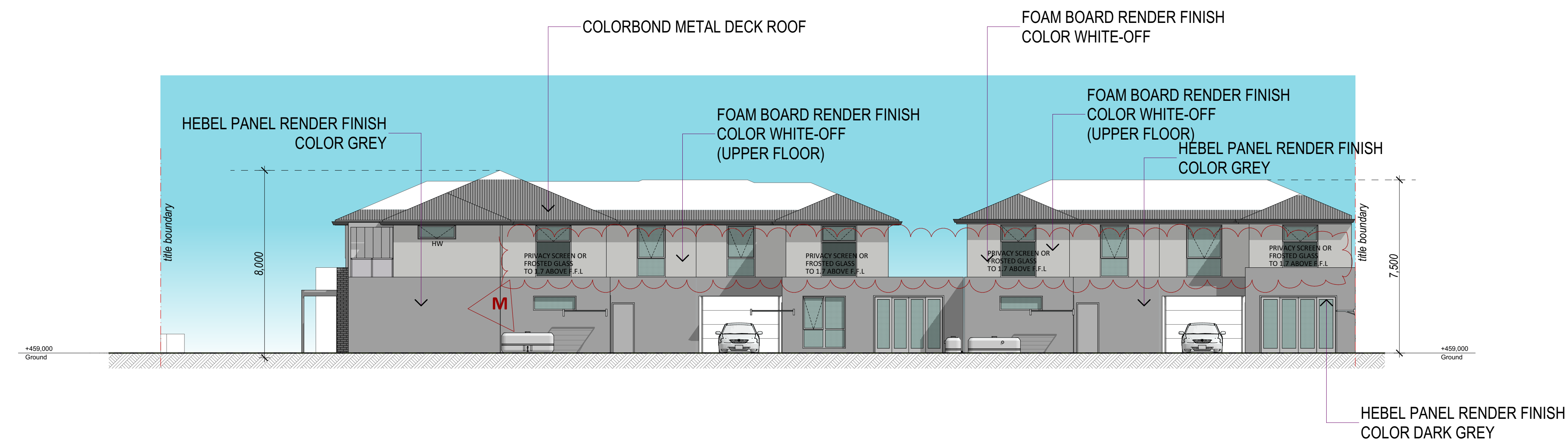
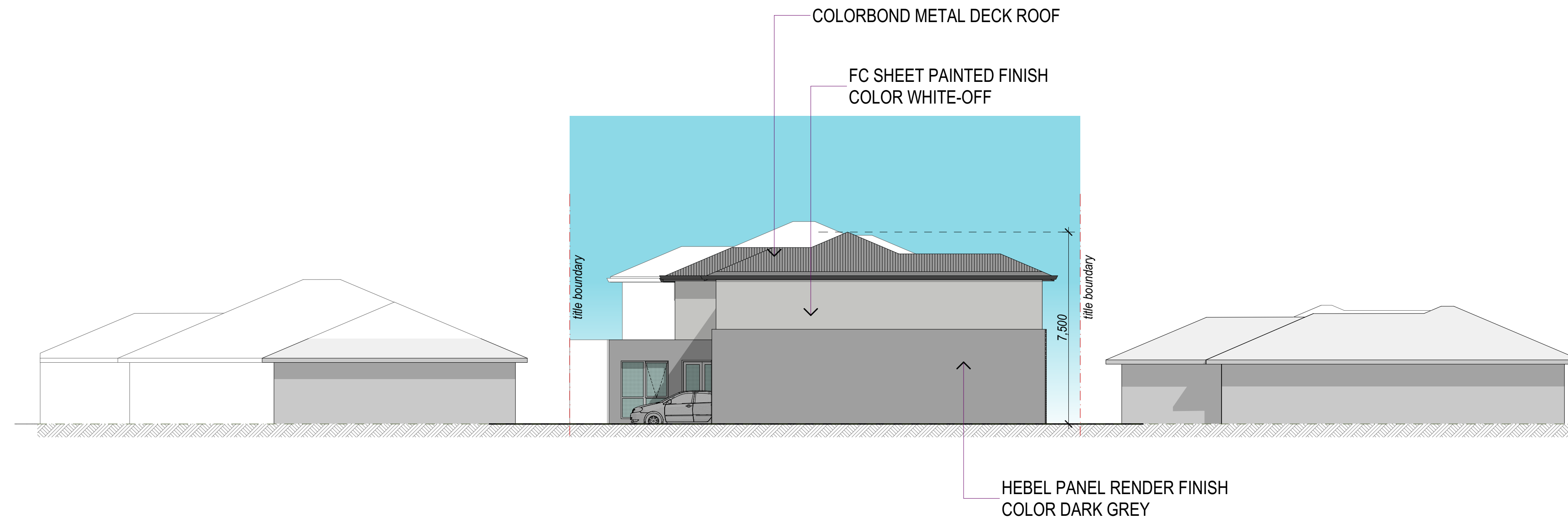
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ELEVATIONS SHEET 1

8/10/2021

2021052TP501N

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17 PARK STREET WENDOUREE

RE COUNCIL RFI ISSUE  
ELEVATIONS SHEET 2

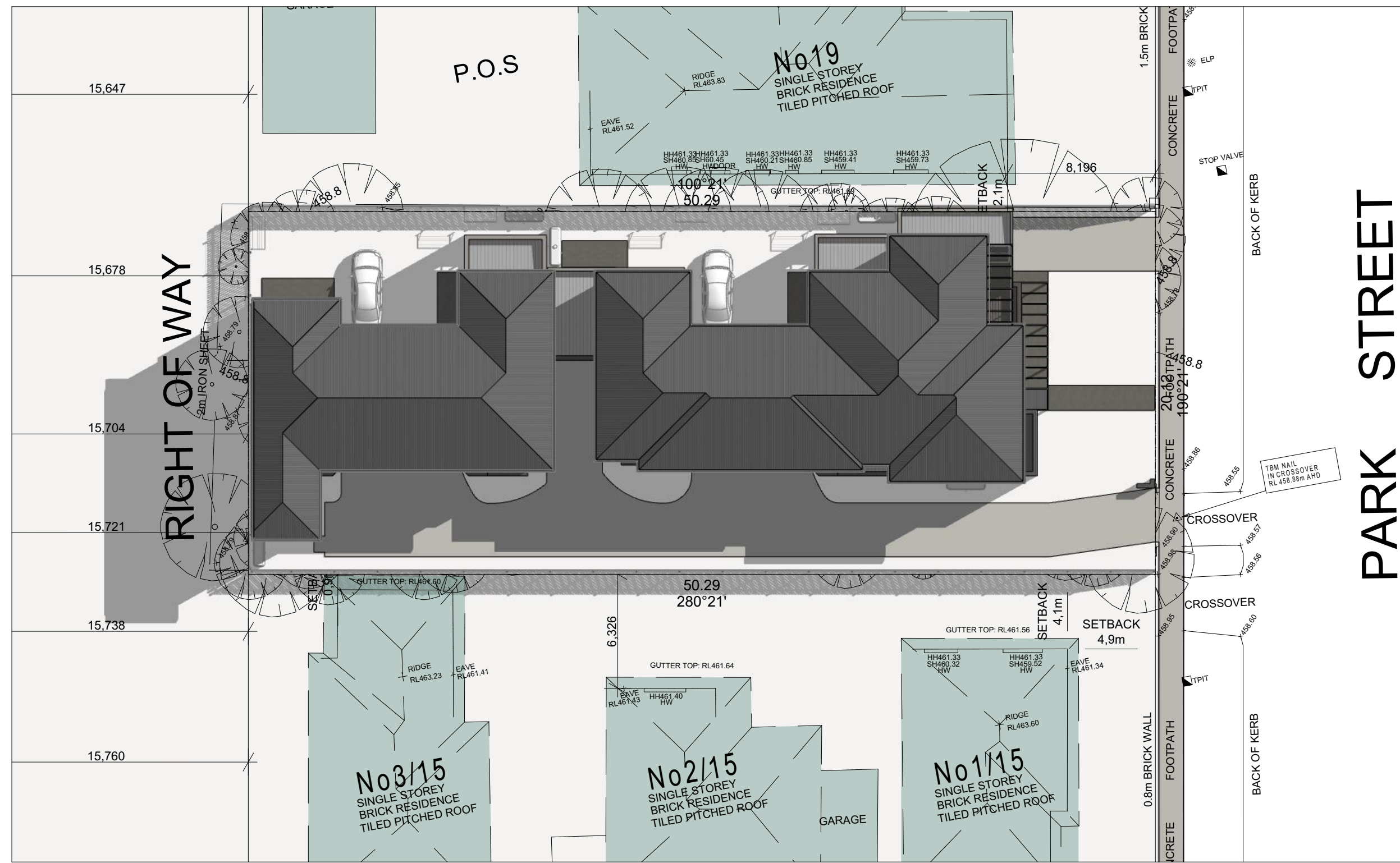
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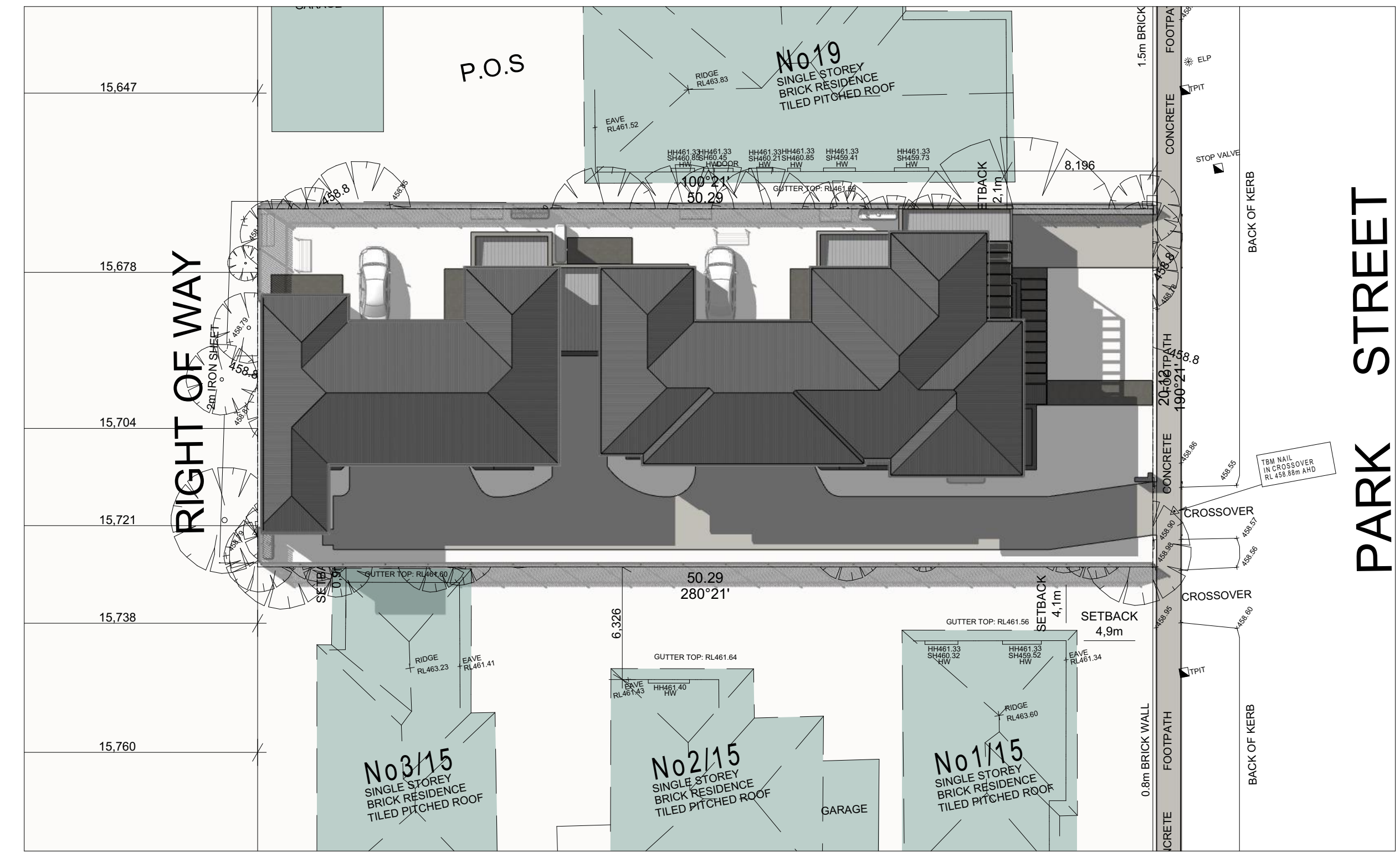
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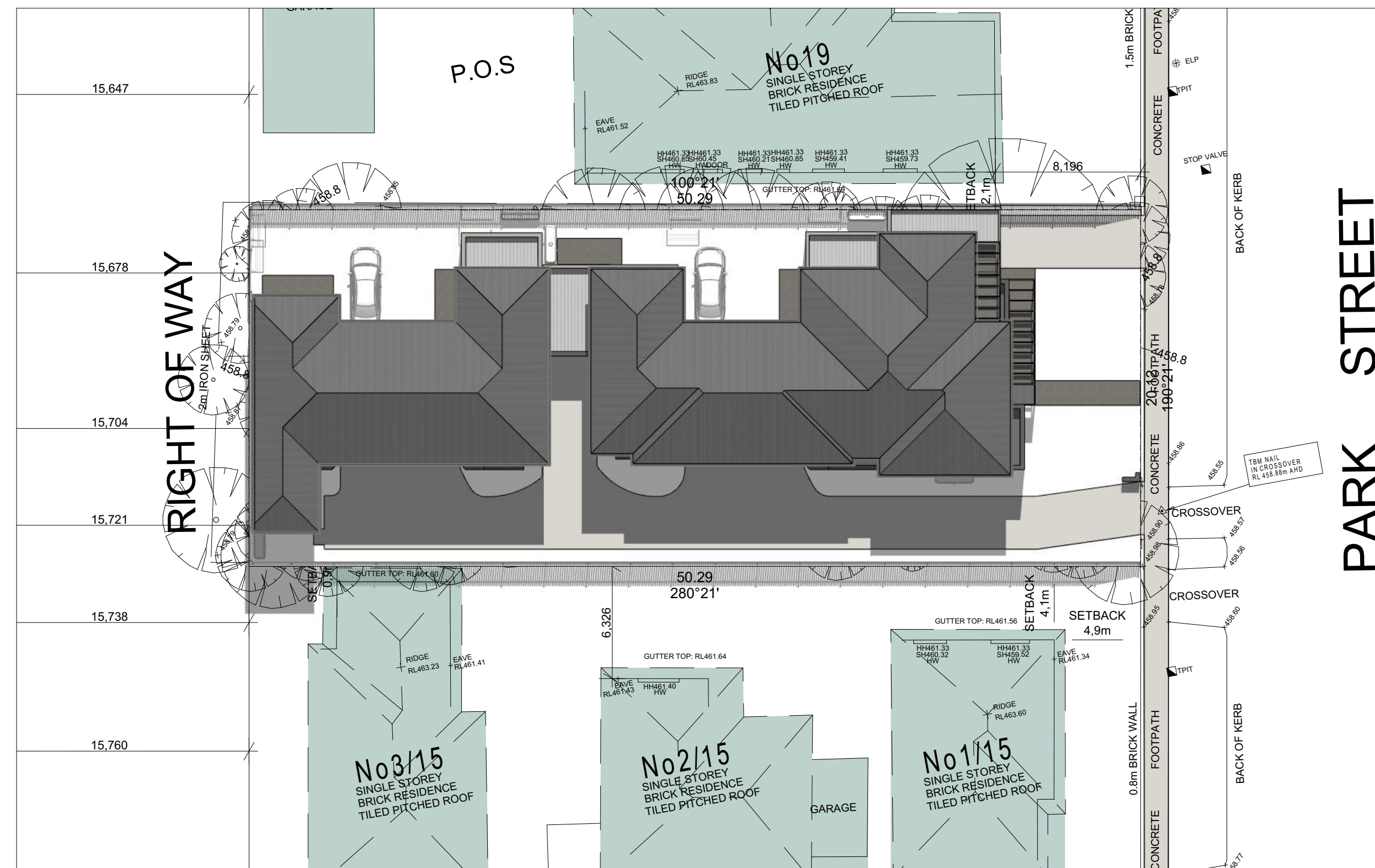




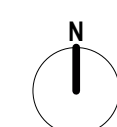
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12PM EQUINOX (21st MARCH)



3PM EQUINOX (21st MARCH)



17 PARK STREET WENDOUREE

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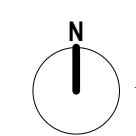
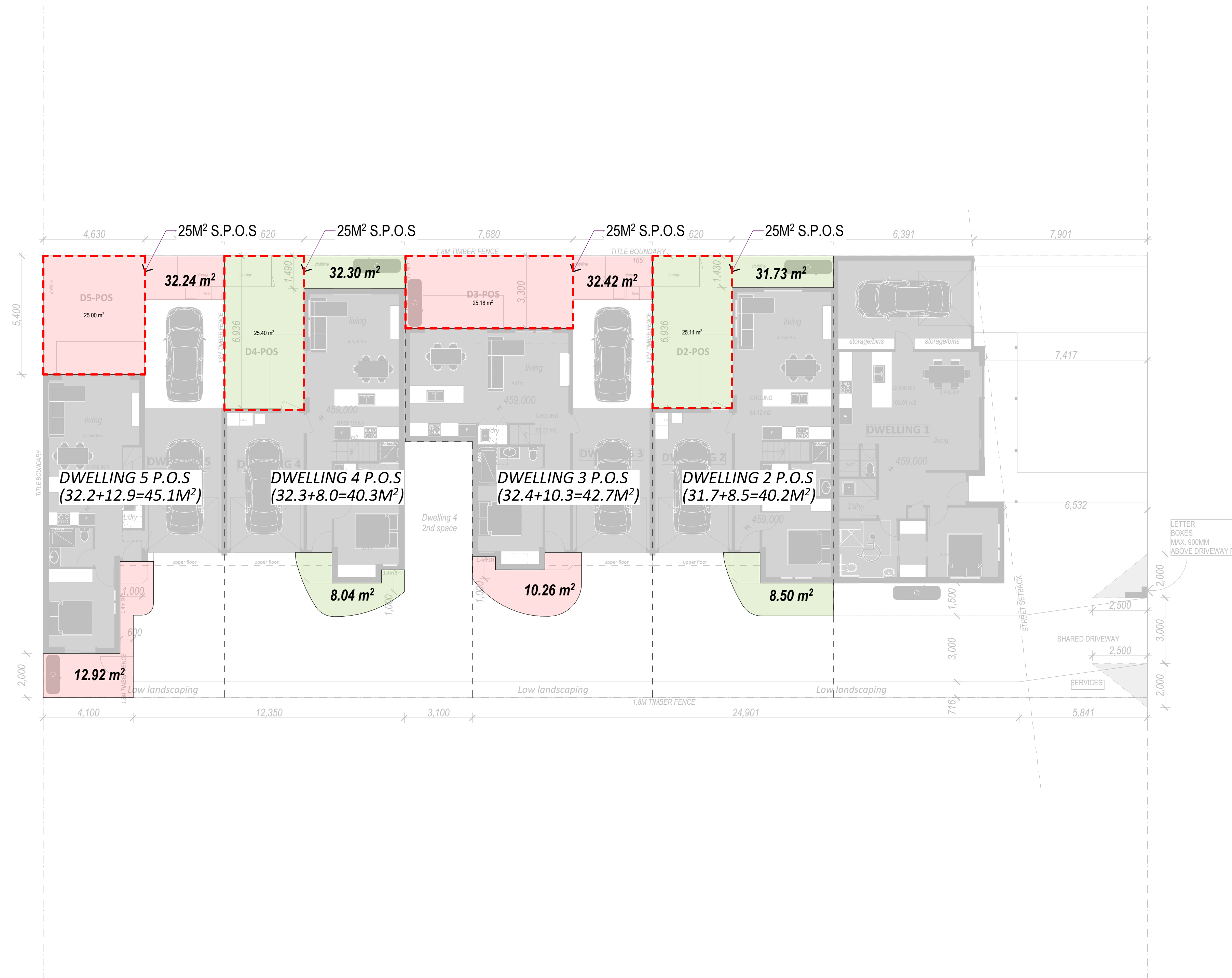
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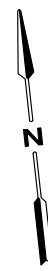
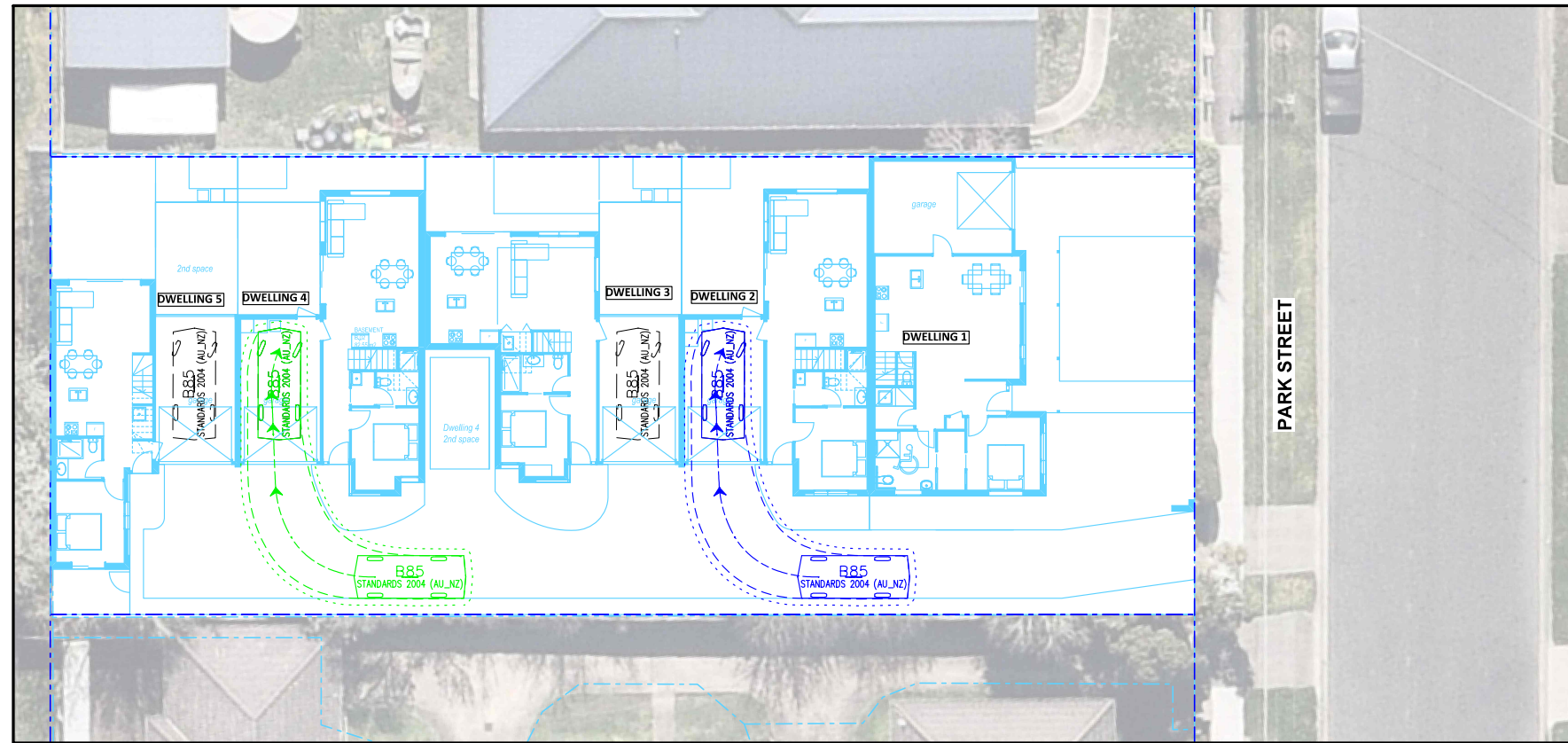
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POS DIAGRAM

8/10/2021

2021052TP802N

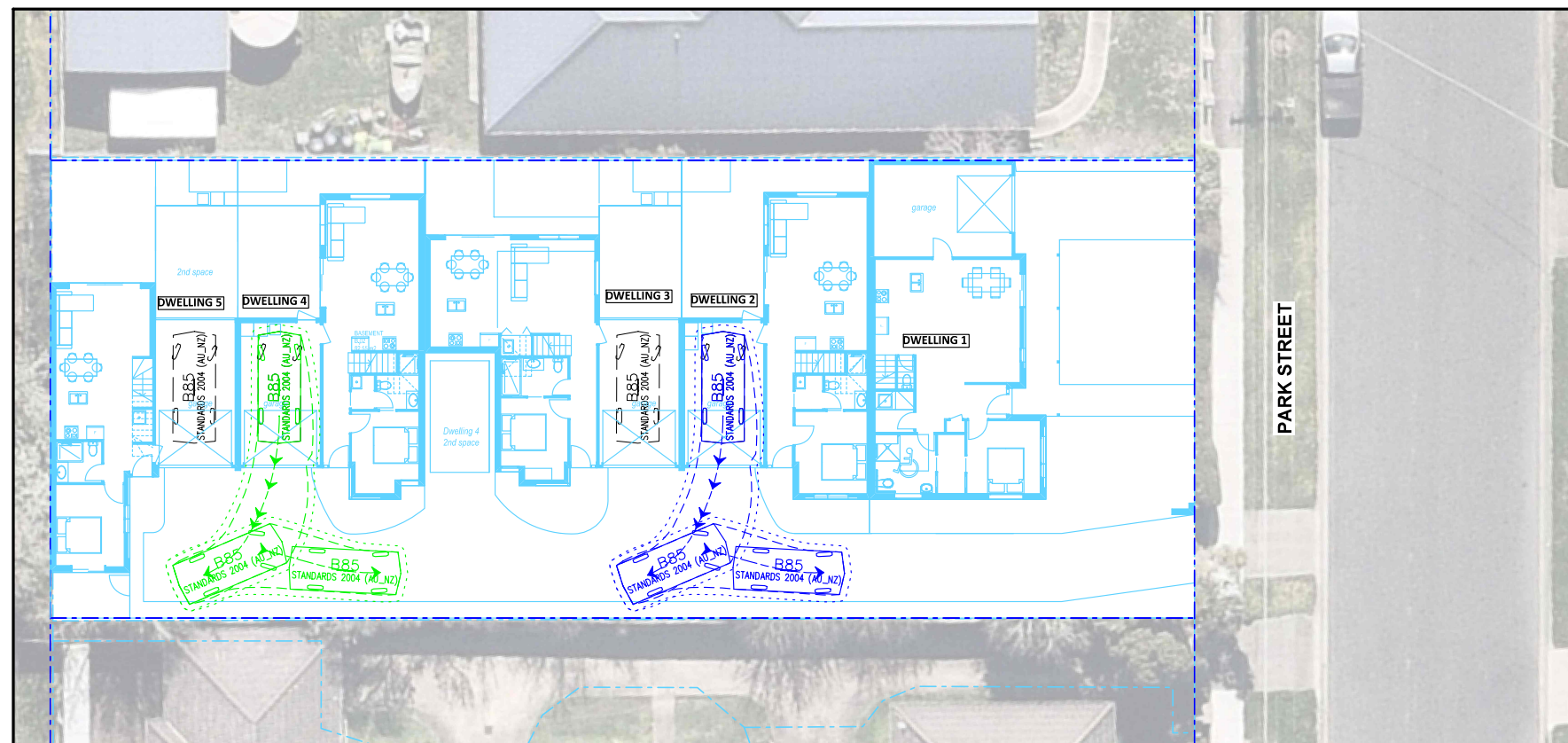
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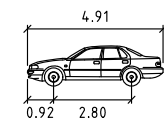
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**EXIT MANOEUVRES**

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 ..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



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 Track : 1.77  
 Lock to Lock Time : 6.0  
 Steering Angle : 34.1

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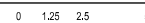
Aerial Photography  
 Aerial photography provided by Nearmap

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 TRAFFIC ENGINEERING  
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 Phone (03) 9939 8250

Drawing Title  
 17 PARK STREET WENDOUREE  
 SITE VEHICLE ACCESS  
 SWEEP PATH ANALYSIS

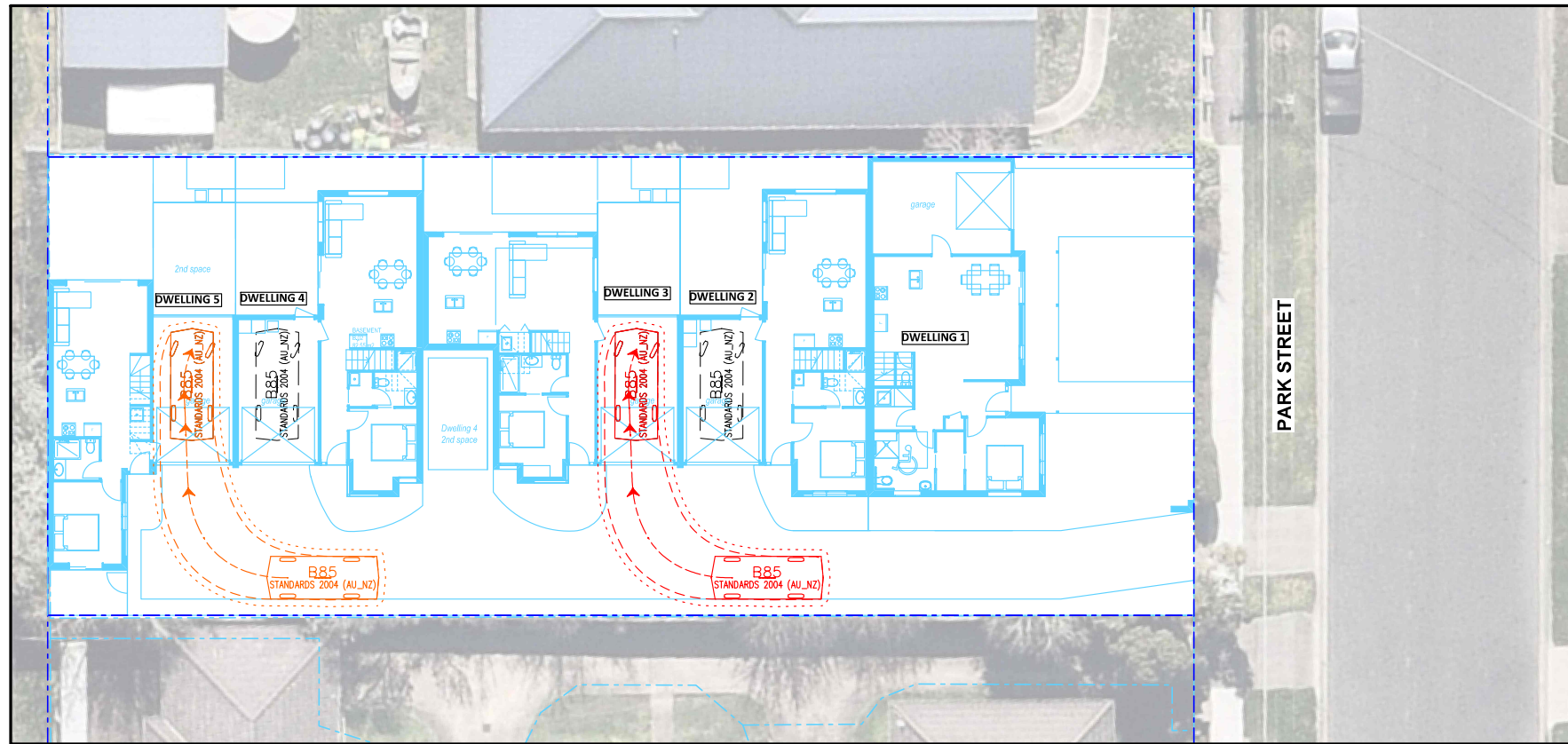
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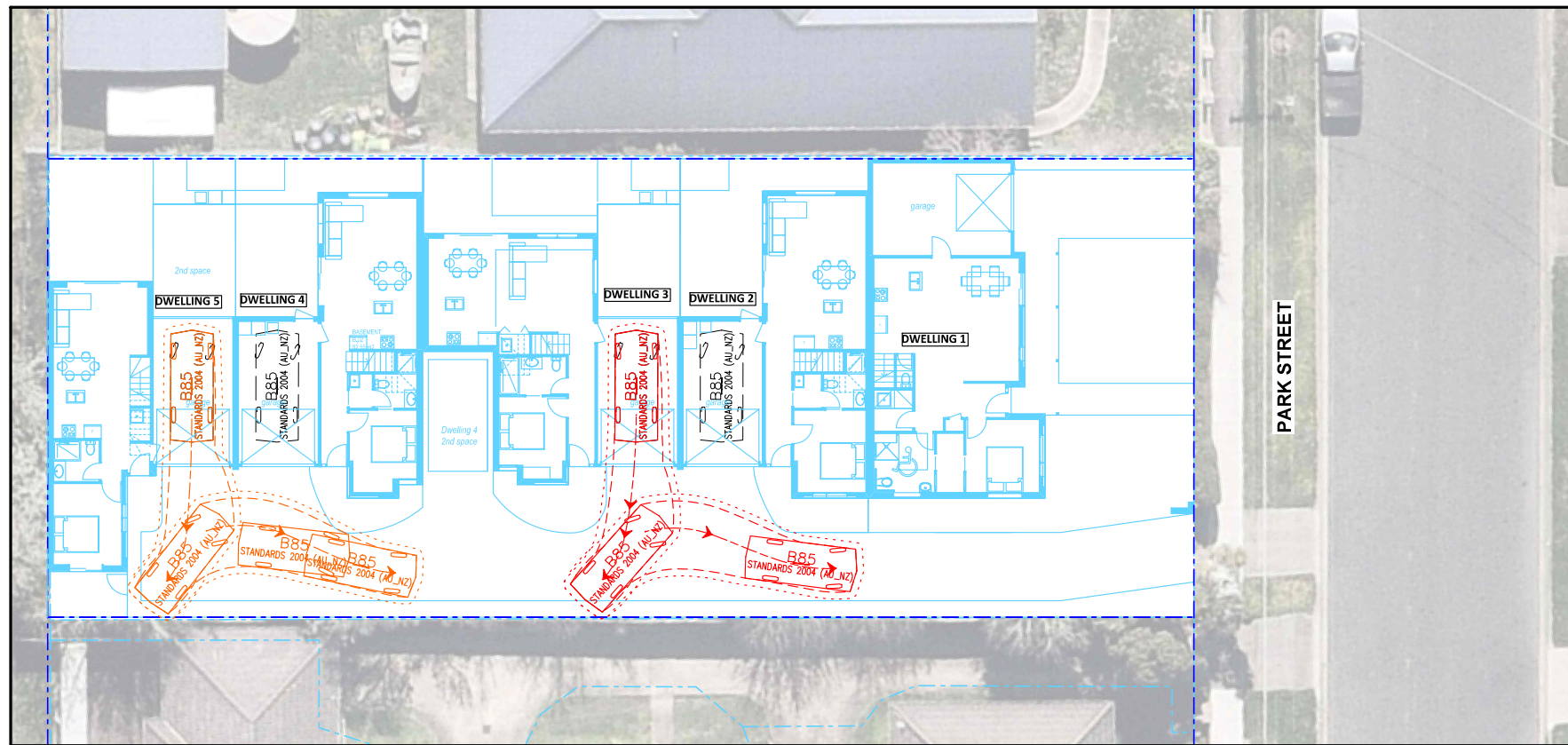
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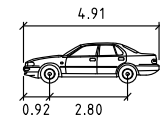
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 ..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



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 ..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



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 Lock to Lock Time : 6.0  
 Steering Angle : 34.1

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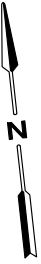
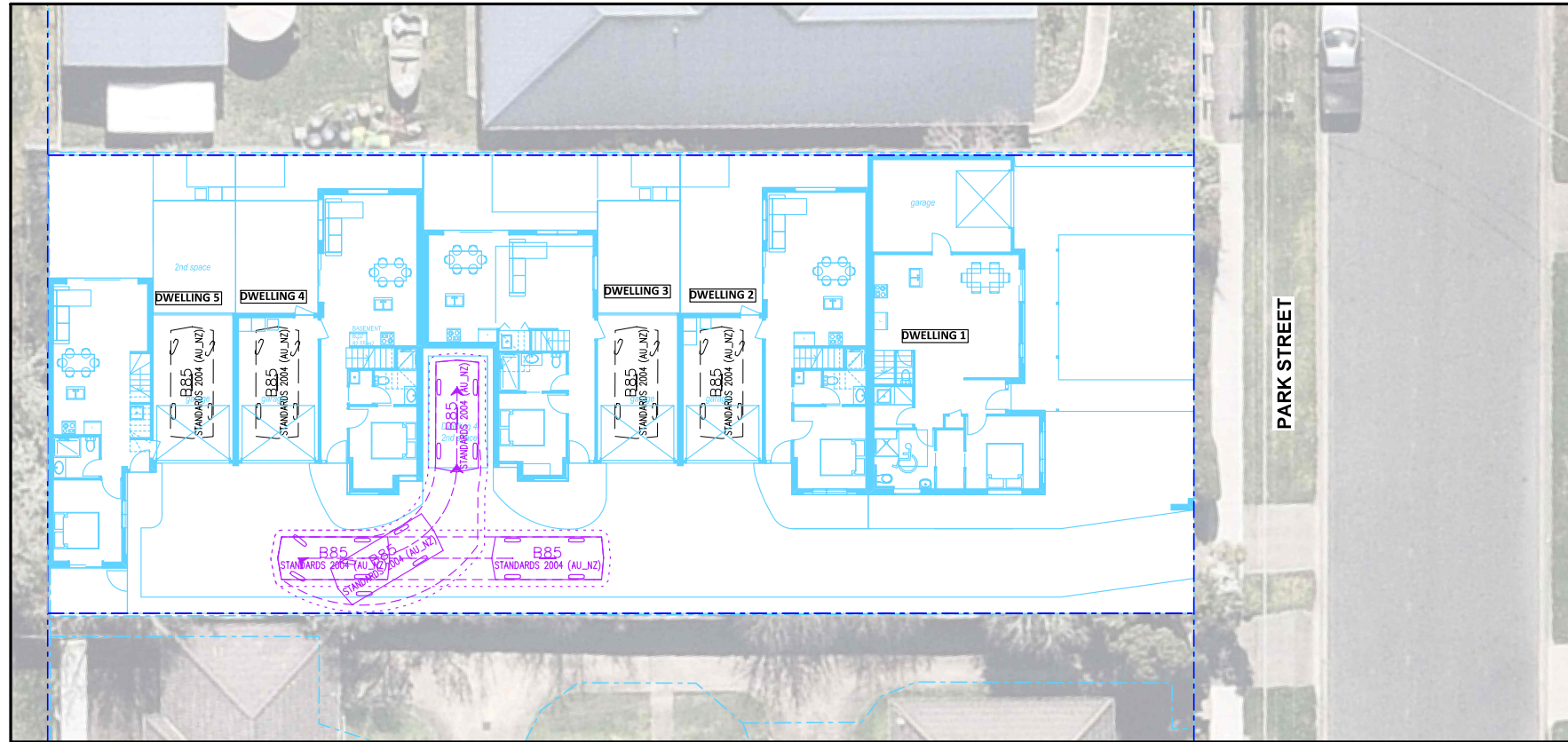
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Scale  
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Drawing Title  
 17 PARK STREET WENDOUREE  
 SITE VEHICLE ACCESS  
 SWEEP PATH ANALYSIS

Designed MOB	Approved JS	Melway Ref 565 S3
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Project Number 210761	Drawing Number SPA101	Revision B
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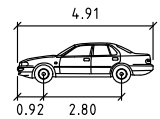
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**EXIT MANOEUVRES**

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 ..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



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 Steering Angle : 34.1

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Drawing Title  
 17 PARK STREET WENDOUREE  
 SITE VEHICLE ACCESS  
 SWEEP PATH ANALYSIS

Designed MOB	Approved JS	Melway Ref 565 S3
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Scale  
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Project Number 210761	Drawing Number SPA102	Revision B
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**NOTES**


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2. THIS FEATURE AND LEVEL SURVEY HAS BEEN UNDERTAKEN FOR PLANNING AND DISCUSSION PURPOSES ONLY.
3. LAND IN SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.
4. COORDINATES ARE ON A LOCAL PLANE DATUM BASED UPON TITLE BEARINGS.
5. ONLY VISIBLE SERVICES AT SURFACE LEVEL HAVE BEEN LOCATED.
6. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ASCERTAIN THE POSSIBLE LOCATIONS OF UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.
7. ONLY WINDOWS DIRECTLY FACING THE SITE HAVE BEEN SHOWN ON THIS PLAN.
8. TBM<sub>s</sub> WERE PLACED ON 23/02/2021 AND WERE VERIFIED AT THE TIME OF PLACEMENT. VERIFICATION SHOULD BE CARRIED OUT BY SUITABLY QUALIFIED PERSONS BEFORE USE FOR CONSTRUCTION PURPOSES.
9. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE FOR WHICH IT HAS COMMISSIONED.
10. THIS IS NOT A TITLE RE-ESTABLISHMENT SURVEY.



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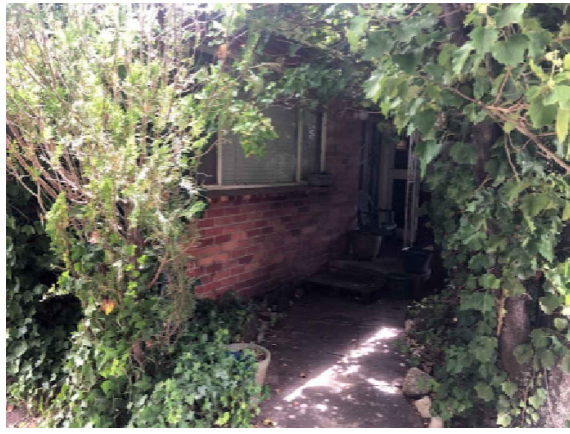


PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5




**LEGEND**

	EDGE OF BUILDING
	TITLE BOUNDARY
	TITLE CONNECTION
	FENCE
	MINOR BUILDING
	ROOF
	CONCRETE FOOTPATH
	BACK OF KERB
	MINOR CONTOUR
	MAJOR CONTOUR
	EDGE OF SECOND STOREY
	BRICK WALL
	DRIVEWAY
	HABITABLE WINDOW
	NON-HABITABLE WINDOW
	WINDOW HEAD HEIGHT
	WINDOW SILL HEIGHT
	GROUND FLOOR WINDOW
	FIRST FLOOR WINDOW
	DOOR
	ELECTRICITY AND LIGHT POLE
	TELECOMMUNICATIONS PIT
	TEMPORARY BENCH MARK
	PRIVATE OPEN SPACE
	PHOTOS AND ORIGIN

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NOTATIONS:	SURVEYOR	LF	CLIENT:
	DRAWN	TG	PROJECT:
	SHEET 1 OF 1	OFFICE USE ONLY	FEATURE AND LEVEL SURVEY 17 PARK STREET WENDOURGEE VIC 3355

DRAWING NO.	REVISION NO.	DATE.	AMENDMENTS.	MELWAYS REF: 76 F2	JOB REFERENCE 201968 VERSION 1 DATE OF SURVEY: 23/02/2021	ORIGINAL SHEET SIZE: A1 SCALE: 1:200 SCALE: 0 2.5 5 10 LENGTHS ARE IN METRES	 <b>GEOMATICS ENGINEERS MELBOURNE PTY LTD</b> 412/566 Sait Kilda Road, Melbourne VIC3004 PHONE: 0425 019 435 EMAIL: MELBOURNE@METROSURVEYGROUP.COM.AU	DATUM NOTES: LEVELS ARE TO THE AUSTRALIAN HEIGHT DATUM WIDE CARDIGAN PM 142 RL454.16 (SMES 23/02/2021) CONTOURS INTERVAL IS 0.2m	<b>TITLE PARTICULARS</b> TITLE REF: Vol. 0514 P/L 049 LAST PLAN REF: Lot 45 on LP 0811	COUNTY OF GRENVILLE PARISH OF BALLARAT CROWN ALLOTMENTS 883(PART) SECTION C
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**Notice of Decision to Grant a Planning Permit:**

That the delegated officer having caused notice of the application to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Ballarat Planning Scheme, subject to the following conditions:

**1. Amended Plans Required**

Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and emailed to [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au) with the planning reference number. The plans must be generally in accordance with the plans drawn by Life Design Architecture and dated 8/10/2021 but modified to show:

- (a) A landscape plan in accordance with Condition 2.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**2. Landscape Plan**

Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit.

The landscape plan must include:

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant.

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

**3. Completion and Maintenance of Landscaping Works**

Prior to the occupation of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

**4. Tree Protection During Construction**



Prior to the commencement of any works on site (including demolition):

- (a) A tree protection fence to the satisfaction of the Responsible Authority must be erected around the street tree in front of 17 Park Street to define 'Tree Protection Zone'; and
- (b) The ground surface of the Tree Protection Zone within the fence must be covered by a 100mm deep layer of mulch, to the satisfaction of the Responsible Authority.

The Tree Protection Zone is to be established and maintained in accordance with Australian Standard AS4970 Protection of Trees on development sites.

#### 5. Construction Management Plan

Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

- (a) Hours of demolition and construction to accord with Local Laws;
- (b) Management of Park Street to ensure that it are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority;
- (c) Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing;
- (d) Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- (e) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties
- (f) Minimising disruption to pedestrian access along footpaths
- (g) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours
- (h) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- (i) A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

#### 6. Internal Access Ways and Car Parking

Prior to the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

- (a) Constructed with a concrete pavement or flexible granular pavement with asphalt surfacing;
- (b) Properly formed to such levels that they can be used in accordance with the plans;
- (c) Drained;

Car spaces and access lanes must be maintained and kept available for these purposes at all times.

Prior to the occupation of the development, all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

#### 7. Naturestrips

Prior to the occupation of the development the naturestrip fronting the development shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

- (a) The reshaping of the naturestrip;
- (b) Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed;
- (c) Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual and shall be to the satisfaction of the Responsible Authority prior to the occupation of the development/ use hereby approved commencing.

#### 8. Drainage Plans and Construction

Prior to works commencing on site, drainage, stormwater detention, stormwater treatment plans and computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention, stormwater treatment plans and computations must accord with the Infrastructure Design Manual, Council's WSUD guidelines and Council's Site Stormwater Management Systems Policy.

All drainage works must be constructed in accordance with the approved plans and shall be completed to a standard satisfactory to the Responsible Authority prior to the occupation of the development/use hereby approved commencing.

At the completion of the works 'as constructed' civil plans shall be submitted to the Responsible Authority by a suitably experienced and qualified engineer.

Any proposed discharge of stormwater requiring a direct and/or modifying and existing connection to a designated waterway (as defined by the Water Act 1989) will require approval by the relevant Catchment Management Authority.

Any raingardens and rainwater tanks forming part of the approved drainage plans/system must be installed and maintained in good operational condition on an ongoing basis to the satisfaction of the Responsible Authority.

#### 9. Vehicle Access

Prior to the commencement of the development, vehicle accesses to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

*Note: The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning*

*Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.*

#### 10. Contamination Assessment

Prior to works commencing on site and the issue of a Building Permit, a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation Report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation report shall include any recommended remediation works.

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the occupation of the development/use hereby approved commencing.

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 prior to the occupation of the development/use hereby approved commencing; **OR**
- (b) An environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the occupation of the development/use hereby approved commencing;

to the satisfaction of the Responsible Authority.

- (c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement.
- (d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- (e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the Agreement must be borne by the owner. The Agreement

must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:

- i. That the registered proprietor will undertake all required maintenance and/or monitoring in accordance with the statement.
- ii. Prior to the development commencing, application must be made to the Registrar of Titles to Register the Section 173 Agreement on the title to the land under Section 181 of the Planning and Environment Act 1987.

#### 11. Sediment on Roadways

No material shall be deposited on any road external to the site by any means including construction vehicles or associated plant entering or leaving the land subject to this permit. Any material deposited on the road shall be removed by mechanical or manual means to the satisfaction of the Responsible Authority.

Note 1: Depositing such material on Responsible Authority's Roads is an offence under the Environment Protection (Resource Efficiency) Act 1970 and penalties may apply.

Note 2: Any costs associated with a clean up of road surfaces borne by the Responsible Authority must be met by the permit holder.

#### 12. Section 173 Agreement

If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks are proposed, and if rainwater tanks are approved for such use by the Responsible Authority, then;

Prior to the occupation of the development commencing (including the issue of Certificate of Occupancy), an Agreement pursuant to Section 173 of the *Planning & Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install and maintain a rainwater tank as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.

Prior to the occupation of the development commencing (including the issue of Certificate of Occupancy), an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the Act. The responsible authority will not allow occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

#### 13. Permit Expiry - Development Only

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Notes:

#### **Building Approvals**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the *Building Act 1993*, *Building Regulations 2018* and *Building Code of Australia 2019*.

#### **ResCode**

ResCode has been assessed as part of this planning application

#### **Containment of Refuse and Disposal of Builders' Refuse**

Under the provisions of the Ballarat City Council Community Local Law 2017 an on-site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the Building Act 1993 is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities.

Signed by AustLII

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL****ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P3285/2009  
PERMIT APPLICATION NO. PLP2009306**CATCHWORDS**

S82 *Planning and Environment Act* 1987; Ballarat Planning Scheme; Four dwellings on a lot; Neighbourhood character; Amenity.

<b>APPLICANT</b>	Stephen Creelman and Others
<b>RESPONSIBLE AUTHORITY</b>	Ballarat City Council
<b>RESPONDENT</b>	Coughlin Civil Pty Ltd
<b>SUBJECT LAND</b>	27 Park Street, Wendouree
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Megan Carew, Member
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	06 May 2010
<b>DATE OF ORDER</b>	20 May 2010
<b>CITATION</b>	Creelman v Ballarat CC [2010] VCAT 994

**ORDER**

- 1 The decision of the Responsible Authority is affirmed.
- 2 In permit application GE/PP-21645/2009, a permit is granted and directed to be issued for the land at 27 Park Street, Wendouree for the construction of four dwellings in accordance with the endorsed plans and subject to the conditions set out in the Notice of Decision dated 3 November 2009 except that:
  - Condition 1a) is deleted and replaced with the following:
    - a) *The provision of a minimum 450mm eaves to all elevations of all four dwellings except for the north elevation of dwelling 1, the west elevation of dwelling 3 and the east elevation of dwelling 4.*
  - Add a new condition 1k) as follows:

Signed by AustLII

*k) The provision of landscaping to the southern side of the accessway to dwellings 2, 3 and 4.*

Megan Carew  
**Member**



Signed by AustLII

**APPEARANCES**

For Applicant	Mr. Stephen Creelman on behalf of residents including J & D Hill, M & G Etheridge, F & F Heagney, P & B Smith and M Martin.
For Responsible Authority	Mr. Ribert Fillisch, Town Planner
For Respondents	Mr. Dwayne Singleton, Town Planning Consultant for Coughlin Civil Pty Ltd.

**INFORMATION**

Description of Proposal	Construction of four dwellings and a four lot subdivision.
Nature of Application	Section 82 <i>Planning and Environment Act 1987</i>
Zone and Overlays	Residential 1 Zone
Reason(s) Permit Required	Clause 32.01-4 (two or more dwellings on a lot in R1Z) Clause 32.01-2 Subdivision in R1Z
Decision Guidelines	Clause 55 - Two or more dwellings on a lot Clause 56- Subdivision Clause 65 – Decision Guidelines
Relevant Policies	Relevant policies include: State Planning Policy Framework Clauses 11, 14, 15.12,16.02 Local Planning Policy Framework Clause 21 Municipal Strategic Statement
Land description	The review site is located on the west side of Park Street. It has a total area of 1010m <sup>2</sup> with a frontage to Park Street of 20m. To the north and south the site abuts single dwellings. To the rear there is a laneway.  The land is part of an established residential area and is close to the Stocklands Shopping Centre. There is a wide range of dwelling forms, with a mix of single dwellings and both older and newer developments.  Park Street is a no through road, is sealed with footpaths provided on each side.
Site Inspection	12 May 2010

Signed by AustLII

## REASONS

### WHAT IS THIS PROCEEDING ABOUT?

- 1 It is proposed to construct and subdivide four single storey, two bedroom dwellings at 27 Park Street, Wendouree.
- 2 Park Street has seen significant unit development in recent years, driven in part by its proximity and access to the Stockland Shopping Centre. The residents are concerned that this development is an overdevelopment of the site and will contribute to the increasing change in character of the area.
- 3 At the Hearing, I received submissions from all parties. Submissions, plans, photos and other documents submitted at the hearing are retained on Tribunal files.
- 4 Having considered the State and Local Planning Policy Frameworks, the purpose of the Zone, the decision guidelines of the relevant Clauses of the Ballarat Planning Scheme and the submissions of the parties, I have determined to affirm the decision of the responsible authority and grant a permit. My reasons are set out below.

### WHAT ARE MY FINDINGS?

#### Compliance with State and Local Planning Policy

- 5 State and Local Planning Policy seeks to increase housing within established residential areas and in particular close to activity centres such as shopping centres. The subject site and surrounding area is proximate to the Stocklands Shopping Centre. In such areas, increased housing diversity is activity sought by the Scheme.
- 6 There must be an expectation of change in this location that has large allotments and good access to facilities. Mr. Creelman acknowledged that a certain level of change was probably inevitable. However, the speed and extent of change in this part of the regional centre was of concern to residents. Mr. Creelman submitted that at least half of the blocks in the immediate area had been developed for two or three unit developments. He also raised concerns about increased traffic in the area. These concerns echo those heard across the State where increased housing density is occurring.
- 7 Residents felt that more direction was needed for these areas as to what the future character may become. The Ballarat Planning Scheme does not contain any specific policy that seeks to direct the future of areas where change is expected. As outlined in the hearing, without such a policy, I must be guided by the scheme as it stands which:
  - Directs this form of housing to this area;
  - Requires that such development respect the character of the neighbourhood and meet the objectives of ResCode (Clause 55).

Signed by AustLII

### Compliance with Clause 55 (ResCode)

- 8 Mr. Creelman submitted that four units were too many, when most other existing and approved developments did not exceed three units. I consider that this site has a number of opportunities which may not be present on other sites in the area which enables it to achieve the four dwellings proposed:
- It has rear laneway abuttal that has allowed this development to be proposed closer to the rear boundary than if it abutted the rear yard of an adjoining property.
  - It is also proximate to the end of the street adjoining the Shopping Centre that has brought Council to accept a reduced frontage setback of 6.2 m (subject to condition) for this development.
  - The width of the block has allowed a tandem driveway arrangement.
- These opportunities, when combined with a design response that adopts small dwelling style (two bedroom only) provides a greater building envelope for the single storey units proposed.
- 9 These units are minimal in amenity and are built to just meet the standards and objectives of ResCode, for example in the small areas of private open space provided. However, in respect to the objectives for site coverage, rear setback and private open space the proposal in my view could not be said to be an overdevelopment of the site.
- 10 I do have some concerns about the amenity of the property to the south. I am not concerned by the slight increase in fence height to the southern boundary from 1.6 to 1.8m, the extent of increased shadow will generally fall on the neighboring driveway and shed. However, due to the lack of landscaping along the southern side of the proposed driveway, I consider that the amenity will be reduced and I consider that the proposal should be amended to provide some landscaping.
- 11 In respect to increased traffic flows, I am satisfied that the additional traffic from this development can be accommodated in the street network. The proposal does result in the loss of an on-street car space. While this is not ideal in a street which also has competing car parking demand from the shopping centre, I consider that these parking issues need to be addressed for the street as a whole, perhaps with further parking restrictions if the centre continues to be problematic.
- 12 There are some other minor changes to the plans required by the conditions of the Notice of Decision granted. These changes include an increase in the front setback to better reflect the character of the area and I agree that this is required. I consider that these are acceptably dealt with as conditions, as the extent of amendments are minor and will still be to of the Responsible Authority.

Signed by AustLII

- 13 Council noted a minor concern with Condition 1a) which requires eaves to all elevations. Council accepts that this cannot be achieved for all elevations and seeks to correct the condition. I have done so.

**DECISION**

- 14 For the reasons set out above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Megan Carew  
**Member**

**The proposal for 17 Park Street Wendouree should be supported and was supported by Council Officers in their detailed Report because it complies with the Planning Scheme as follows:**

#### **POLICY SUPPORT**

- **SETTLEMENT** – The proposal for five dwellings is consistent with Clauses 11.01-1S, 11.01-1R (Settlement) and 11.02-1S, as it contributes to urban consolidation objectives by increasing housing choice within an established residential area, with convenient access to existing services.
- **URBAN RENEWAL AREA** - The subject site is located in an urban renewal area and an ongoing change area. Infill development is encouraged. Clause 21.02-3 identifies that urban renewal precincts are sites or areas with significant potential for large-scale renewal and redevelopment.
- **RESIDENTIAL GROWTH ZONE** - The site is also located in the Residential Growth Zone, which seeks to provide housing at increased densities in buildings up to and including four storeys whilst also encouraging a diversity of housing types in locations offering good access to services and transport including activity centres and town centres. The development of five dwellings on a 1012 sqm lot is considered an appropriate outcome for the site in the context of the purposes of the RGZ1.

We note that the area was rezoned a Residential Growth Zone several years ago and the property at 22 Park Street was developed prior to the new zoning so is not relevant to the current application as it was approved under previous planning regulations

#### **APPROPRIATE DESIGN RESPONSE**

- **DESIGN** - The proposal comprises five two-storey townhouses, featuring pitched roofs, integrated garages, a combination of brick veneer cladding, render and metal Colourbond roofing with front porches and no front fence. Pitched roofs, brick and low or no front fences are common features of the local area and the proposal is consistent with the existing neighbourhood character in this regard.
- **TWO STOREY DWELLINGS** - It is acknowledged that the local area predominantly features single storey dwellings. However, a two-storey development on this site is considered to be an appropriate outcome, noting that the RGZ1 otherwise allows for up to four storeys.
- **TRANSITION – NEIGHBORHOOD CHARACTER** -The design response provides an appropriate transition between the existing predominantly low-density character of the neighbourhood and the anticipated future neighbourhood character of the area, as envisioned by the RGZ1 and this identified urban renewal area.

#### **SATISFACTORY TRAFFIC AND PARKING SOLUTION**

- **PARKING DEMAND**-The application represents a shortfall of one resident parking space and one visitor parking space. The accompanying traffic assessment report and the Council Officer's opinion was that there were a considerable number of parking spaces available along surrounding streets which would appropriately off-set any car parking shortfall on site. Furthermore, the site is located within walking distance of existing public transport services and also within walking distance to existing retail, services and amenities. and the findings of the car parking analysis.