

# 12 Palkana Street, FRANKSTON

Consent under Clause 52.20 (Victoria's Big  
Housing Build)  
Consent No. VPP2402809



Consent under Clause 52.20 Officer Assessment  
Development Approvals & Design

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## Executive Summary

Key Information	Details			
Consent No:	VPP2402809			
Received:	18 March 2024			
Statutory Days:	30			
Applicant:	Community Housing Limited c/- Holmes Dyer Pty Ltd			
Planning Scheme:	Frankston			
Land Address:	12 Palkana Street, Frankston			
Total Site Area:	657.1m <sup>2</sup>			
Cultural Heritage	The site is not within an area of cultural heritage.			
Proposal:	The grant of a planning permit exemption under Clause 52.20 of the Planning Scheme. The exemption will approve the construction of three (3) single storey dwellings. Two (2) dwellings are two bedroom and one (1) one bedroom.			
Clause 52.20 (Big Housing Build) Pathway Eligibility	<p>Yes – written confirmation, dated 15 March 2024, has been provided by the CEO, Homes Victoria confirming that:</p> <ul style="list-style-type: none"><li>• The application partly funded by Victoria’s Big Housing Build; and</li><li>• The proposal has been assessed to be compliant with Homes Victoria’s on behalf of guidelines. This demonstrates that the proposal is being carried out on behalf of the CEO, Homes Victoria.</li></ul> <p>The application is eligible for consideration under Clause 52.20.</p>			
Dwellings	<p>Three (3) dwellings comprising:</p> <ul style="list-style-type: none"><li>• 1 x one-bedrooms</li><li>• 2 x two-bedrooms</li></ul>			
Development Summary	<p>The proposal also provides:</p> <ul style="list-style-type: none"><li>• Two (2) off-street car parking spaces</li><li>• Three (3) bicycle storage sheds</li><li>• One (1) bathroom per dwelling</li><li>• Communal space</li></ul>			
Why is the Minister responsible?	Clause 72.01 of the Frankston Planning Scheme specifies that the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a use and development to which Clause 52.20 applies.			
Particular Provisions:	<table><tr><td>Victoria’s Big Housing Build</td><td>52.20</td><td>Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).</td></tr></table>	Victoria’s Big Housing Build	52.20	Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).
Victoria’s Big Housing Build	52.20	Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).		
Community Consultation	<p>Public notice of the application under Section 52 of the <i>Planning and Environment Act 1987</i> <u>was not</u> required because Clause 52.20-2 exempts the proposal from all planning scheme requirements.</p> <p>Clause 52.20-4 requires that before the use or development commences public consultation, and consultation with the relevant municipal council, must be undertaken.</p> <p>Community consultation was undertaken for a period of three (3) weeks, which</p>			



included consulting with the public and municipal council with plans and reports that are required under Clause 52.20. An assessment of the submitted consultation report is included within **Appendix A**.

**Has the Applicant satisfied the relevant requirements under Clause 52.20-5 (Plans and Reports)?**

Yes – refer to assessment in **Appendix B**.

**Has an assessment against the provisions of the Planning Scheme that would ordinarily apply been carried out?**

Yes – refer the body of the assessment report and **Appendix C**.

**Recommendation**

The grant of a planning permit exemption under Clause 52.20 of the Frankston Planning Scheme.

## Proposal Background

1. The key milestones in the application process were as follows:

Milestone	Comment
<b>Pre-application meeting</b>	<ul style="list-style-type: none"><li>• A pre-application meeting was undertaken, and DTP officers provided advice on 23 June 2023 and 7 February 2024.</li></ul>
<b>Decision Plans and Reports</b>	<p><u>Decision Plans</u></p> <ul style="list-style-type: none"><li>• Architectural Plans prepared by Everyone (Metricon) and dated 29 February 2024</li><li>• Landscape Plan prepared by Maca Design Co. and dated 18 January 2024</li></ul> <p><u>Decision Reports</u></p> <ul style="list-style-type: none"><li>• Consultation Report prepared by Holmes Dyer and dated 4 March 2024</li><li>• Planning Summary Report prepared by Holmes Dyer and dated 4 March 2024</li><li>• Arboricultural Impact Assessment prepared by The Green Connection and dated 21 December 2023</li></ul>

2. The subject of this report is the decision plans, as described above.

## Proposal Summary

3. It is proposed to construct three (3) single storey dwellings to be owned and managed by CHVL for supported social housing purposes.
4. Unit 1 will comprise of the following:
  - One (1) bedroom
  - An open plan living/dining and kitchen
  - Shared car parking
  - An area of secluded private open space
5. Unit 2 and 3 will comprise of the following:
  - Two (2) bedrooms
  - An open plan living/dining and kitchen
  - Shared car parking
  - An area of secluded private open space
6. Two (2) car parking spaces are proposed to be provided to service the development. It is noted that there are on-street parking opportunities available directly in front of the site on Palkana Street.
7. The proposed dwellings have been designed to have a contemporary appearance and material schedule that compliments the existing developmental character of the area and active covenant that applies to the site. The active covenant requires dwellings to have all exterior walls to be constructed from either brick, brick veneer or stone.
8. A landscaping plan has been prepared by Maca Design Co. (1 sheet) and dated 18 January 2024.



Figure 1. Proposed facades



### Site Description

9. The subject site is located within the established township of Frankston, towards the southern edge of the Frankston North. It is a rectangular allotment under the ownership of Community Housing (Victoria) Limited. The site has an area of 657.1m<sup>2</sup> and has a frontage to Palkana Street of 18.7m.
10. The site has a slight fall from Palkana Street toward its rear boundary onto Whistlestop Reserve and is vacant having recently undergone demolition works in October 2023. There is no existing vegetation on site.
11. The land is identified as Lot 169 on Plan of Subdivision 123658 within Certificate of Title 12144/294 and is subject to a 2m wide sewerage and drainage easement along its rear boundary. A covenant is active over the land which requires dwellings to have exterior walls constructed from either brick, brick veneer or stone.



Figure 2. Aerial view of subject site

### Site Interfaces

12. Development surrounding the site can be described as follows:
  - To the **north** of the site is 10 Palkana Street, a single storey residential dwelling.
  - To the **south** of the site is the primary entrance and walking track leading into Whistlestop Reserve, a large public green space that wraps around the sites southern and western interfaces.
  - To the **east** of the site is 9 Palkana Street, a single storey residential dwelling.
  - To the **west** of the site is Whistlestop Reserve, a large public green space featuring a walking track and playground.
  - Further out, the subject site is almost entirely bordered with various private and public green spaces (figure 3).

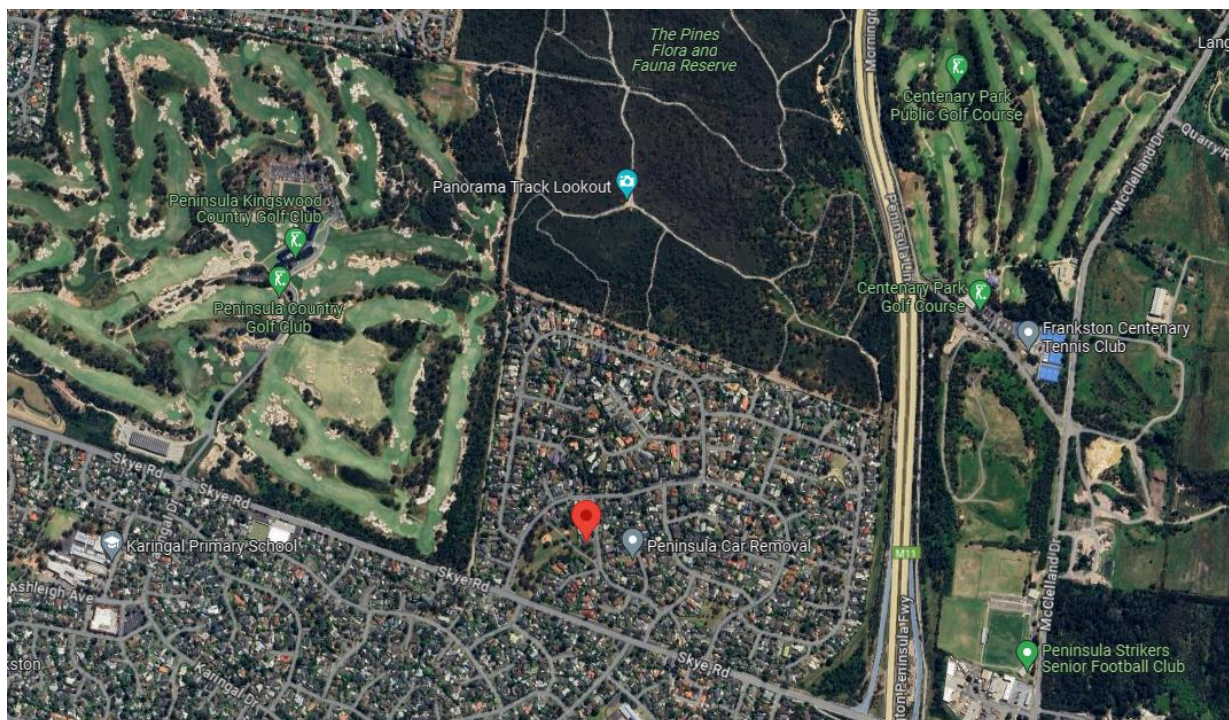


Figure 3. Subject site surrounding areas

## Site Surrounds

13. The subject site is located in the General Residential Zone (R1Z) and is surrounded by land developed with predominantly single-storey residential dwellings. As depicted in in Figure 2, a large grassed reserve (Whistlestop Reserve) abuts the southern and western boundaries of the site that extends through to Dalpura Circuit to the west and down to Skye Road to the south. Whistlestop Reserve comprises a children's playground, picnic tables and dog off leash area. The Frankston Council website indicates that plans are underway to make a number of improvements to the reserve.
14. A consistent allotment pattern is evident along Palkana Street, with a majority of allotments having a relatively east-west orientation, 18m frontages to the street, depth of 35m, and comprising of one (1) dwelling. There are a number of examples of sites comprising of more than one (1) dwelling within the surrounding streets such as at 1 Tantani Street, 52 Dalpura Crescent, 110, 117, 119 and 121 Warrawee Court, and 97 Dunsterville Crescent.
15. The site and surrounding area are reasonably serviced by public transport, with a bus stop located 110m north (1-minute walk) of the site which provides access to Route 770 (Frankston to Karingal). This route connects residents with access to educational centres (e.g. Chrisholm Institute of TAFE located on Beach Street), Karingal Hub Shopping Centre, Bayside Shopping Centre and Frankston Station. Frankston Railway Station provides train services to Melbourne CBD and Stony Point.
16. The primary shopping district of Karingal Shopping Centre is located 1.6km west of the site (approximate 20-minute walk or 3-minute drive).
17. In summary, the subject site is well serviced by a range of amenities and services to provide the everyday needs of residents, expected of any established urban settlement.





**Figure 4. Subject site prior to demolition (left)**

**Figure 5. 4 Palkana Street and indicative dwelling type in vicinity (right)**



**Figure 6. Bus stop on corner of Palkana Street and Dalpura Circuit**



**Figure 7. Karingal Shopping Centre**

## Clause 52.20 (Victoria's Big Housing Build)

18. This application seeks consideration for the exemption under Clause 52.20 as a project that is funded under Victoria's Big Housing Build Program and carried out on behalf of the Director of Housing.
19. The permit triggers that sought for exemption through Clause 52.20 are:
  - Clause 32.08-7 (General Residential Zone) – Construct two or more dwellings on a lot
20. In order for the application to be granted an exemption under Clause 52.20 for these permit triggers, an application is required to demonstrate that:
  - The project is wholly or partly funded by Victoria's Big Housing Build and is being carried by or on behalf of the CEO, Homes Victoria via written confirmation.
  - The proposal appropriately responds to the underlying provisions of the Planning Scheme, were they applicable in a conventional planning permit application, and the development standards of Clause 52.20-6 (Development standards for dwellings and buildings).
  - The application meets the requirements of Clause 52.20-4 (Consultation Requirements).
  - The application provides the appropriate plans and reports under Clause 52.20-5 (Requirements for plans and documents).
21. The above requirements have been met and are discussed in detail below.
22. It is noted however that an Environmentally Sustainable Design (ESD) report was not submitted as part of the application and will be requested via condition requirement under the letter of consent. It is acknowledged within the submitted planning summary report that the dwellings aim to achieve a 7-star NatHERs rating.

### Planning Provisions and Development Standards

23. As noted above, an application under Clause 52.20 is required to demonstrate that the proposal responds appropriately to the underlying provisions of the Planning Scheme, that would ordinarily apply were this a conventional application. A detailed assessment has been undertaken below.
24. The proposal has also been against the development standards of Clause 52.20-6 and Clause 52.20-7 contained in Appendix C.

### Consultation Requirements

25. Clause 52.20-4 requires that plans, documents and information required under Clause 52.20-5 are submitted, and that public consultation and consultation with the relevant municipal council be undertaken on plans, documents and other relevant required information.
26. It also requires a report summarising the consultation undertaken and how the development responds to the comments and feedback provided during this period per Clause 52.20-4.
27. This report has been provided and assessed in detail at Appendix A.

### Plans and Reports

28. Clause 52.20-5 (Requirements for plans and documents) requires that a variety of plans and reports must be prepared and submitted to the satisfaction of the Minister for Planning.
29. This requirement has been met, noting that a comprehensive suite of documents has been submitted as part of the application. A detailed assessment of the submitted plans and reports can be found at Appendix B.

30. A summary of relevant planning provisions applicable to this development were it not for Clause 52.20 is provided below.

### Plan Melbourne 2017-2050

31. *Plan Melbourne 2017-2050* is the metropolitan strategic planning strategy which seeks to guide the future development of Melbourne and Victoria.
32. Relevant to this application, it specifies “*Strategy 7.1 – Invest in regional Victoria to support housing and economic growth.*”
33. Relevant to this application it specifies “*Strategy 2.3 – Increase the supply of social and affordable housing.*”
34. Plan Melbourne is translated through the relevant provisions of the Planning Policy Framework.

### Planning Policy Framework

35. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:
- Clause 2 – Municipal Planning Strategy
    - Clause 2.01 Context
    - Clause 2.02 Vision
    - Clause 2.03 Strategic Directions
      - Clause 2.03-1 (Settlement and Housing)
      - Clause 2.03-5 (Built Environment and Heritage)
      - Clause 2.03-6 (Housing)
    - Clause 2.04 Strategic Framework Plan
  - Clause 11 – Settlement
  - Clause 15 – Built environment and Heritage
    - Clause 15.01 – Built Environment
      - Clause 15.01-2S (Building Design)
      - Clause 15.01-2L-01 (Environmentally Sustainable Development)
      - Clause 15.01-5L (Frankston Preferred Neighbourhood Character)
  - Clause 16 – Housing
    - Clause 16.01 – Residential Development
      - Clause 16.01-1S (Housing Supply)
      - Clause 16.01-2S (Housing Affordability)
      -
  - Clause 18 – Transport
    - Clause 18.01 – Land Use and Transport
      - Clause 18.01-3S (Public Transport)



## Zone, Overlays and Particular Provisions

### Zone

36. The subject site located within a General Residential Zone (R1Z).
37. The purpose of the R1Z is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To encourage development that respects the neighbourhood character of the area.*
  - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

### Overlays

38. No overlays apply to the subject site.

### Particular Provisions

#### Clause 52.06 – Car Parking

39. Relevant particular provisions are as follows:
- Clause 52.06 – Car Parking
  - Clause 52.20 – Victoria's Big Build
  - Clause 53.18 – Stormwater Management in Urban Development
40. Relevant General Provisions are as follows:
- Clause 65 – Decision Guidelines
  - Clause 66 – Referral and Notice Provisions



42. The purpose of Clause 52.20 is to facilitate the use and development of land for housing projects funded by Victoria's Big Housing Build program and to ensure that development does not unreasonably impact on the amenity of adjoining dwellings.

### Application Requirements

43. As noted above, any application seeking an exemption under Clause 52.20 must consider the underlying planning provisions. This is enshrined within Clause 52.20-5 which states that the proposed use or development is required to address how:

*It responds to the purposes, objectives, decision guidelines or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in Clause 52.20-2. This does not include Clauses 54, 55, 58 and 59.*

44. An assessment of the application material provided by the applicant is summarised in Appendix C of this report.
45. The assessment finds that all necessary material is provided for which can enable a feasible exemption to be granted for the development should the balance assessment deem it appropriate.

### Development Standards

46. A full assessment against the development standards at Clause 52.20-6 is provided at Appendix A of this report.
47. The assessment broadly achieves compliance across the relevant development standards. A full assessment against the consultation report and its outcomes is provided at Appendix B of this report. Where appropriate, feedback arising from the consultation process has been adopted. The responses provided where feedback has not been adopted has been considered and is considered reasonable and practical.
48. Whilst performing well against the development standards and responding well to consultation outcomes, consideration must be given to the broader planning policy framework to ensure that the proposal is largely consistent with its expectations.

### Summary

49. The development is consistent with the requirements of Clause 52.20 and provides a reasonable response to consultation feedback.
50. Whilst performing well against the development standard and responding well to consultation outcomes, consideration must be given to the broader planning policy framework to ensure that the proposal is largely consistent with its expectations.
51. The following assessment will focus on the relevant key planning matters applicable to this site and proposal.

### Built Form, Layout and Height

52. The proposed dwellings have been designed to have a contemporary appearance and material schedule that compliments the existing developmental character of the area and applied covenant. All dwellings have been designed to meet Liveable Housing Australia Silver Standard, including widened doorways, hallways, and bathrooms.
53. The height and setbacks of the development are considered to strike an appropriate balance between effectively utilising the site and respecting the prevailing character of the area. The single storey dwellings with a modern pitched roof are consistent with the prevailing neighbourhood character.
54. All three (3) units are detached dwellings, however, do not entirely present as independent of themselves given the unit arrangement fronting onto Palkana Street. Unit 1 and 2 are oriented to front Palkana Street and Unit 3 placed behind Unit 1. Substantial landscaping, single-storey form, and selected materials and finishes will further ensure that these dwellings are in keeping with the surrounding streetscape.

55. The required setback under Clause 52.20-6 must meet the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser. The proposed Unit 1 street setback is 5.1m from Palkana Street, matching that of the front wall of the existing building.

## Landscaping, Trees and Communal Open Space

56. The overall landscaping and communal area located in front of Unit 2 is considered acceptable and will afford a high level of amenity for the future residents.
57. Tree Protection Zones are identified around Tree 3 and 4 on the submitted Landscape Plan prepared by Maca Design Co and dated 18 January 2024.
58. The submitted arborist report prepared by the Green Connection and dated 21 December 2023 identifies approximate tree locations that majorly encroach onto the site but do not belong to the landowner or located within the title boundaries.

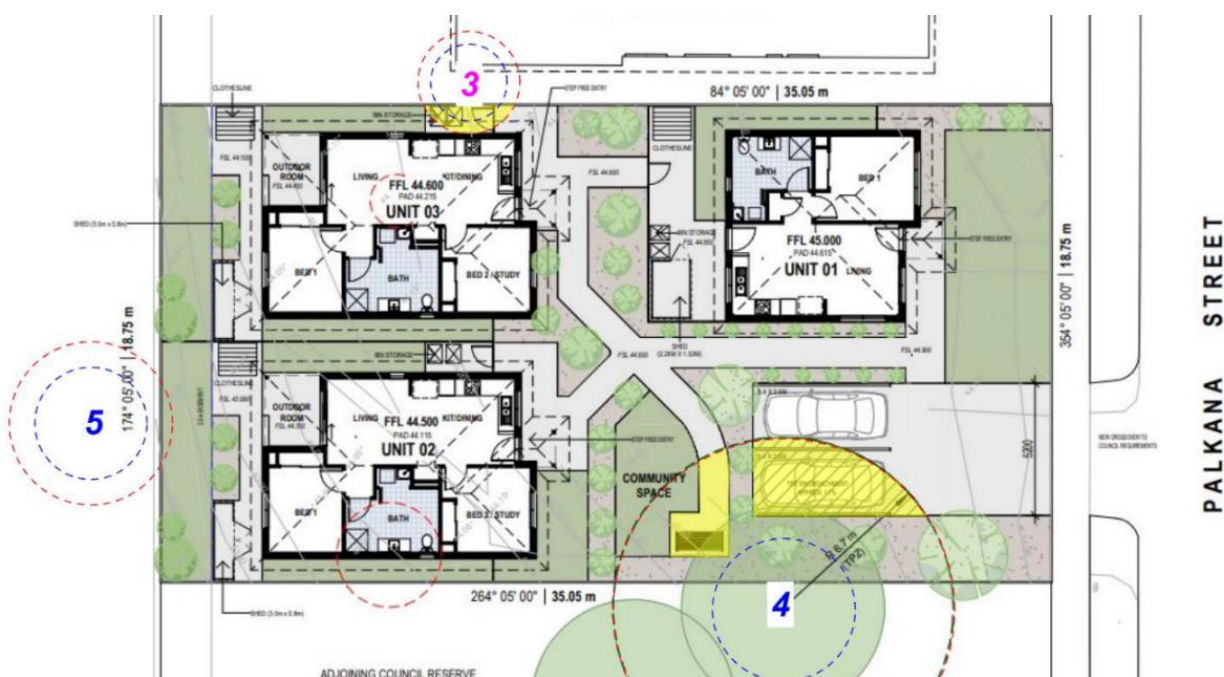


Figure 8. Impact Assessment on abutting trees

59. The footprint of Unit 3 paving is considered to be a major encroachment of 21.8% of the TPZ and 14.1% of the SRZ. The arborist report identifies that the paving can potentially compromise the trees long-term viability. As such, less invasive construction methods and TPZ's have been recommended to be implemented to ensure the trees health.
60. The proposed parking area and communal area majorly encroach upon the TPZ of Tree 4 at a combined 18.9%. The tree is considered Council owned as it is located within a public park and is expected to be retained. The arborist report states that Tree 4 is expected to tolerate the proposed encroachment as the footings of the existing dwelling are expected to have restricted root growth within the area of proposed encroachment. Less invasive measures and TPZ's were not recommended for this tree, however the applicant is seeking to implement one for each tree.
61. It is proposed to retain existing fencing (2.0m – 2.3m high timber paling) along the side and rear boundaries where it is in a suitable condition. Where there is no existing side or rear fencing or it is in poor condition, new 1.8m timber paling fencing will be installed. Areas of secluded private open space will be fenced with 1.8m high fencing to provide residents with security and privacy.



## Internal Amenity

- 62. Clause 52.20 provides a comprehensive suite of design standards at Clause 52.20-6 that are relevant to assessing the amenity impact of any one proposal.
- 63. A full assessment against these design standards is provided at Appendix A. This assessment finds that the development responds well to the applicable standards of Clause 52.20.

## Car Parking, Vehicle Access, Bicycle Facilities, and Waste Management

- 64. Pursuant to Clause 52.34, the development is not required to provide bicycle parking spaces and Clause 52.20 provides little guidance. It is noted however that the plans allocate space within each garage area for bicycle storage.
- 65. Location of waste bins were requested to be detailed on plans during the pre-application stage. The plans have been appropriately updated to display the location of waste storage within each garage area.
- 66. The development is required to provide a minimum of 0.6 car spaces per dwelling, with the proposed development required to provide 1.2 car spaces. Two (2) car parking spaces have been provided for the three (3) dwellings, which is consistent with the requirements of Clause 52.20 and Clause 55 of the Frankston Planning Scheme.

## Environmentally Sustainable Design

- 67. It is noted that an Environmentally Sustainable Design (ESD) report was not submitted as part of the application and will be requested via condition requirement under the letter of consent. It is acknowledged however, that within the submitted planning summary report that the dwellings aim to achieve a 7-star NatHERs rating.

## Water Sensitive Urban Design

- 68. As there are no submitted plans/reports relating to stormwater nor an ESD Report detailing WSUD features, DTP cannot determine the quality of water sensitive urban design of the development. The typical assessment included within an ESD Report will be sufficient for this scale of development once submitted and determined sufficient for endorsement.

## Consultation Report

- 69. A community consultation report has been submitted with the application which demonstrates that public consultation was undertaken for a period of 3-weeks with a variety of required plans and reports, and consultation was undertaken with the council.
- 70. No concerns raised by the community through this process. Council raised a number of matters that the applicant has responded to and made the appropriate updates to plans. Where no change was made, justification has been provided.
- 71. A detailed assessment against of the consultation report can be found at Appendix A.
- 72. Overall, community consultation has influenced the design, and community consultation has been carried out satisfactorily against the requirements of Clause 52.20.

## Conclusion

73. The development is eligible for assessment through Clause 52.20 (Victoria's Big Housing Build) of the Frankston Planning Scheme.
74. The proposal responds to the underlying planning provisions that would ordinarily apply were this a conventional application.
75. The application has satisfied the consultation requirements of Clause 52.20-4 (Consultation Requirements).
76. The application has provided all the appropriate plans and reports, as relevant, in accordance with Clause 52.20-5 (Requirements for Plans and Documents).
77. The proposal meets the development standards under Clause 52.20-6 and Clause 52.20-7.

## Recommendation

78. It is recommended that the request for consent under Clause 52.20 application number VPP2101473 be issued, and any documents be endorsed to form part of the approval at a later date (subject to satisfying pre-commencement conditions included within Consent Letter issued on 19 April 2024).





**Prepared by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:		Signed:	
Title:			
Phone:		Dated:	17/04/2024

**Reviewed / Approved by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:		Signed:	
Title:			
Phone:		Dated:	19/04/2024

## Appendix A – Clause 52.20-4 (Consultation Requirements)

### Assessment

Requirement	DTP Assessment
Before plans, documents and information required under Clause 52.20-5 are submitted:	
Public consultation, and consultation with the relevant municipal council, on the plans, documents and information proposed to be submitted under Clause 52.20-5; and	Public consultation and consultation with the relevant municipal council has been undertaken. The proponent has undertaken consultation on the plans, documents and information that are required under Clause 52.20-5.
A report that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to, must be completed.	<p>The consultation report submitted highlights that:</p> <ul style="list-style-type: none"><li>• A three-week consultation process was undertaken, including public notices erected on the site.</li><li>• Notices were delivered to occupants within 50m radius from the site via registered post (24 properties).</li><li>• It has sought views of the municipal council.</li><li>• It contains the individual submissions of community feedback enabling transparency.</li><li>• Summarises the changes made to the design, following the completion of community consultation, and where no change was possible – justification has been provided.</li></ul> <p>As such, it is considered that the consultation requirements have been complied with.</p>

1. Noting the above, the extent of community consultation that has occurred is satisfactory.
2. No submissions were received through the community consultation process. These individual submissions have been provided to DTP for completeness within the consultation report.

## Appendix B – Clause 52.20-5 (Requirements for Plans and Documents)

### Clause 52.20-5 Plans and Reports

Requirements	Comments
<i>Written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, under Victoria's Big Housing Build program.</i>	<p>Provided</p> <p>A letter confirming redevelopment of the site is to be carried out on behalf of the Director of Housing and will be funded under the Big Housing Build program has been included as part of this submission and dated 15 March 2024.</p>
<i>A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.</i>	<p>Provided</p> <p>The submitted architectural drawings, design report and reinforced by the submitted planning report demonstrates the project boundary.</p>
<i>A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.</i>	<p>Provided</p> <p>The submitted Planning Report provide sufficient detail to address this requirement.</p>
<p><i>A description of the proposed use including:</i></p> <ul style="list-style-type: none"> <li><i>• The activities that will be carried out.</i></li> <li><i>• The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.</i></li> </ul>	<p>Provided</p> <p>The submitted Planning Report and Architectural Plans provide sufficient detail to address this requirement.</p>
<i>Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.</i>	<p>Provided</p> <p>Architectural plans have been provided which depict the proposed development.</p> <p>A landscape plan and tree protection plan have been provided which show the extent of vegetation proposed.</p>
<i>Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.</i>	<p>Provided</p> <p>The submitted planning report provides an explanation of the how the development has been derived.</p>
<i>A report that addresses the proposed use or development and how it responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in clause 52.20-2. This does not include clauses 54, 55, 58 and 59. The report must address how a proposed use that is not a dwelling or residential building is in conjunction with that use</i>	<p>Provided</p> <p>The submitted town planning report provides an explanation has to how the development has responded to the objectives of the planning scheme that would otherwise ordinarily apply.</p>
<i>A design review report prepared by a suitably qualified architect or urban designer that demonstrates how the project achieves good quality design outcomes.</i>	<p>Provided</p> <p>The submitted planning report addresses this requirement.</p>
<i>A schedule of works and development including staging and the expected commencement and completion times.</i>	<p>Not Required to be Provided</p> <p>The development is not of a scale which requires a schedule of works.</p>



<p><i>A report that details how the proposed development responds to the development standards of:</i></p> <ul style="list-style-type: none"><li><i>– Clause 52.20-6 for the construction or extension of a dwelling.</i></li><li><i>– Clause 52.20-6 and clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. The development standards of clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of clauses 52.20-6.14 and 52.20-6.18 do not apply to an apartment development or residential building.</i></li></ul>	<p>Provided</p> <p>The submitted town planning report provides an explanation as to how the development has responded to the objectives of the planning scheme that would otherwise ordinarily apply. The report also responds to the provisions of Clause 52.20, as appropriate.</p>
<p><i>If the Minister for Planning has decided that an assessment through an environment effects statement under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:</i></p> <ul style="list-style-type: none"><li><i>– A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.</i></li><li><i>– A copy of any report, plan or other document required to be prepared under those conditions.</i></li></ul>	<p>Not applicable.</p> <p>An Environmental Effects Statement is not required.</p>
<p><i>A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.</i></p>	<p>Not Required to be Provided</p> <p>Not necessary given the scale of the proposal.</p>
<p><i>If the use or development would require a permit were it not for the exemption in clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.</i></p>	<p>Not required to be provided as no referral authority was required to be notified, where this a conventional application.</p>
<p><i>Any other plan, document or information the responsible authority considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause.</i></p>	<p>Not Provided</p> <p>Most required documents were provided with the exemption of an Environmentally Sustainable Design (ESD) assessment. The assessment will be requested to be provided by way of condition within the exemption letter.</p>
<p><i>A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.</i></p>	<p>Not applicable</p> <p>The subject site is not affected by any Environmental Audit Overlays (or similar).</p>



## Appendix C – Clause 52.20-6 and Clause 52.20-7 Development Standards Assessment

### Clause 52.20.6 Response

Requirement	Response
<p><b>52.20-6.1 Infrastructure</b></p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p><b>Complies</b></p> <p>The proposal will utilise the existing established infrastructure within Palkana Street.</p>
<p><b>52.20-6.2 Street setback</b></p> <p>Walls of buildings should be set back from streets at least the distance specified.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p><b>Complies</b></p> <p>The required setback for a site with one abutting allotment facing the same street and no existing building on the other abutting allotment, requires a street setback that matches that of the existing building or 7m, whichever is the lesser.</p> <p>The proposal provides a sufficient 5.1m setback, with the abutting dwelling north of the site.</p>
<p><b>52.20-6.3 Permeability</b></p> <p>The site area covered by the pervious surfaces should be at least 20 percent of the site.</p>	<p><b>Complies</b></p> <p>The proposal provides in excess of 228.36m<sup>2</sup> pervious surfaces by virtue of the communal open space, SPOS and landscaping strips.</p> <p>As such the proposal achieves a site permeability of 35% based on the current site area of 657.19m<sup>2</sup>.</p>
<p><b>52.20-6.4 Safety</b></p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares</p>	<p><b>Acceptable Variation</b></p> <p>Whilst not all dwellings have direct frontage onto Palkana Street, it is considered that appropriate sightlines and surveillance is provided to entrances. Units 1 and 2 have entrances that front onto Palkana Street; whereby the proposed landscaping partially obscures the entry to Unit 2, the landscaping is considered minor and does not fully obstruct sightlines. Unit 3 located behind Unit 1 can be clearly seen from the communal car parking area and clearly distinguished with the internal pathways leading to each entry.</p> <p>The parking area and driveway are provided with appropriate levels of passive surveillance through their proximity to the dwellings and shared communal area, along with provision of clear sightlines provided from Palkana Street.</p> <p>Private spaces within the development are protected from inappropriate use as public thoroughfares via fencing and clear signage which indicates the residential nature of the development.</p>



<p><b>52.20-6.5 Access</b></p> <p>The width of accessways or car spaces that front existing streets should not exceed:</p> <ul style="list-style-type: none"> <li>- 33 per cent of the street frontage, or</li> <li>- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p><b>Complies</b></p> <p>The proposed crossover utilises the existing one off Palkana Street.</p> <p>The accessway has a proposed width of 5.2m, which is the equivalent of 27.7% of the Palkana Street frontage and ensures suitable retention of on-street parking.</p>
<p><b>52.20-6.6 Parking location</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>- Be reasonably close and convenient to dwellings.</li> <li>- Be secure.</li> <li>- Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p><b>Complies</b></p> <p>The development will provide two (2) uncovered parking spaces which have been appropriately positioned to ensure natural surveillance is provided via the adjacent dwellings, internal pathways, and community space.</p> <p>No habitable window is located within 1.5m from a shared accessway or parking space in association with another dwelling.</p>
<p><b>52.20-6.7 Car parking</b></p> <p>A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building.</p> <p>Car parking for other land uses must be to the satisfaction of the responsible authority.</p> <p>Car spaces may be covered or uncovered.</p> <p>If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.</p>	<p><b>Complies</b></p> <p>The development requires the provision of 1.8 car parking spaces for three (3) dwellings. As two (2) spaces are proposed, the minimum requirement has been met.</p>
<p><b>52.20-6.7 Design Standards</b></p> <p>Accessway</p> <p>Car Parking Spaces</p> <p>Gradients</p> <p>Mechanical Parking</p> <p>Urban Design</p> <p>Safety</p> <p>Landscaping</p>	<p><b>Acceptable Variation</b></p> <ul style="list-style-type: none"> <li>- The accessway is a minimum of 3m width and 4.9m length.</li> <li>- A minimum height clearance of 2.2m is achieved.</li> <li>- Ability for vehicles to exit in a forward direction would be difficult, however the arrangement is considered appropriate within a street frontage under 20m.</li> <li>- A majority of car spaces a minimum width of 2.6m x 4.9m and the aisles are no less than 6.4m in width.</li> </ul>



<p><b>52.20-6.8 Side and rear setbacks</b></p> <p>A new building not on or within 200mm of a boundary to a residential zone 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. Diagram 2 details the standard.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p><b>Acceptable Variation</b></p> <p>Unit 1 has a setback of 0.9m from the shared side boundary with 10 Palkana Street. This is considered appropriate as the portion of the adjoining dwelling (10 Palkana Street) which is situated within the vicinity of Unit 1 has a generous side setback of 1.8m and therefore is expected to experience minimal impact from the minor encroachment posed by Unit 1.</p> <p>In addition, Unit 3 has a side setback of 0.9m from the side boundary, which is considered appropriate as the neighbouring allotment forms part of the Whistle Stop Reserve.</p> <p>It is noted that Unit 1 and 3 do not have habitable windows abutting the shared boundary with 10 Palkana Street.</p>
<p><b>52.20-6.9 Walls on boundaries</b></p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>- 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.</li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>Complies</b></p> <p>No walls are proposed on any boundaries.</p>
<p><b>52.20-6.10 Daylight to existing windows</b></p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre</p>	<p><b>Complies</b></p> <p>There is sufficient separation between the proposed dwellings and the existing habitable window to the abutting northern property.</p>



<p>clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</p>	
<p><b>52.20-6.11 North-facing windows</b></p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p><b>Complies</b></p> <p>There is no dwelling with north-facing habitable windows of an existing dwelling within 3m of the shared boundary.</p>
<p><b>52.20-6.12 Overshadowing open space</b></p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p><b>Complies</b></p> <p>The submitted shadow diagrams demonstrate that the proposed dwellings will have negligible impact on the existing dwellings SPOS.</p>
<p><b>52.20-6.13 Overlooking</b></p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p>	<p><b>Complies</b></p> <p>Each new dwelling has been provided with sufficient separation to the relevant side boundary, with a 1.8m high fence erected (or retained if existing) to ensure no views into neighbouring areas of SPOS are possible.</p>

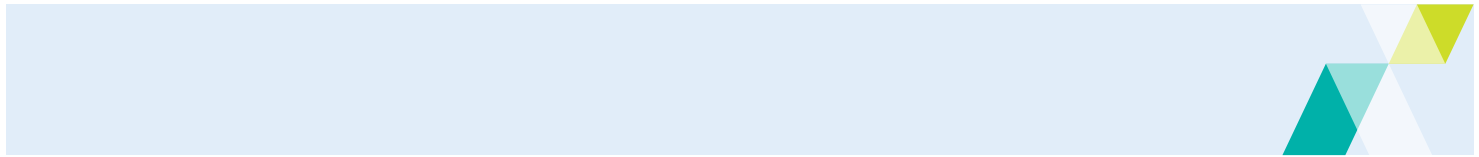




<ul style="list-style-type: none"> <li>- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>- Have sill heights of at least 1.7 metres above floor level.</li> <li>- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>- Permanent, fixed and durable.</li> <li>- Designed and coloured to blend in with the development.</li> </ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</p>	
<p><b>52.20-6.14 Noise impacts</b></p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p><b>Not applicable.</b></p> <p>Pursuant to Clause 52.20-5, the development standards of Clause 52.20-6.14 do not apply to an apartment development or residential building.</p> <p>The requirement is therefore not applicable.</p> <p>Refer to 52.20-7.7 Noise impacts</p>
<p><b>52.20-6.15 Daylight to new windows</b></p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>- A verandah provided it is open for at least one third of its perimeter, or</li> <li>- A carport provided it has two or more open sides and is open for at least one third of its</li> </ul>	<p><b>Complies</b></p> <p>All dwellings are proposed with habitable windows that are open to the sky with a minimum area of 3m<sup>2</sup> and 1 clearance.</p>



perimeter.	
<p><b>52.20-6.16 Private open space</b></p> <p>A dwelling (other than an apartment) should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or</li> <li>- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or</li> <li>- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul> <p>Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.</p>	<p><b>Complies</b></p> <p>All dwellings have been provided with an area of secluded open space that exceed the minimum 25m<sup>2</sup> ranging from 30m<sup>2</sup> to 63m<sup>2</sup>, and which each contain a minimum dimension of depth and length of 3m.</p>
<p><b>52.20-6.17 Solar access to open space</b></p> <p>The private open space should be located on the north side of the dwelling if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p><b>Complies</b></p> <p>Areas of secluded open space are located to the west of each dwelling, and each contain northern aspects for appropriate solar access.</p>
<p><b>52.20-6.18 Storage</b></p> <p>A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p><b>Complies</b></p> <p>Pursuant to Clause 52.20-5, the development standards of Clause 52.20-6.18 do not apply to an apartment development or residential building and therefore this requirement is not applicable. Refer to Clause 52.20-7.11.</p> <p>However, it is noted that outdoor storage spaces of at least 6m<sup>2</sup> have been provided for each dwelling. In addition to the storage spaces, bicycle storage sheds are also provided for each dwelling.</p>
<p><b>52.20-6.19 Front fence</b></p> <p>A front fence within 3 metres of a street should not exceed a maximum height of:</p> <ul style="list-style-type: none"> <li>- 2 metres for streets in a Road Zone, Category 1, and</li> <li>- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary</li> </ul>	<p><b>Not Applicable</b></p> <p>No front fence within 3m of either street is proposed.</p>
<p><b>52.20-6.20 Common property</b></p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be</p>	<p><b>Complies</b></p> <p>The development clearly delineates public, communal and private areas.</p> <p>The development incorporates a variety of materials, such</p>



functional and capable of efficient management.	as different paving materials, fencing, and unit numbering to clearly distinguish areas intended for public, communal, and private uses. Common property will consist of communal mailboxes, the internal driveways, parking areas, and area of shared seating, all which have been designed to ensure functionality and appropriate management for residents by CHVL.
<p><b>52.20-6.21 Site services</b></p> <p>The design and layout of buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space and facilities for bin and recycling, mailboxes and substations.</p> <p>Bin and recycling facilities are located within each SPOS.</p> <p>Communal mailboxes are provided along the Palkana Street frontage to ensure ease of accessibility for both Australia Post and residents, with direct access from the dwellings to the respective mailbox via a paved pathway.</p>