

**Appendix 3 – Assessment against relevant Planning Scheme controls**

<b>Planning Scheme Reference</b>	<b>Assessment</b>
<b>Planning Policy Framework (PPF)</b>	
Clause 11 (Settlement)	<p>Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.</p> <p>Planning is to recognise the need for, and as far as practicable contribute towards diversity of choice, a high standard of urban design and amenity and energy efficiency.</p> <p>The proposal will make more efficient use of residential land which is fully serviced and has access to a wide range of infrastructure and services.</p>
Clause 11.02-1S (Supply of urban land)	<p>The objective of this clause is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</p> <p>The proposed development makes more efficient use of the land with the provision of four dwellings, on a site which currently contains a single dwelling.</p>
Clause 15.01-2S (Building Design)	<p>The objective of this clause is to achieve building design outcomes that contribute positively to the local context and enhance the public realm.</p> <p>The previous application that was considered by Council and VCAT would have resulted in unacceptable of extent of visual bulk and would be detrimental to the public realm. The applicant has made some modifications to the proposal, however, the extent of change is quite minimal.</p> <p>The issue of excessive visual bulk is still evident in the proposal.</p>
Clause 15.01-1S (Urban Design)	<p>The objective of this clause is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</p> <p>The built form of the proposal is generally consistent with the existing buildings in the surrounding area.</p>
Clause 15.01-5S (Neighbourhood character)	<p>The objective of this clause is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.</p> <p>The design response is in keeping with character of the area in terms of scale, form and appearance.</p>
Clause 15.02-1S (Energy and resource efficiency)	<p>The objective of this clause is to encourage land use and development that is energy and resource efficient,</p>

	<p>supports a cooler environment and minimises greenhouse gas emissions.</p> <p>The proposal generally complies with this clause.</p>
Clause 16 (Housing)	<p>Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.</p> <p>Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.</p> <p>Planning for housing should include the provision of land for affordable housing.</p> <p>The proposal generally complies with this clause.</p>
<b>Local Planning Policy Framework (LPPF)</b>	
Clause 21.02 (Established Areas)	<p>The Established Area policy at Clause 21.02-2 outlines that <i>"Within the established areas, growth is occurring through redevelopment of sites for higher density housing and development on infill sites. Unless carefully managed, such development can create land use conflicts and poor built form outcomes."</i></p> <p>The proposal would result in a poor built form outcome due to excessive visual bulk.</p>
Clause 21.08 (Housing)	<p>The purpose of the Housing policy at Clause 21.08 is to provide local content to support Clause 16 (Housing) of the State Planning Policy Framework. It recognises the need to protect neighbourhood character must be balanced with the need to provide for a growing population. It recognises that Council has defined the preferred character of its residential areas by adopting the <i>Housing Character Assessment and Design Guidelines 2015</i>. The <i>Housing Character Assessment and Design Guidelines 2015</i> is recognised as a reference document in this policy.</p>
Clause 22.12 (Housing Diversity Policy)	<p>The objective of this clause is to</p> <ul style="list-style-type: none"> <li>• To encourage the provision of affordable housing options for households of all income levels;</li> <li>• To protect and enhance the neighbourhood character of residential areas where appropriate;</li> <li>• To facilitate a diverse range of housing to meet the needs of a diverse population and provide genuine choice in housing products;</li> <li>• To support increased residential densities in locations with high levels of access to infrastructure, services and transport and</li> <li>• To encourage innovative housing design and development that is adaptable, site responsive and environmentally sustainable.</li> </ul>

	<p>It is policy to:</p> <ul style="list-style-type: none"> <li>• Encourage the development of a range of housing options throughout the municipality.</li> <li>• Ensure that new development does not impact adversely on areas of recognised neighbourhood character.</li> <li>• Encourage higher density development to locate in areas with high levels of accessibility to infrastructure and services.</li> <li>• Encourage the redevelopment of well located infill sites.</li> <li>• Encourage housing development that features innovative design and responds to the principles of sustainability.</li> </ul> <p>The proposed development adds to dwelling diversity in the area.</p>
<b>Zone</b>	
Clause 32.07 (Residential Growth Zone)	<p>The purpose of this clause is:</p> <ul style="list-style-type: none"> <li>• To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• To provide housing at increased densities in buildings up to and including four storey buildings.</li> <li>• To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</li> <li>• To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</li> <li>• To ensure residential development achieves design objectives specified in a schedule to this zone.</li> <li>• To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</li> </ul> <p>The proposed design response and dwelling density is consistent with the purpose of the zone.</p>
<b>Particular Provisions</b>	
Clause 52.06 (Car parking)	<p>This purpose of Clause 52.06 includes the need to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.</p> <p>Provision of car parking within the development accords with Clause 52.06.</p> <p>According to Clause 52.06-9 accessways must:</p>

	<ul style="list-style-type: none"> <li>Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road must also be provided.</li> </ul> <p>The above will be conditioned if a permit is to issue.</p>
Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)	<p>The purpose of this clause is to achieve residential development that respects the existing neighbourhood character and encourage residential development that provides reasonable standards of amenity for existing and new residents.</p> <p>The proposal generally complies with the requirements of Clause 55. A detailed assessment of the proposal against the provisions of Clause 55 are detailed in Table 1.</p>
Clause 65 Decision Guidelines	<p>Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.</p> <p>The proposal generally complies with the decision guidelines of Clause 65.</p>

Table 1, Clause 55 Assessment (Rescode)

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	<p>VCAT previously upheld Council's refusal of an application for the construction of four double-storey dwellings on the subject land. In particular, the Tribunal found that the design response was fatally heavy-handed and clumsy, in terms of:</p> <ul style="list-style-type: none"> <li>The extent of sheer double storey walls.</li> <li>The very visually imposing built form being intended to be situated very close to the relevant neighbouring dwellings.</li> </ul> <p>The applicant has made some changes to recess the upper floors of each dwelling, however,</p>

				the extent of the changes appear to quite minor, and could have been easily addressed by VCAT through amended plan requirements, if those were the only changes that the Tribunal desired. As such, Council officers believe that the issue of visual bulk is still present in the current proposal.
<b>B2</b>	Residential Policy	✓	✓	The proposed development will help consolidate the existing urban area which has good access to public transport, community facilities and infrastructure.
<b>B3</b>	Dwelling Diversity	✓	✓	Complies.
<b>B4</b>	Infrastructure	✓	✓	The subject site is located in an established urban area with access to all required services.
<b>B5</b>	Integration with the street	✓	✓	The proposed dwellings are oriented toward Rosina Drive.
<b>B6</b>	Street setback	✓	x	<p>The required minimum front setback is 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.</p> <p>The average front setback of the two dwellings on the abutting allotments is 8.3m</p> <p>The proposed 5.5m front setback does not comply with the Standard.</p> <p>A reduced setback is considered to be acceptable, given, that would comply with the preferred character elements as outlined in the Council's House Rules – Housing Character Statements and Design Guidelines, 2015.</p>
<b>B7</b>	Building height	✓	✓	<p>Complies.</p> <p>The overall building height of the development is 7.76m which is less than 9m.</p>

<b>B8</b>	Site coverage	✓	✓	The proposal has a site coverage of approximately 46.26% which is less than the permitted 60% site coverage.
<b>B9</b>	Permeability	✓	✓	The site has a permeability of 35.4% which is more than the 20% permitted by this standard.
<b>B10</b>	Energy efficiency	✓	✓	Complies.
<b>B11</b>	Communal and public open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
<b>B12</b>	Safety	✓	✓	<p>The layout of the development will ensure the future safety and security of residents.</p> <p>The entrance of each proposed dwellings will either be visible from the street or on entry to the site.</p> <p>Private areas within the development will be secured via appropriate fencing.</p>
<b>B13</b>	Landscaping	✓	✓	A landscape plan has been submitted with the application. The landscape plan is considered satisfactory.
<b>B14</b>	Access	✓	✓	Complies.
<b>B15</b>	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential</p>	✓	✗	The ground floor habitable room windows of Unit 1, 2 and 3 are located 0.5m from the shared accessway and therefore do not comply with this standard.

	buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.			
<b>B17</b>	Side and rear setbacks	✓	✓	Complies.
<b>B18</b>	Walls on boundaries	✓	✓	Complies.
<b>B19</b>	Daylight to existing windows	✓	✓	Complies.  All existing habitable room windows open to a light court with a minimum area of 3m <sup>2</sup> clear to the sky.  The proposed new walls are setback at least 50 percent of the height of the new walls from existing habitable room windows.
<b>B20</b>	North-facing windows	✓	✓	Complies.  There is no north-facing habitable room window of an existing dwelling within 3m of a boundary on an abutting lot.
<b>B21</b>	Overshadowing open space	✓	✓	The proposed development will not result in unreasonable overshadowing impacts to adjoining properties.
<b>B22</b>	Overlooking	✓	✓	Complies.  Fixed obscure glazing to a height of 1.7m above the finished floor level of the first floor is proposed on the west and east elevation.  The balconies on the west elevation of the first floor will be screened to a height of 1.7m above the finished floor level.  1.9m high boundary fencing will prevent overlooking from the

				ground floor into the secluded private open space and habitable room windows on adjoining properties.
<b>B23</b>	Internal views	✓	✓	Complies.  The proposed windows and balconies have been designed not to overlook the secluded private open space of dwellings within the development.
<b>B24</b>	Noise impacts	✓	✓	No external noise impacts have been identified. The subject site and all adjoining properties are residential in nature.
<b>B25</b>	Accessibility	✓	✓	Complies.
<b>B26</b>	Dwelling entry	✓	✓	Each dwelling entry of the proposed dwellings will either be visible from the street or on entry to the site.
<b>B27</b>	Daylight to new windows	✓	✓	Complies. All of habitable room windows will receive adequate amounts of daylight.
<b>B28</b>	Private open space	✓	✓	Complies.  Dwelling 1 and 4 will be provided with at least 40m <sup>2</sup> of private open space consisting 25m <sup>2</sup> of secluded private open space.  Unit 2 and 3 will be provided with balconies on the upper floor with a floor area of 8.71m <sup>2</sup> . The balconies have convenient access from a retreat room. 25m <sup>2</sup> of secluded private open space is also provided at the ground floor of Unit 2 and 3.
<b>B29</b>	Solar access to open space	✓	✓	Complies.
<b>B30</b>	Storage	✓	✓	Each dwelling has at least 6m <sup>3</sup> of external storage space.
<b>B31</b>	Design detail	✓	✓	Complies. The design is contemporary and the proposed materials and finishes will ensure the building sits comfortably within the streetscape.  The proposal is well articulated with strong design features



				which uses a range of materials and finishes to create visual interest in the streetscape.
<b>B32</b>	Front fences			No front fence is proposed.
<b>B33</b>	Common property	✓	✓	Complies.
<b>B34</b>	Site Services	✓	✓	Complies subject to conditions.
				The location of bin and recycling enclosures for each dwelling has not been shown on the site plan. This is required to be shown on the plan as a condition of permit.

**House Rules – Housing Character Statements and Design Guidelines**

In the House Rules document, the site is included within the Garden Suburban 2 (GS2) area. The proposal is assessed against the following Design Guidelines for the character area in the table below:

Garden Suburban 2 (GS2)

Design Response	Comments
<b>Front Setback</b>  The front setback should be no less than the average setback of the adjoining two dwellings.  The area of paving and other hard surfaces, including driveways and crossovers, in front garden areas should be minimised.  A landscaped strip, minimum width 0.5 metres, should be provided between a driveway and the side boundary of the property.  <b>Minimum 5 metre front setback.</b>  <b>Minimum 60% permeable area in front setback.</b>	Complies.
<b>Any new wall constructed on the boundary setback at least 3 metres from the front building facade.</b>	Complies.
Sites should be consolidated to provide apartment development.	Not applicable.
<b>Garages &amp; Carports</b> Car parking structures should be set back behind line of the dwelling. Car parking structures should be set back 5.4 metres from the front boundary.	Complies.
<b>Vehicle Crossing</b> Only one vehicular crossover should be provided per frontage.	Complies.

Replace any street tree removed with another tree that provides for regular spacing of street trees in the street.	
<b>Height &amp; Form</b>  The maximum building height should be 13.5 metres. Building heights should be 2 storeys (8 metres) closer to General Residential areas and up to 4 storeys (13.5 metres) closer to commercial areas. Parts of the building over 2 storeys should be recessed from the facade of the lower levels where appropriate. Building elements and details (e.g. windows) should be used to break up the mass of larger wall surfaces. For corner lots, continue articulation and materials provided on the primary façade along the secondary façade.	Complies.
<b>Trees &amp; Other Vegetation</b>  Large, established trees should be retained wherever possible. Site layout and subdivisions should be designed around existing vegetation that contributes to the area's character.  <b>At least one canopy tree should be provided for each original subdivided lot.</b>	Complies.
<b>Front Fence</b>  Front fences, other than very low (less than 0.6 metres in height) should be of open or transparent construction. <b>Maximum front fence height of 1.2 metres.</b>	No front fence is proposed.
<b>Colours &amp; Materials</b>  Where possible, use materials and colours that are already a common feature of the area (e.g. brown, red or orange brick and brown, red or black tiles).	Complies.