

27 Queen Street, MOE

Consent under Clause 52.20
(Victoria's Big Housing Build)



Consent under Clause 52.20 Officer Assessment
Development Approvals & Design

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Executive Summary

Key Information	Details			
Consent No:	VPP2402810			
Received:	18 March 2024			
Statutory Days:	25			
Applicant:	Community Housing Limited			
Planning Scheme:	Latrobe			
Land Address:	27 Queen Street Moe			
Total Site Area:	849.7m ²			
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 two (2) bedroom dwellings.			
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">• The application partly funded by Victoria’s Big Housing Build; and• 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. <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">• Three x two-bedrooms			
Development Summary	<p>The proposed housing will be delivered and managed by Community Housing (Victoria) Limited (CHVL) as long-term social housing.</p> <p>The proposal also provides:</p> <ul style="list-style-type: none">• Three (3) car spaces – one (1) per dwelling• Secluded Private Open Space (SPOS) ranging from 50.8m² to 63m² per dwelling.			
Why is the Minister responsible?	Clause 72.01 of the Latrobe 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 from 20 November 2023 to 11 December 2023, which included consulting with the public and</p>			



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 Latrobe Planning Scheme.

Proposal Background

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

Milestone	Comment
Pre-application meeting	<ul style="list-style-type: none">A pre-application meeting was undertaken with DTP officers on 30 May 2023 and 8 February 2024. <p>The following comments were made on the proposal by DTP that are said to have been addressed prior to submission:</p> <p><u>Built Form</u></p> <ul style="list-style-type: none">The subject land has substantial fall from Charles Street towards the north boundary. The submitted plans do not provide clarification as to how the proposal deals with the significant differences in natural ground level from the front of the dwellings to the rear (north).The extent of the fencing provided to the Queen Street frontage for dwelling 1 should be set back towards the rear of the dwelling to provide privacy for the SPOS. The fencing is not typical of the neighbourhood character and restricts views of the street from the dwelling.Provide details on the height of the fencing to Queen Street providing privacy to the SPOS area of Dwelling 1. Considering the fall of the block the deck will be raised which will require the fence height to be substantial.No details have been provided on the height of the boundary fencing or the front fence to Queen Street.Dimensions should be provided from the boundary of Queen Street to the front of dwelling 1. <p><u>Circulation, Access and Safety</u></p> <ul style="list-style-type: none">Shared driveway – The proposed driveway for dwelling 1 & 2 is minimal in width and depth. If cars park tandem in the driveway the single width driveway will not allow for vehicles to exit the site without conflict. <p><u>Detailed Design</u></p> <ul style="list-style-type: none">Secluded Private Open Space – An area of SPOS should exclude areas for services such as the rainwater tanks and bin storage areas. The location of water tanks and bin locations should be shown on the plans.The plans should detail the locations of retaining walls within the site.Plans should demonstrate if there is any height difference between the rear of the carport and the SPOS.Permeability – Ensure the ground surface treatment across the site is clearly identified and notated on the plans to ensure compliance with Clause 52.20-6.3.Overlooking – It appears there are potential overlooking impacts to adjacent areas of SPOS and habitable room windows. Ensure any overlooking treatments are shown on plans and elevations.Please provide screening measures for the northern decks associated with the dwellings to prevent overlooking the SPOS of the dwelling to the north. Screening measures should not rely on landscaping.Accurate northern elevations will need to be provided to demonstrate that the habitable room windows do not overlook the dwelling to the north.Dimensions to be included demonstrating the distance between the driveway and the power pole located on Charles Street.Crossovers are to be drawn to council specifications.Contours should be shown on the site plan of any submission.

Internal Amenity and energy efficiency of dwellings

- Living Areas – The combined living, dining, and kitchen areas at ground floor appear to have minimal storage opportunities for the future residents.
- Energy Efficiency – consideration should be given to providing solar panels on the roof of each dwelling.

Site Services

- Location of bin storage should be shown on the drawings.

Decision Plans and Reports

Decision Plans

- Architectural Plans prepared by Everyone (Metricon) and dated 29 January 2024
- Landscape Plan prepared by Maca Design Co. and dated 19 January 2024

Decision Reports

- Consultation Report prepared by Holmes Dyer and dated 4 March 2024
- Planning Summary Report prepared by Holmes Dyer and dated 4 March 2024
- Arboricultural Impact Assessment prepared by The Green Connection and dated 16 October 2023

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 two (2) bedroom dwellings to be owned and managed by CHVL for supported social housing purposes.
4. Each dwelling will comprise of the following:
 - Two (2) bedrooms
 - An open plan living/dining/kitchen/laundry
 - An area of secluded private open space
 - One (1) car parking space
5. The proposed dwellings have been designed to have a contemporary appearance and material schedule that compliments the existing developmental character of the area. All dwellings have been designed to meet *Liveable Housing Australia Silver Standard*, including widened doorways, hallways, and bathrooms.
6. Units 1 and 2 will consist of a semi-detached typology which is not common within the broader locality. Consideration within the design of these dwellings has occurred to ensure that this typology remains complementary to broader development. Both dwellings have been orientated so that they contain separate frontages onto Queen Street and Charles Street, which enables them to act as independent dwelling. Substantial landscaping, single-storey form, and selected materials and finishes will further ensure that these dwellings are in keeping with the surrounding streetscape.
7. There are two (2) trees located towards the rear of the site which consist of Lilly Pilly and Sweet Pittosporum species. Both trees are considered to have low retention value and will be removed as part of the development site.
8. A landscaping plan has been prepared by Maca Design Co. (1 Sheet) to detail positive contributions to streetscape and character.



Figure 1. Proposed Façades

Site Description

9. The subject site is located within the established township of Central Moe, south of the Princes Freeway. It is an irregular allotment under the ownership of Community Housing (Victoria) Limited. The site has an area of 849.7m², with a frontage to Queen Street of 13.7m and secondary frontage to Charles Street of 38.4m.
10. The site has a slight fall from the rear of the site towards Queen Street and is vacant having recently undergone demolition works in October 2023. Existing vegetation within the site consists of two trees towards its rear boundary.
11. The land is identified as Lot 298 on Plan of Subdivision 050948 within Certificate of Title 08457/019. The site is not subject to any easements or other constraints.



Figure 2. Subject site prior to demolition

Site Interfaces

12. Development surrounding the site can be described as follows:
 - To the **north** of the site is 25 Queen Street, a single storey residential dwelling.
 - To the **south** of the site is 29 Queen Street, a single storey residential dwelling located on the adjacent corner of Charles and Queen Street.
 - To the **east** of the site is 22 Charles Street, a single storey dwelling with a car port that abuts onto the subject site boundary.
 - To the **west** of the site is 32 Queen Street, a single storey dwelling across Queen Street and facing east toward the subject site.

Site Surrounds

13. The subject site is located in the General Residential Zone and is surrounded by land developed with predominantly single-storey residential dwellings. A consistent allotment pattern is evident along Queen Street with allotments having a relatively east-west orientation, 15m-20m frontage to the street, and depths of 40 metres. Allotments positioned along Charles Street have a relatively north-south orientation, frontage of 17m, and depths of 40m. The majority of allotments within Moe comprise one dwelling.
14. There are some examples of allotments comprising more than one dwelling in the vicinity, such as 105 Service Road, 1-5 King Street, and 15-17 John Street.
15. The site and surrounding area are reasonably serviced by public transport, with a bus stop located 170m west of the site which provides access to Route 11 (Moe to Moe West). This route connects residents with educational establishments, local shops, and Moe Railway Station where services to Melbourne and Traralgon are available. A small commercial strip with stores such as IGA Moe is located 140m north (2-minute walk) along Elizabeth Street.
16. The site is approximately 2.6km from Moe Plaza, a large commercial district located within Moe's primary Activity Centre.
17. In summary, the subject site is well serviced by a range of amenities and services to service the everyday needs of residents, expected of any established urban settlement.



Figure 3. View of vacant subject site from Queen Street dated September 2023



Figure 4. 22 Charles Street and indicative dwelling type within locality

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 32.08-1 (General Residential Zone 1) – Construct two or more dwellings on a lot
20. It is noted that the removal of Tree #2 located in the north-eastern corner of the site is exempt under Clause 52.17-7 as the site area is less than 0.4 hectares. The Tree is identified as being of low retention value and recommended for removal to carry out works.
21. 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).
22. The above requirements have been met and are discussed in detail below.
23. 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

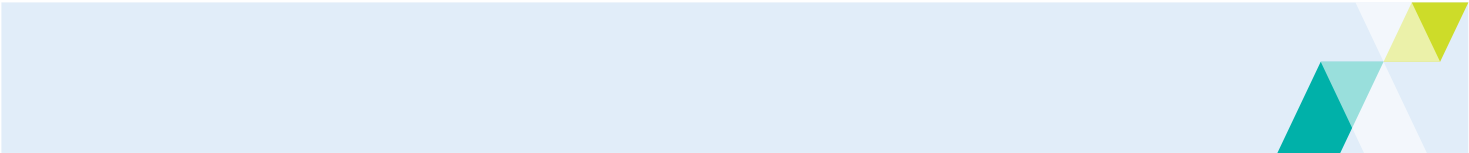
24. As noted above, an application under Clause 52.20 is required to demonstrate that the proposal responds appropriately to the underlying provisions of the Planning Scheme, that would ordinarily apply were this a conventional application. A detailed assessment has been undertaken below.
25. The proposal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

Consultation Requirements

26. 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.
27. 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.
28. This report has been provided and assessed in detail at Appendix A.

Plans and Reports

29. 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.

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30. 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.

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

Plan Melbourne 2017-2050

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

Municipal Planning Strategy

36. Clause 02.02 of the Latrobe Planning Scheme comprises of the Municipal Planning Strategy (MPS) and includes the vision and strategic direction for the municipality.
37. Clause 02.03 comprises of strategic framework plans, including the Latrobe City Council Retail Strategy 2019 that is to be used to direct settlement patterns.

Planning Policy Framework

38. 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) – Moe
 - Clause 2.03-5 (Built Form and Heritage)
 - Clause 2.03-7 (Economic Development)
 - Clause 2.04 Strategic Framework Plan
 - Clause 11 – Settlement
 - Clause 11.01-1L (Moe- Newborough)
 - Clause 11.03-1L (Moe Activity Centre)
 - Clause 12 – Environmental and Landscape Values
 - Clause 11.01-2S (Native Vegetation Management)
 - Clause 15 – Built environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-2S (Building Design)
 - Clause 15.01-5S (Neighbourhood Character)
 - Clause 16 – Housing
 - Clause 16.01 – Residential Development

- Clause 16.01-1S (Housing Supply)
- Clause 16.01-1L (Housing Supply – Moe – Newborough Housing Framework Plan)
- Clause 16.01-2S (Housing Affordability)
- Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport

Zone, Overlays and Particular Provisions

Zone

39. The subject site located within a General Residential – Schedule 1 Zone (GRZ1).
40. The purpose of the C1Z 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.*
41. Were this a conventional application, a planning permit would be triggered to construct two or more dwellings on a lot and construct and carry out works.

Overlays

42. No overlays apply to the subject site.

Particular Provisions

43. Relevant particular provisions are as follows:
 - Clause 52.06 – Car Parking
 - Clause 52.17 – Native Vegetation
 - Clause 52.20 – Victoria's Big Build
 - Clause 53.18 – Stormwater Management in Urban Development
44. Were this a conventional application, a planning permit would be required for to remove, destroy or lop native vegetation, including dead native vegetation under Clause 52.17-1.
45. Relevant General Provisions are as follows:
 - Clause 65 – Decision Guidelines
 - Clause 66 – Referral and Notice Provisions

Clause 52.20 Assessment

46. 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

47. 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.

48. An assessment of the application material provided by the applicant is summarised in Appendix C of this report.
49. 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

50. A full assessment against the development standards at Clause 52.20-6 is provided at Appendix A of this report.
51. 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.
52. 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

53. The development is consistent with the requirements of Clause 52.20 and provides a reasonable response to consultation feedback.
54. 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.
55. The following assessment will focus on the relevant key planning matters applicable to this site and proposal.

Built Form, Layout and Height

56. The proposed dwellings have been designed to have a contemporary appearance and material schedule that compliments the existing developmental character of the area. All dwellings have been designed to meet Liveable Housing Australia Silver Standard, including widened doorways, hallways, and bathrooms.
57. 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.
58. Units 1 and 2 will consist of a semi-detached typology which is not common within the broader locality. Both dwellings have been orientated so that they contain separate frontages onto Queen Street and Charles Street, which enables them to act and present as independent dwellings. Substantial landscaping, single-storey form, and selected materials and finishes will further ensure that these dwellings are in keeping with the surrounding streetscape.

59. The required setback for a site on a corner with an existing dwelling located on the abutting boundary requires a street setback of 7 metres. Units 2 and 3 are proposed to have a minor departure with a minimum setback of 6 metres, which will extend to 7.2 metres from Charles Street to the respective garages. It is noted that Unit 1 complies with a minimum setback of 7.1 metres. Whilst below the specified standard, this arrangement is considered appropriate in context of the nature of the site. The site has a width of 19.8m, with a lesser front setback provided to ensure appropriate rear separation between the adjacent dwelling (25 Queen Street) and the proposed development. Substantial landscaping will be provided between Units 2 and 3 and Charles Street where portions of the dwelling have a setback below 7m to soften the development.

MATERIAL & FINISHES SCHEDULE

ROOF COVER - METAL COLORBOND 'MONUMENT'
FASCIA/GUTTER/DRAINPIPES - METAL COLORBOND 'MONUMENT'
BRICKWORK - AUSTRAL 'OASIS' or SIMILAR
WINDOWS - ALUMINIUM COLORBOND 'MONUMENT'
TIMBER POSTS - DULUX 'PAVING STONE' or SIMILAR
FRONT DOOR - DULUX 'DUNE' or SIMILAR
GARAGE DOOR - METAL COLORBOND 'DUNE'



Figure 5. Front elevation (south) – Charles Street

Landscaping, Trees and Communal Open Space

60. The overall landscaping and communal area located in front of Unit 1 is considered acceptable and will afford a high level of amenity for the future residents. The proposal seeks to remove two (2) trees located on the north-eastern boundary; however, seek to reintroduce native trees within each dwellings SPOS, as well as the streetscape. DTP therefore considers the tree removal to facilitate works (in particular, tree #2) appropriate within this context. Refer to Figure 6 for example of trees proposed within dwelling SPOS and Figure 7 for trees in streetscape.



Figure 6. Tristaniopsis Laurina (left)



Figure 7. Acacia Melanoxylon (Australian Blackwood) (right)

61. It is proposed to retain existing fencing (2.0m high timber paling) along the northern and eastern 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.

62. Plant species have been selected in accordance with Latrobe City's '*Indigenous Plants of Latrobe City*' document and will incorporate Golden Wattle (*Acacia Pycnantha*), Kanooka Gum (*Tristaniaopsis laurina*), Dwarf Magnolia (*Magnolia grandiflora* little gem) and Blackwood (*Acacia melanoxylon*) tree species, along with Gristle Fern (*Blechnum Cartilagineum*), Soft Tussock-grass (*Poa Morissii*), Pale Grass-lily (*Caesia parviflora*), Blackanther Flax-lily (*Dianella revoluta*), and Grass Trigger-Plant (*Stylidium graminifolium*).

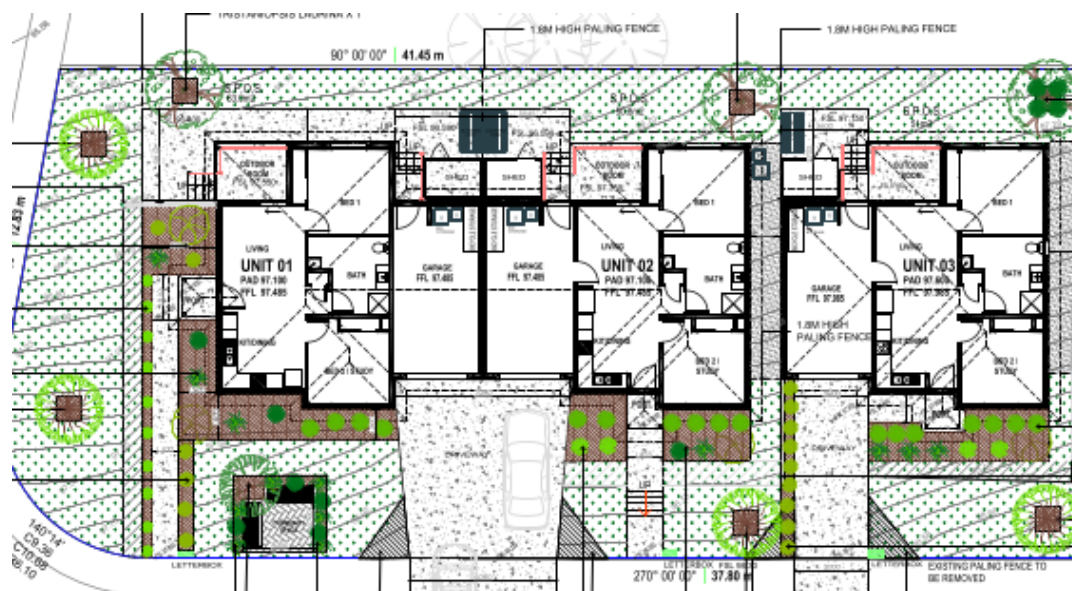


Figure 8. Proposed Landscape Plan

Internal Amenity

63. 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.
64. 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

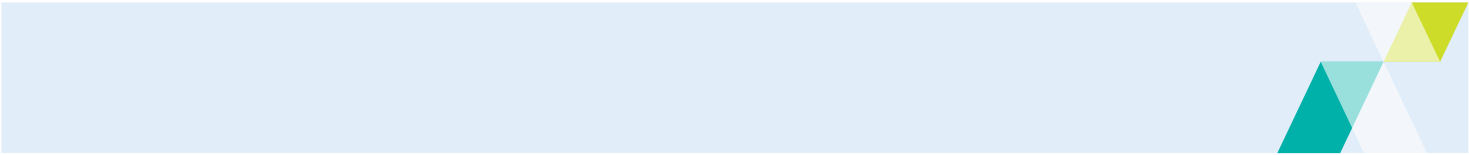
65. Pursuant to Clause 52.34, the development is not required to provide bicycle parking spaces and Clause 52.20 provides little guidance. It is noted however that the plans allocate space within each garage area for bicycle storage.
66. Location of waste bins were requested to be detailed on plans during the pre-application stage. The plans have been appropriately updated to display the location of waste storage within each garage area.
67. Each dwelling has been provided with one car parking space, which is consistent with the requirements contained within Clause 52.20 and Clause 55 of the Latrobe Planning Scheme.

Environmentally Sustainable Design

68. 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

69. 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

70. 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.
71. Concerns raised by the community and Council through this process were diverse and the applicant has responded to those concerns. The report outlines that a variety of changes were made to the design in response to feedback received from community consultation. Where no change was made, justification was been provided.
72. A detailed assessment against of the consultation report can be found at Appendix A.
73. Overall, community consultation has influenced the design, and community consultation has been carried out satisfactorily against the requirements of Clause 52.20.

Conclusion

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

Recommendation

79. 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 12 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:

Title:

Signed:

Phone:

Dated: 08/04/2024

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:

Title:

Signed:

Phone:

Dated: 12/04/2024

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">• A three-week consultation process was undertaken, including public notices erected on the site.• Notices were delivered to occupants within 50m radius from the site via registered post (32 properties).• Notice was given to the wider community via notice signage erected on the land during the entirety of the consultation period.• It has sought views of the municipal council.• It contains the individual submissions of community feedback enabling transparency.• Summarises the changes made to the design, following the completion of community consultation, and where no change was possible – justification has been provided. <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. One (1) submission was received from the local community, which was from a property that had been directly notified. The submission was supportive of the proposal and did not raise any matters for consideration.

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 are reinforced by the submitted planning report to demonstrate 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"> <i>• The activities that will be carried out.</i> <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> 	<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>It is considered that the plans submitted with the application addresses this requirement. elevation drawings with additional overlooking sections diagrams to address matters raised during consultation period.</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.</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"> <i>– Clause 52.20-6 for the construction or extension of a dwelling.</i> 	<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.</p>



<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>	The report also responds to the provisions of Clause 52.20, as appropriate.
<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: – A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development. – A copy of any report, plan or other document required to be prepared under those conditions.</i>	Not applicable. An Environmental Effects Statement is not required.
<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>	Not Required to be Provided Not necessary given the scale of the proposal.
<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>	Not required to be provided, as no referral authority was required to be notified, where this a conventional application.
<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>	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.
<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>	Not applicable The subject site is not affected by any Environmental Audit Overlays (or similar).

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

Clause 52.20.6 Response

Requirement	Response
<p>52.20-6.1 Infrastructure</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>Complies.</p> <p>The development requires connection to reticulated services including sewerage, drainage and electricity. Civil infrastructure is available beneath Queen Street and Charles Street, whereby connection to services and legal points of discharge are subject to the approval of Latrobe City Council during the building permit process.</p>
<p>52.20-6.2 Street setback</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>Variation Accepted</p> <p>The required setback for a site on a corner with an existing dwelling located on the abutting boundary requires a street setback of 7 metres. Units 2 and 3 are proposed to have a minor departure with a minimum setback of 6 metres, which will extend to 7.2 metres from Charles Street to the respective garages.</p> <p>It is noted that Unit 1 complies with a minimum setback of 7.1 metres. Whilst below the specified standard, this arrangement is considered appropriate in context of the nature of the site. The site has a width of 19.8m, with a lesser front setback provided to ensure appropriate rear separation between the adjacent dwelling (25 Queen Street) and the proposed development. Substantial landscaping will be provided between Units 2 and 3 and Charles Street where portions of the dwelling have a setback below 7m to soften the development.</p>
<p>52.20-6.3 Permeability</p> <p>The site area covered by the pervious surfaces should be at least 20 percent of the site.</p>	<p>Complies</p> <p>The proposal provides in excess of 393.95m² pervious surfaces by virtue of the communal open space, SPOS and landscaping strips.</p> <p>As such, the proposal achieves a site permeability of 47% based on the current site area of 845.49m², exceeding the standard.</p>
<p>52.20-6.4 Safety</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>Complies</p> <p>The proposal provides an appropriate contribution to the public realm noting that all entries are easily identifiable and the extent of blank walls have been kept to a practical minimum.</p>
<p>52.20-6.5 Access</p> <p>The width of accessways or car spaces that front existing streets should not exceed:</p> <ul style="list-style-type: none"> - 33 per cent of the street frontage, or 	<p>Complies</p> <p>The two (2) proposed crossovers on Charles Street consist of 6 metre and 3 metre widths along a site frontage of 37.8 metres.</p> <p>The crossovers are therefore equivalent to 23.8% of the Charles Street frontage, well below the maximum 33%.</p>



<ul style="list-style-type: none"> - if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	
<p>52.20-6.6 Parking location</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> - Be reasonably close and convenient to dwellings. - Be secure. - Be well ventilated if enclosed. <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 windowsills are at least 1.4 metres above the accessway.</p>	<p>Complies</p> <p>Each dwelling is provided with one (1) parking space located within an integrated garage. Direct access from garages to the dwellings is provided via door which links to open plan living / dining / kitchen room and / or areas of rear SPOS.</p> <p>No habitable window is located within 1.5m from a shared accessway or parking space in association with another dwelling.</p>
<p>52.20-6.7 Car parking</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>Complies</p> <p>Each dwelling has been provided with a covered car parking space which features a width of 3.5 metres and length of 7.4 metres.</p>
<p>52.20-6.7 Design Standards</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>Complies</p> <ul style="list-style-type: none"> - The accessway is a minimum of 3m and 6m in width. - A minimum height clearance of 2.2m is achieved (2.4m) - All vehicles are capable of exiting in forward direction. - A majority of car spaces a minimum width of 3.5m and the aisles are no less than 7.4m in width. Three (3) spaces are designed to Australian Standards, however, swept path diagrams illustrate that those vehicles are capable of exiting the site in the forward direction if necessary.
<p>52.20-6.8 Side and rear setbacks</p> <p>A new building not on or within 200mm of a boundary to a residential zone should be set back</p>	<p>Complies</p> <p>All dwellings are appropriately setback from the abutting property boundaries to the north and east. Unit 1 and 2</p>



<p>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>have a minimum setback of 3 metres, while Unit 3 has a setback of 1.3 metres from the boundary. All dwellings meet the minimum setback requirement of 1 metre.</p>
<p>52.20-6.9 Walls on boundaries</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"> - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <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>Complies</p> <p>No walls are proposed on any boundaries.</p>
<p>52.20-6.10 Daylight to existing windows</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 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</p>	<p>Complies</p> <p>There is sufficient separation between the proposed dwellings and the existing habitable window to the abutting northern property. There is a minimum separation of 8 metres, in conjunction with a 2-metre-high fence and additional 500-millimetre lattice screening on top. The 2.5 metre fencing and 9 metre setback is considered sufficient screening to the one (1) habitable window.</p>



<p>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>52.20-6.11 North-facing windows</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>Complies</p> <p>There is no dwelling with north-facing habitable windows of an existing dwelling within 3 metres of the shared boundary.</p>
<p>52.20-6.12 Overshadowing open space</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>Complies</p> <p>The proposal does not adversely impact the SPOS of adjoining properties.</p>
<p>52.20-6.13 Overlooking</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> <ul style="list-style-type: none"> - Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. - Have sill heights of at least 1.7 metres above floor level. 	<p>Complies</p> <p>The proposal does not overlook into the SPOS of any neighbouring properties within 9m of the site.</p> <p>There is sufficient separation between the proposed single storey dwellings (Units 2 and 3) and the existing adjoining property to the north. There is a minimum separation of 8 metres, in conjunction with a 2-metre-high fence and additional 500-millimetre lattice screening on top. The 2.5 metre fencing and 8 metre setback is considered sufficient screening to the one (1) habitable window and SPOS of the neighbouring property.</p> <p>It is noted that overlooking concerns were raised prior to consultation due to the fall of the land toward the northern boundary. The 500-millimetre latticing atop the 2-metre paling fence was added to address the concerns.</p> <p>Overlooking diagrams were also prepared which demonstrates that the existing 2.0m high rear fence appropriately mitigates overlooking from the outdoor room in association with Unit 2 and 3. DTP considers the changes appropriate for endorsement.</p>



<ul style="list-style-type: none"> - Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. - Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> - Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. - Permanent, fixed and durable. - Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</p>	
<p>52.20-6.14 Noise impacts</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>Not applicable.</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>52.20-6.15 Daylight to new windows</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> - An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or - A verandah provided it is open for at least one third of its perimeter, or - A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <p>All dwellings are proposed with habitable windows that are open to the sky with a minimum area of 3m² and 1 metre clearance.</p>
<p>52.20-6.16 Private open space</p>	<p>Complies</p>



<p>A dwelling (other than an apartment) should have private open space consisting of:</p> <ul style="list-style-type: none"> - 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 - A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or - A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p>Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.</p>	<p>All dwellings have been provided with an area of secluded open space which ranges from 50.8m² to 63.0 metres², and which each contain a minimum dimension of 3m.</p>
<p>52.20-6.17 Solar access to open space</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>Complies</p> <p>All dwellings SPOS are north facing and will receive sufficient solar access.</p>
<p>52.20-6.18 Storage</p> <p>A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</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 sheds have been provided as part of each development. Dimensions are not included; however, they appear to be of a practicable size achieving the minimum 6 cubic metres and are stated to satisfy the standard within the submitted planning report.</p>
<p>52.20-6.19 Front fence</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"> - 2 metres for streets in a Road Zone, Category 1, and - 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 	<p>Not Applicable</p> <p>No front fence within 3m of either street is proposed.</p>
<p>52.20-6.20 Common property</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>The development clearly delineates public, communal and private areas. Common property will consist of the shared driveway for Unit 1 and 2, and areas of open space along the Queen Street and Charles Street frontages, all of which have been designed to ensure functionality and appropriate management for residents by CHVL.</p>



	Common property is functional and capable of efficient management by Housing Choices Australia.
<p>52.20-6.21 Site services</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>Complies</p> <p>The proposal provides sufficient space and facilities for bin and recycling, pathways and mailboxes.</p> <p>Bin and recycling facilities are located within the car parking areas (within garages).</p> <p>Mailboxes are conveniently located within the lobby space adjacent to the building entrance.</p>