

422 Learmonth Road, Mitchell Park VPP2302562



Consent under Clause 52.20 Officer Assessment
Development Approvals & Design

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Executive Summary

Key Information	Details
Consent No:	VPP2302562
Received:	30/10/2023
Statutory Days:	39
Applicant:	Inception Planning
Planning Scheme:	Ballarat
Land Address:	422 Learmonth Road, Mitchell Park
Total Site Area:	7,235m ²
Cultural Heritage	The site is not within an area of cultural heritage sensitivity
Proposal:	Clause 52.20 planning permit exemption for redevelopment of 31 new single storey dwellings.
Clause 52.20 (Big Housing Build) Pathway Eligibility	<p>Written confirmation, dated 24 October 2023, from the CEO, Homes Victoria confirming:</p> <ul style="list-style-type: none">The application is partly funded by Victoria's Big Housing Build; andThe 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	31 dwellings comprising 13 x one-bedroom and 18 x two-bedroom dwellings
Parking	38 car spaces and 40 bicycle spaces (12 external and 28 within garages)
Why is the Minister responsible?	Clause 72.01 of the Ballarat 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 <i>Planning and Environment Act 1987</i> (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:	<div>Clause 52.20 Victoria's Big Housing Build</div> <div>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).</div>
Community Consultation	<p>Public notice under Section 52 of the Act <u>is not</u> required as Clause 52.20-2 exempts the proposal from all planning scheme requirements.</p> <p>Clause 52.20-4 requires public consultation and consultation with the relevant municipal council.</p> <p>Community consultation was undertaken for a period of 4 weeks (15 May 2023 to 14 June 2023) including with the municipal council with plans and reports required under Clause 52.20. An assessment of the submitted consultation report is included within Appendix A.</p>
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 Ballarat 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">Request for informal pre-application advice was received on 21 February 2023 and written advice was subsequently provided via letter.
Decision Plans and Reports	<p><u>Decision Plans</u></p> <ul style="list-style-type: none">Architectural plans (drawings 1-44) prepared by Shape Building Design, dated November 2023.Landscape Plans (drawings LC300 – LC304) prepared by Spiire, dated 20 September 2023. <p><u>Decision Reports</u></p> <ul style="list-style-type: none">Consultation report prepared by Shape Building Design, undated.Planning Report prepared by Inception Planning, dated October 2023.Sustainability Management Plan (SMP) prepared by Smarter Engineering, dated 28 September 2023.Traffic Impact Assessment (TIA) prepared by Red Square Traffic, dated 28 September 2023.Tree Management Plan (TMP) prepared by Civica, dated 29 August 2023.Arborist report prepared by Civica, undated.Urban Design Statement prepared by Blades Studio, dated August 2023.Waste Management Plan (WMP) prepared by Leigh Design, dated 26 August 2023.Construction Management Plan prepared by AHS on behalf of CCVH, dated 5 October 2023
Site Inspection	A site inspection was undertaken on 10 March 2023 prior to application lodgement.

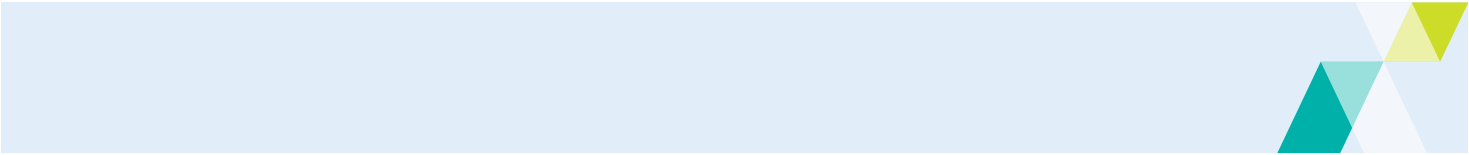
2. The subject of this report is the decision plans and reports, as described above.

Planning Permit PLP/2018/680

3. Planning permit PLP/2018/680 was issued by Ballarat City Council (the council) on 14 October 2019 for nine dwellings with associated subdivision and removal of an easement. The dwellings are west of the subject site (as outlined in Figure 1 below), located on a separate title, have recently been constructed, and are managed by the same body (CatholicCare) as the proposed dwellings.



Figure 1 Dwellings approved under PLP/2018/680

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4. The subject site and the adjoining dwellings approved under Planning permit PLP/2018/680 are effectively intended to operate as a single development, and the existing dwellings are referred to as Dwellings 1-9 on submitted documents, whilst the proposed dwellings are referred to as 10-40.
 5. CatholicCare manages the site and as such, there are car parking spaces within common property that will be accessible to both the existing and proposed dwellings. The plans show three of the common property car spaces highlighted for Dwellings 1, 4 and 7 as this is how the 9 dwellings are currently managed.
 6. The applicant has advised that the approved planning permit for the 9 existing dwellings PLP/2018/680 does not require mandatory car parking provision on common property.
 7. Accordingly, while the current application relates to Dwellings 10-40, there is some overlap in access, parking and management with existing Dwellings 1-9.

Proposal Summary

8. The proposal involves redevelopment of the subject site with 31 new dwellings.
9. Access to the site from the road reserve of Learmonth Road is to be retained with a new vehicle egress proposed to Ashwood Gardens. The internal road network will therefore be all directed as one way traffic.
10. Dwellings will front both Waltham Drive and Ashwood Gardens as well as the proposed internal private road.
11. All new dwellings are proposed to be single storey with a combination of one and two bedrooms and adopting one of seven different internal layouts.
12. Dwellings are proposed to be designed with a combination of flat and skillion rooves, finished in face brickwork and render, with elements of 'Weathertex' natural cladding to provide varied façade treatment.
13. Five of seven existing trees in the south-east corner where Waltham Drive and Ashwood Gardens intersect are proposed to be retained. It is proposed to remove Trees 27 and 28 (as identified in submitted arborist report) which are *Eucalyptus sideroxylon* (Red Ironbark) and *Eucalyptus leucoxylon* (Yellow Gum), both Victorian natives 10m-15m tall.



Figure 2 proposed site plan



Figure 3 perspectives of proposed development



Site Description

14. The subject site is located on the northeast side of Learmonth Road, Mitchell Park and has an area of 7,235m².
15. The site has three road frontages, being the intersection of Waltham Drive and Learmonth Road at the entrance, Waltham Drive along the southern boundary and Ashwood Gardens along the north east boundary. Vehicle access is provided via the service road of Waltham Drive and Learmonth Road.
16. The site currently accommodates a what was previously a motel and is now 28 x existing single storey dwellings including 7 x 2 bedroom dwellings, 4 x 1 bedroom dwellings, and 17 x studio apartments plus a caretaker suite. Existing communal facilities include a kitchen, laundry, community room, gym, playground, and barbeque pavilion.
17. The current site layout is designed to have all existing dwellings internal facing with high boundary fences around outer perimeter to road boundaries.
18. A group of 7 large trees is located to the east corner of the site. The submitted arborist report identifies these as Trees 25-31. All tree but one (Tree 26) are native to Victoria.



Figure 4 trees east corner of subject site

19. The title for the subject site is not affected by any covenants or restrictions.

Site Surrounds

20. The subject site is within an established residential area with a subdivision pattern that varies in lot sizes from the southeast to the northwest of the subject site.
21. The subject site is within a residential pocket bordered by industrial land to the northeast and southwest. This pocket is located on Learmonth Road which is a Transport Zone linking to the Western Freeway, approximately 1km to the north of the subject site.



Figure 5 aerial view subject site



Figure 6 subject site looking north from corner Learmonth Road and Waltham Drive

22. Wendouree Railway Station and a commercial shopping precinct (Stockland Wendouree) are located approximately 2.5km southeast of the subject site.
23. The Ballarat Airport is located approximately 1.5km to the west of the subject site.
24. The subject site is proximate to a bus route on Learmonth Road which provides connection to the railway station, shopping, and schools in the adjacent suburbs of Wendouree and Lake Wendouree
25. Lake Wendouree and the botanical gardens are located approximately 3km southeast of the subject site.
26. Overall, the subject site is adequately serviced by a range of amenities to provide for the everyday needs of residents.

Site Interfaces

27. Development surrounding the site can be described as follows:

- To the **north** of the site is a series of single storey detached dwellings fronting Ashwood Gardens. Dwellings at 1 and 58-68 Ashwood Gardens interface with the common boundary and include secluded private open space and outbuildings adjacent to the subject site.
- To the **south** of the site is Waltham Drive, a 15m wide local street with two way traffic, grassed verges with street trees along the northern side and no footpaths. On the opposite side of Waltham Drive is a series of single storey detached dwellings.
- To the **east** of the site is Ashwood Gardens, a local street with varied width, two way traffic, grassed verges and a footpath along the western side. Opposite the subject site is Waltham Drive Playground.
- To the **west** of the site is the existing 9 dwelling development approved under the council issued permit PLP/2018/680.



Figure 7 existing dwellings west of subject site

28. Further west is Learmonth Road being a 70m wide arterial road reserve with two way, 80km/h speed limit and wide grassed verges with a footpath along the eastern side. On the opposite side of Learmonth Road industrial zoned land with a mixture of vacant lots and double storey warehouse buildings.



Clause 52.20 (Victoria's Big Housing Build)

29. 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.
30. The permit triggers for which exemption is sought via Clause 52.20 are:
 - Clause 32.08-6 (General Residential Zone) – Construction and extension of two or more dwellings on a lot.
 - Clause 52.06-5 (Car Parking) – Reduction of car parking requirement.
31. In order for the application to be granted an exemption under Clause 52.20, 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.
 - 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).
32. The above requirements have been met as discussed in detail below.

Planning Provisions and Development Standards

33. 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 permit application. A detailed assessment has been undertaken below.
34. The proposal has also been considered against the development standards of Clause 52.20-6 as detailed in Appendix C.

Consultation Requirements

35. 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.
36. 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.
37. The consultation report has been provided and assessed in detail at Appendix A.

Plans and Reports

38. Clause 52.20-5 (Requirements for plans and documents) requires that a variety of plans and reports be prepared and submitted to the satisfaction of the Minister for Planning.
39. A comprehensive suite of documents has been submitted as part of the application which meets Clause 52.20-5. A detailed assessment of the submitted plans and reports can be found at Appendix B.

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

Plan Melbourne 2017-2050

41. *Plan Melbourne 2017-2050* is the planning strategy which seeks to guide the future development of Melbourne and Victoria.
42. Relevant to this application, *Plan Melbourne 2017-2050* includes “*Direction 7.1 – Invest in regional Victoria to support housing and economic growth.*”

Planning Policy Framework

43. 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 11 – Settlement
 - Clause 11.01-1S-02 – Settlement
 - Clause 11.01-1R Settlement – Central Highlands
 - Clause 13 – Environmental Risks and Amenity
 - Clause 13.05 – Noise
 - Clause 13.06 – Air Quality
 - Clause 15 – Built environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 16 – Housing
 - Clause 16.01 – Residential Development
 - Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport
 - Clause 19 – Infrastructure
 - Clause 19.03 – Development Infrastructure

Local Planning Policy

- Clause 21 – Municipal Strategic Statement
 - Clause 21.01 – Municipal Overview
 - Clause 21.02 – Settlement and Housing
 - Clause 21.06 Built form, Heritage and Design
 - Clause 21.08 – Transport and Infrastructure
 - Clause 21.09 – Local Areas



Zone, Overlays and Particular Provisions

Zone

44. The subject site located within a General Residential Zone Schedule 1 (GRZ1).
45. The purpose of the GRZ1 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.*
46. Were this a conventional application, a planning permit would be triggered for construction of two or more dwellings on a lot.

Particular Provisions

Clause 52.06 – Car Parking

47. Were this a conventional application, a planning permit would be required for reduction to the number of car parking spaces.
48. Clause 52.06-5 specifies that dwellings with up to two bedrooms require one car space and for every 5 dwellings one visitor space is required. Each proposed dwelling includes a car space with the exception of Dwellings 10-16. No visitor car spaces are specifically identified, although it is noted that five car spaces are within common property and could reasonably be used by visitors.
49. Accordingly, were this a conventional application, a car parking reduction of seven resident and six visitor spaces would be required. If the five unallocated spaces within common property are considered to be for visitors, a reduction of 1 visitor space would be required

50. 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.

Strategic Direction and Land Use

51. The proposal responds to the purpose of the GRZ1 to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
52. The proposal also aligns with Settlement policy at Clause 11.01-1S and 11.01-1R to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity and to support Ballarat as the main centre for regional growth in the Central Highlands.
53. The proposal responds to Clauses 16.01-1S (Housing Supply) and 16.01-2S (Housing Affordability) which seek to facilitate well-located, integrated and diverse housing that meets community needs and to deliver more affordable housing closer to jobs, transport and services.
54. For the reasons above, it is considered that dwellings are appropriate on the subject site.

Built Form, Layout and Height

55. Clause 15.01-2S (Building Design) encourages new building design outcomes that positively contribute to local context, seeks to ensure that the scale of design enhances the public realm and to ensure that a comprehensive site analysis forms the starting point of consideration of height and scale.

Site Layout

56. The proposal includes the majority of new dwellings facing a new internal street that links Learmonth Road and Ashwood Gardens. A row of new dwellings will also face Waltham Drive to the south and two dwellings will face Ashwood Gardens.
57. This will improve the movement through and around the site as well as site connection, permeability and activation. The proposed layout is an improvement on existing conditions which features inward facing motel style buildings and high, solid fencing to the street interfaces.

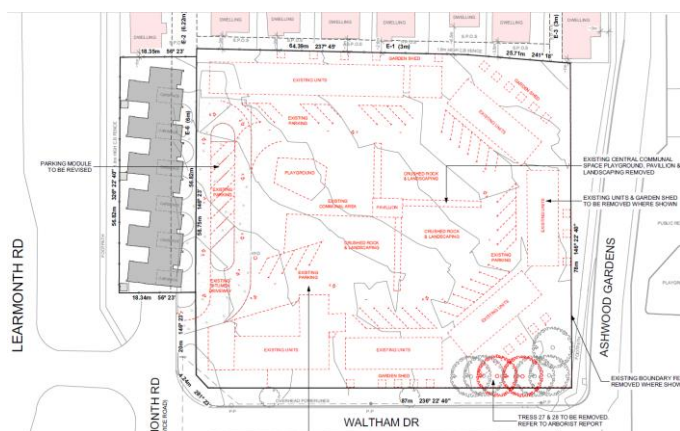


Figure 8 existing site layout



Figure 9 proposed site layout

Built Form

58. The proposed dwellings range in height between approximately 3.5m-4.4m and various street setbacks of approximately 3m-12.5m to Waltham Drive and approximately 3m to both Ashwood Gardens and Learmonth Road are proposed.
59. The built form is low scale and responsive to surrounding residential development. Street setbacks provide space for existing and proposed landscaping which will further integrate the development with the surrounding area.
60. Each dwelling adopts a contemporary architectural expression with rectilinear and angled forms, and a material palette of brickwork, 'Weathertex' natural cladding and render.
61. The proposal improves upon the existing motel style development by providing built form and a streetscape that is more typical of residential buildings, better integrating with the surrounding area and pattern of development.
62. The majority of proposed dwellings are semi-detached with single garages that sit behind the primary façade of the dwelling. Dwellings with no garage include pedestrian paths to the front entrance. The Waltham Drive streetscape elevation, which includes this mixture of dwelling forms is shown at Figure 10 below.



Figure 10 Waltham Drive streetscape elevation

Landscaping, Trees and Communal Open Space

63. Clause 15.01-1S (Building Design) specifies that new development must provide landscaping that responds to its site context, enhances the built form, and creates safe and attractive spaces.
64. The submitted landscape plan (Figure 11) highlights a range of landscaping initiatives which are proposed to be utilised:
 - Retention of five existing trees on the corner of Waltham Road and Ashwood Gardens. Dwellings have been designed to enable retention.
 - Retention of existing street trees on Waltham Drive with street setbacks and driveway placement to accommodate tree protection zones.
 - New canopy trees within street setbacks and rear private open space areas.



Figure 11 landscape plan

65. A tree management plan has been provided which confirms retention and protection of Trees 25, 26 and 29-31 within the subject site, as well as retention and protection of street trees (Trees 23 and 24).
66. Trees 25, 26, 29 and 30 are in close proximity to proposed driveways between Dwellings 22 and 24 on Waltham Road. Encroachment of 13% is proposed to Tree 25, 14% to Tree 31 and no more than 10% for Trees 26, 29 and 30. The recommendations for Trees 25 and 31 are generic tree protection controls plus mulching and weekly irrigation during summer.
67. The tree management plan confirms that tree protection recommendations are based on Australian Standard AS 4970—2009: *Protection of Trees on Development Sites* and sets out pre-construction, construction and post construction activities.
68. Clause 52.20-8 confirms that native vegetation requirements do not apply to any native vegetation identified in the table of exemptions to Clause 52.17-7. Clause 52.17-7 includes an exemption for planted vegetation which was either planted or grown as a result of direct seeding.
69. The submitted arborist report identifies Trees 27 and 28 located in the east corner of the site as indigenous species which are proposed to be removed. Informal (email) advice from the arborist is that the trees are not considered to be remnant, naturally occurring trees remaining from a previously occurring plant ecology and for all intents and purposes were deliberately planted.
70. Further evidence has been provided by the applicant in the form of historic aerial photography which shows that dating back to 1933 there were no trees on the subject site. Trees can be seen adjacent to the site boundary adjoining Learmonth Road. A 1994 aerial photograph shows the motel development on the subject site with no trees in the east corner where Trees 27 and 28 are located. This confirms that Trees 27 and 28 were planted and, as such, their removal would be exempt under Clause 52.17-7.

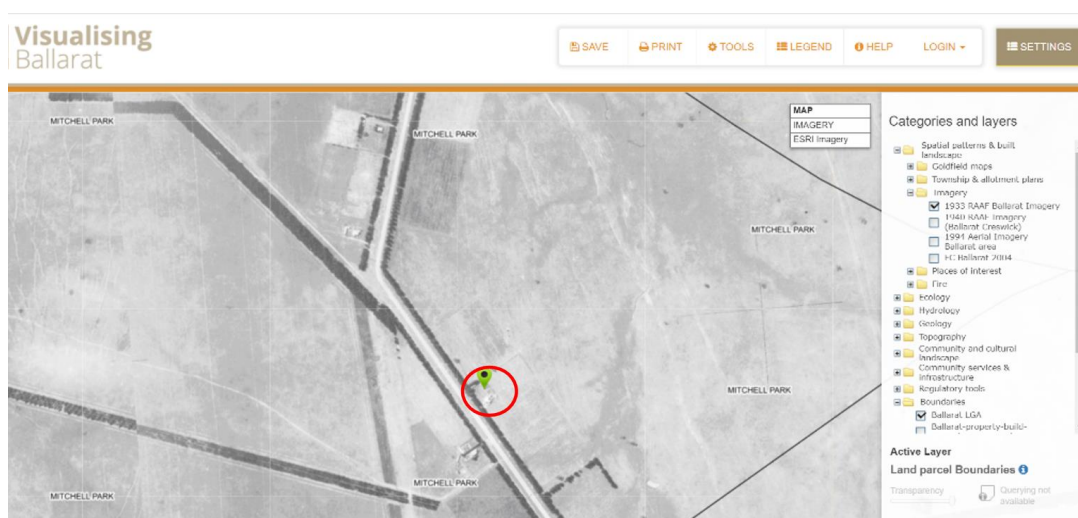


Figure 12 1933 aerial of subject site



Figure 13 1994 aerial of subject site

Off-Site Amenity Impacts

71. Clause 52.20 seeks to ensure that new development does not unreasonably impact on the amenity of adjoining dwellings. This is further reinforced by Clause 15.01-2S (Building Design) which seeks to ensure that new development minimises any impacts on neighbouring properties and the public realm.
72. The proposal will not result in any unreasonable off-site amenity impacts. The site has two direct interfaces with existing dwellings. The site is located to the south of adjoining dwellings facing Ashwood Gardens and will not overshadow the majority of these properties with the exception of boundary fence shadow, generally consistent with existing conditions.
73. The proposal will cast a small area of additional shadow to 56 Ashwood Gardens, primarily at 10am. The additional shadow is minimal and unlikely to be discernible beyond existing conditions. A full assessment is detailed at Appendix A.
74. The proposed setbacks will ensure an appropriate response to neighbouring open space.
75. The site also interfaces with the existing double storey dwellings facing Learmonth Road (approved under permit PLP/2018/680) which are generally situated away from the proposed dwellings and include existing garages and vehicle access facing the subject site.
76. The other two site frontages are to roads which provide adequate distance to mitigate impacts to nearby properties.

Internal Amenity

77. Clause 16.01-1S (Housing Supply) seeks to facilitate development that adopts best practice through a combination of methods and provides a high level of internal amenity.
78. The proposal is considered to provide for an acceptable internal amenity outcome. All dwellings are designed to have sufficient daylight, open space, storage and access.
79. A full assessment against all other relevant design standards is provided at Appendix A.

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

Access and Parking Arrangements

80. The proposal provides a total of 38 car parking spaces within garages and eight external spaces, five of which are not allocated and three which are assigned to existing adjacent Dwellings 1, 4 and 7.
81. Vehicle accessible is to be via the proposed internal road and, for Dwellings 19-24, via Waltham Drive.



82. Vehicle access and parking has been assessed and the following is noted:

- The proposed internal road access is integrated with the overall site layout design and will generally be concealed from external street views. Garages and driveways are single width. This ensures a good urban design outcome for vehicle access arrangements.
- The proposal results in 0.95 spaces per dwelling (including existing townhouses) and exceeds the requirements of Clause 52.20.
- The car parking spaces and garages have been designed to comply with the dimensions in the planning scheme. It is noted that plans do not include dimensions of external car spaces and this is recommended to be addressed via condition.
- The internal road is 4m wide which complies with the planning scheme and allows for one-way traffic.
- The internal accessway is proposed to operate as a shared zone (shared between pedestrians, cyclists and motorists). As such, vehicle speeds are to be reduced as far as practicable. The traffic impact assessment (TIA) report includes traffic calming measures to support the shared zone:
 - Give-way sign at the site egress point on Ashwood Gardens where a new crossover is proposed.
 - Shared zone 10km/h & 10km/h pavement marking to encourage low speeds.
 - Linemarking and pavement arrows to enforce intended function (i.e. entry/exit) at each access/egress point.
 - Signs to administer the intended one-way circulation ('One-Way' and 'No-Entry') as required.
- Conditions are also recommended to ensure vehicle sight lines are maintained to footpaths. This is discussed further in Appendix C.

Bicycle Facilities

83. Clause 52.34 would not ordinarily require bicycle spaces for this proposal.

84. The proposal includes provision of 40 bicycle parking spaces including 12 external spaces and 28 spaces within individual garages providing sufficient bicycle parking.

Waste Management

85. Clause 52.20-7.12 seeks to ensure that waste management facilities are designed and managed in accordance with best practice standards. The submitted waste management plan (WMP) identifies waste collection will be undertaken by the council for dwellings that face Waltham Drive (Dwellings 10-12 and 19-24). For all other dwellings, shared private bins shall be provided for onsite collections in order to avoid a high number of kerbside bins. The site operator shall choose a waste collection provider, negotiate a service agreement, and pay for these services.

86. The WMP identifies that private refuse trucks shall stop next to the bin enclosure, collection staff shall transfer bins to the truck and back to the enclosure and waste collection shall be carried-out by rear-lift vehicles (nom. 8.8m long, 4m operational height, and 24 tonnes gross vehicle mass).

87. The plans have clearly highlighted the bin storage and collection areas.

88. Waste areas and collections shall meet acoustic requirements and private services will occur at times that comply with council's local laws. Environment Protection Authority (EPA) noise control guidelines will be observed to protect the acoustic amenity of the development and surroundings.

Environmentally Sustainable Design

89. A sustainability management plan has been submitted which demonstrates the proposal adopts a variety of initiatives consistent with best practice including:



- Achievement of 7 average stars for NatHERs ensuring good building energy efficiency.
 - The design will ensure that all dwellings have appropriate access to natural daylight.
 - Water efficient initiatives such as potable water supplies, recycling of water sources and integration of stormwater treatment in the communal open spaces.
 - High performance and energy efficient glazing.
 - Rainwater tanks dedicated to toilet flushing and irrigation.
 - Facilities provided for on-site management of food and garden waste.
 - At least 80% of construction and demolition waste shall be either reused or recycled.
90. It is also noted that, where possible, the committed ESD initiatives have been shown on the development plans.
91. Overall, the proposal provides an acceptable ESD outcome.

Consultation Report

92. A community consultation report has been submitted with the application which demonstrates that public consultation was undertaken for a period of four weeks with a variety of required plans and reports, and consultation was undertaken with the council.
93. Comments made by the public include one written submission and verbal feedback provided during a drop-in session. The applicant has responded to these comments and the consultation report outlines that a variety of changes were made to the design. Where no change was made justification was been provided.
94. A detailed assessment against of the consultation report can be found at Appendix A.
95. Overall, community consultation has influenced the design, and community consultation has been carried out satisfactorily against the requirements of Clause 52.20.

Conclusion

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

Recommendation

101. It is recommended that the request for consent under Clause 52.20 application number VPP2302562 be issued subject to conditions, and the following documents be endorsed to form part of the approval:
 - Landscape Plans (drawings LC300 – LC304) prepared by Spiire, dated 20 September 2023.
 - Consultation report prepared by Shape Building Design, undated.
 - Planning Report prepared by Inception Planning, dated October 2023.
 - Sustainability Management Plan (SMP) prepared by Smarter Engineering, dated 28 September 2023.
 - Traffic Impact Assessment (TIA) prepared by Red Square Traffic, dated 28 September 2023.
 - Tree Management Plan (TMP) prepared by Civica, dated 29 August 2023.
 - Arborist report prepared by Civica, undated.
 - Urban Design Statement prepared by Blades Studio, dated August 2023.
 - Waste Management Plan (WMP) prepared by Leigh Design, dated 26 August 2023.
 - Construction Management Plan prepared by AHS on behalf of CCVH, dated 5 October 2023
102. Architectural plans (drawings 1-44) prepared by Shape Building Design are to be endorsed following amendments required by conditions. Conditions should require plans to show:
 - Corner sightline splays for visibility to footpaths in accordance with Clause 52.20-6.7.
 - Dimensions of external car spaces in accordance with Clause 52.20-6.7.
103. Forming part of this consent, it is also recommended that a note be placed on the approval letter requiring that the applicant is to obtain all relevant local approvals, prior to the commencement of construction.

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: [REDACTED]

Title: Senior Planner, Development Approvals and Design

Signed: [REDACTED]

Phone: [REDACTED]

Dated: 7 December 2023



Reviewed / Approved by:

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

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Name:

Title: Manager, Development Approvals and Design

Signed:

Phone:

Dated:

8 December 2023

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	<p>Public consultation and consultation with the relevant municipal council has been undertaken.</p> <p>The proponent has undertaken consultation on the full set of development plans, landscape plans, planning report, urban design statement, SMP, TIA, WMP, TMP and CMP.</p>
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 highlights the following:</p> <ul style="list-style-type: none"> • A four-week consultation process was undertaken. • Three signs were placed onsite from Monday 15 May 2023 until Wednesday 14 June. • Notices were delivered to occupants within 150m from the site via registered post. • Views were sought from the municipal council. • One written submission was received from the public. A copy is included in the report for transparency. • A number of residents attended a drop-in session and provided verbal feedback which is summarised in the report. • The changes made to the design following the completion of community consultation including to setbacks, internal configuration, fencing, additional car parking spaces, and additional detail. • Where no changes were made justification has been provided. <p>As such, it is considered that the consultation requirements have been complied with.</p>

1. The extent of community consultation that has occurred is satisfactory.

Themes Raised Within Community Consultation Not Addressed in Assessment

2. The primary themes arising from feedback relate to car parking, waste storage, external presentation to the street, landscaping and fencing, and the size of one bedroom dwellings.
3. The council indicated that the proposal had been improved since the last time it was reviewed and noted further work required in relation to the siting of Dwelling 17 and bin storage to be further explored in the WMP.
4. Homes Victoria commented on the following:
 - Site layout – location of secluded private open space, front setbacks, fences and planting.
 - Common property shared zone – space and security for dwellings close to vehicle accessway, function of communal space.
 - Delineation between public and private open space – ensure clear understanding of who owns and manages various spaces, how landscaped east corner (Dwelling 24) will be delineated from the public realm.
 - Internal layout recommended changes.
5. The Head, Transport for Victoria suggested that the bus stop on Learmonth Road (southbound) be provided with a bus shelter and path for residents. Were the Head, Transport for Victoria authorised to provide conditions, it would have sought conditions to this effect. In response the consultation report notes that this will not be undertaken as



part of the current proposal and bus shelter can be installed as a separate process through Transport for Victoria and the council.

6. In response the consultation report notes that:

- A low semitransparent fence has been included in the new design which will be a visual aid in understanding the delineation of private land.
- Setbacks have been amended in response to Homes Victoria comments including varying dwelling setbacks to ensure suitable separation between front bedrooms of dwellings from the common property.
- Landscaping is included throughout the design.
- An additional three car spaces have been provided internally to the site.
- Minor internal layout changes have been incorporated in the design of one bedroom dwellings.
- Changes have been made to garages to ensure that laundries are located in the dwellings.
- The waste management plan outlines the bin storage area is appropriate. Plans demonstrate an area measuring 10m x 4m which can accommodate the total number of bins as well as future introduction of separate glass collection and food organics and garden organics.
- The council is undertaking works including new shared path in the vicinity of the site in conjunction with Department of Transport and Planning. A bus shelter can be installed by obtaining separate approvals through DTP and council.

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>	Provided
<i>A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.</i>	Provided The submitted architectural drawings, design report and the submitted planning report demonstrates the project boundary.
<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>	Provided The submitted planning report and plans include a site report and locality which accurately describes the site features. DTP officers have also undertaken a site inspection.
<i>A description of the proposed use including:</i> <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> 	Provided. Architectural and landscape plans have been provided which includes details of the proposed dwellings on the site. The application is supported by several technical reports including the planning report, TIA report, WMP and ESD reports.
<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>	Provided Architectural plans have been provided which depict the proposed development. A landscape plan and tree management plan have been provided which show the extent of vegetation retention and replacement.
<i>Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.</i>	Provided The submitted planning report provides an explanation of the how the development responds to site context.
<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>	Provided The submitted planning report provides an explanation of how the development has responded to the objectives of the planning scheme that would otherwise ordinarily apply.
<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>	Provided The submitted urban design statement, prepared by Blades Studio, provides an explanation of the how the development achieves good quality urban design outcomes.
<i>A schedule of works and development including staging and the expected commencement and completion times.</i>	Provided The submitted construction management plan states that the works will be completed in one stage commencing in December 2023 and completion planned for April 2025.



<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> – <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> 	<p>Provided</p> <p>The submitted planning report provides an explanation as to how the development responds to the provisions of Clause 52.20-6.</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"> – <i>A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.</i> – <i>A copy of any report, plan or other document required to be prepared under those conditions.</i> 	<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>Provided</p> <p>A construction management plan has been submitted.</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 would be required to be notified, were 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>Yes – The applicant has also provided:</p> <ul style="list-style-type: none"> - A Tree Management Plan which depicts tree protection measures. - A Waste Management Plan outlining the appropriateness of the waste storage and collection. <p>These reports have been factored into the assessment.</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. The subject site is not affected by any Environmental Audit Overlays (or similar).</p>

Appendix C – Clause 52.20-6 Development Standards Assessment

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 of 31 new dwellings onsite will replace the existing 31 dwellings that currently occupy the site.</p> <p>All dwellings will be connected to the existing services network that the current build is connected to and upgraded where required.</p> <p>Given the current building stock is to be replaced, there is no proposed additional load on services.</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><u>Ashwood Gardens</u></p> <p>The minimum required street setback is to match the adjoining dwelling to the north which is a minimum of 3m from Ashwood Gardens. The proposed dwellings (24, 25 and 26) are setback no less than 3m from Ashwood Gardens.</p> <p><u>Waltham Drive</u></p> <p>Given the site is on a corner and there is no building on an abutting allotment facing the same street, the required setback to Waltham Drive is 4m.</p> <p>Proposed street setbacks to Waltham Drive (proposed Dwellings 10-12 and 19-23) are 3m-8m. Three dwellings are setback 3m (Dwellings 10-12) and the remaining 5 dwellings are setback 4m-8m.</p> <p>The proposed 3m setback is not strictly compliant but is considered acceptable given the character of the area including proposed dwellings facing Ashwood Gardens which will have a compliant 3m setback. Dwellings 10-12 are located at the entry to precinct and near to the existing townhouses (Dwellings 1-9) which are situated closer to street boundaries.</p> <p>All other proposed dwellings face the proposed internal, private road.</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 2,755m² (38%) of pervious surfaces by virtue of the open space and landscaping strips.</p> <p>As such, the proposal exceeds the 20% specified at Clause 52.20-6.3.</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>Complies</p> <p>The proposal provides an appropriate contribution to the public realm noting that entries are easily identifiable.</p> <p>The plans show bollard lighting throughout the development and the shared accessway with garages, car parking and bicycle parking that will be readily visible.</p>



Private spaces within developments should be protected from inappropriate use as public thoroughfares	
<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 - 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>Complies</p> <p>The extent of crossovers to Waltham Drive is 19.85m / 23%.</p> <p>The only access proposed to Ashwood Gardens is the new private road (exit point) which will occupy 5.5m / 7% of the frontage.</p> <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers is primarily based on tree retention which is supported.</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 window sills are at least 1.4 metres above the accessway.</p>	<p>Complies</p> <p>Car parking spaces have been provided for Dwellings 19-39 by way of a single car garage which is located under the main roof form.</p> <p>Direct pedestrian access is proposed to be provided from the car space internal to the dwelling.</p> <p>Car parking spaces have been provided within the front setback of Dwellings 17 and 18, they are conveniently located however are not undercover.</p> <p>The proposed internal accessway is located approximately 2.4m from habitable room windows.</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>The proposal provides 0.9 spaces per dwelling (including existing townhouses 1-9) and exceeds requirements.</p> <p>The unallocated car parking spaces within the common property will be managed by CatholicCare depending on demand.</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"> - Accessways are a minimum of 3.2m in width. - All vehicles are capable of exiting in forward direction. - The private road has an internal radius of at least 4m where is changes of direction. - The private internal road within the site does not have a passing area which is considered acceptable given it is one-way and is not directly accessed from Learmonth Road which is in a TRZ2.



	<ul style="list-style-type: none">- The plans show that the exit lane to Ashwood Gardens does not include any obstructions within 2 metres along the frontage road and 2.5 metres along the exit lane.- The accessways along Waltham Drive show fencing and letterboxes. It is recommended that a condition require appropriate corner splays for visibility to the footpath in accordance with Clause 52.20-6.7.- Most dwellings have garages which meet the 6m long x 3.5m requirement.- The submitted traffic report confirms that car parking spaces meet minimum dimensions specified in Clause 52.20. However, the plans do not show dimensions of external spaces. It is recommended that a condition require appropriate dimensions of car spaces in accordance with Clause 52.20-6.7.- The plans show signage and lighting which will provide for safety.- The pedestrian path that follows the internal road will be distinguished from the vehicle paving using feature concrete. This will provide for pedestrian safety.- Landscaping is shown around car parking and accessways which will soften the appearance of these areas.															
<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 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>Complies</p> <p>The proposed dwellings are not located on or within 200mm of any boundaries.</p> <p>The key interface in relation to side/rear boundary setbacks is to Dwelling 17 which has the smallest setbacks to adjoining properties.</p> <table><tr><th>Dwelling 17 Wall height</th><th>Setback Required</th><th>Setback proposed</th></tr><tr><td colspan="3">Northwest</td></tr><tr><td>4.08m maximum</td><td>1.14m</td><td>1.2m</td></tr><tr><td colspan="3">Southwest</td></tr><tr><td>3.95m – 4.08</td><td>1.1m – 1.14m</td><td>1.2m</td></tr></table> <p>Dwelling 17 complies with the minimum required setback.</p> <p>All other dwellings are equivalent or lower in height and situated at a greater boundary setback.</p> <p>Existing Dwellings 1-9 to the southwest of the site are generally separated from the proposed dwellings by a 6m accessway and located approximately 18m from the proposed dwellings (excluding Dwelling 17).</p>	Dwelling 17 Wall height	Setback Required	Setback proposed	Northwest			4.08m maximum	1.14m	1.2m	Southwest			3.95m – 4.08	1.1m – 1.14m	1.2m
Dwelling 17 Wall height	Setback Required	Setback proposed														
Northwest																
4.08m maximum	1.14m	1.2m														
Southwest																
3.95m – 4.08	1.1m – 1.14m	1.2m														
<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	<p>Not Applicable</p>															





<p>length of the boundary of an adjoining lot, or</p> <ul style="list-style-type: none">- 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>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 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>Complies</p> <p>The interface with smallest setbacks to adjoining windows is in relation to Dwelling 17. The minimum proposed setbacks comply with Clause 52.20-6.10 as outlined below.</p> <table><tr><th>Dwelling 17 Wall height</th><th>Setback Required</th><th>Setback proposed</th></tr><tr><td colspan="3">Northwest</td></tr><tr><td>4.08m maximum</td><td>2.04m</td><td>4.2m minimum</td></tr><tr><td colspan="3">Southwest</td></tr><tr><td>4.08m maximum</td><td>2.04m</td><td>4.8m</td></tr></table> <p>The proposed setbacks meet requirements and will ensure that adjoining habitable room windows are provided with appropriate daylight.</p>	Dwelling 17 Wall height	Setback Required	Setback proposed	Northwest			4.08m maximum	2.04m	4.2m minimum	Southwest			4.08m maximum	2.04m	4.8m
Dwelling 17 Wall height	Setback Required	Setback proposed														
Northwest																
4.08m maximum	2.04m	4.2m minimum														
Southwest																
4.08m maximum	2.04m	4.8m														
<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>Not Applicable</p> <p>The proposal does not impact any north-facing habitable windows within 3m of a boundary.</p> <p>It is noted that the existing ground level window facing Dwelling 17 could be considered north facing. However, the plans show that this window is located 3.6m from the boundary. Accordingly, Clause 52.20-6.11 is not applicable.</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.</p>	<p>Complies</p> <p>The proposal impacts SPOS of 56 Ashwood Gardens, introducing an additional 0.2m² of shadow at 10am on the equinox. Approximately 69m² of SPOS will remain free of</p>															



<p>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>shadow at 10am which exceeds the 40m² minimum.</p> <p>The submitted plans confirm that the greatest extent of shadow to 56 Ashwood Gardens is at 10am (within the 9am – 3pm timeslot) and shadow will be less at other times.</p> <p>To the west the existing 1.8m high boundary fence is to be retained and the proposed dwellings will not cast shadow beyond that of the fence.</p> <p>It is noted that Dwelling 17 overshadows land around the existing dwelling to the south. However, this is not SPOS.</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. - Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. - Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> - Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. - Permanent, fixed and durable. - Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</p>	<p>Complies</p> <p>The 1.8m high boundary fencing will appropriately screen potential views to adjoining properties.</p>
<p>52.20-6.14 Noise impacts</p> <p>Noise sources, such as mechanical plant, should not be</p>	<p>Complies.</p> <p>Proposed air-conditioning units are to be located close to the</p>



<p>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>external walls of each respective dwelling and away from adjacent existing dwellings.</p> <p>Dwellings proposed along the western boundary of the site generally have secluded private open spaces abutting the secluded private open spaces of existing Ashwood Gardens dwellings.</p> <p>Whilst the site is proximate to Learmonth Road (TRZ2), the development is separated by the existing two storey townhouses.</p> <p>Overall, noise impacts are considered to be acceptable.</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 located to face an outdoor space clear to the sky or shallow verandahs/porticos which are open sided and will allow appropriate daylight.</p>						
<p>52.20-6.16 Private open space</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>Complies</p> <p>Each proposed dwelling has private open space consisting of</p> <p>An area of secluded private open space with a minimum area of 25m², a minimum dimension greater than 3m and convenient access from a living room.</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>Given the layout of the subject site it is not possible to locate secluded private open space to the north of all dwellings. The proposed layout has strategically provided all secluded private open spaces with direct northern light.</p> <p>Dwellings 25, 29, 31, 33, 35, 37 and 39 have secluded private open spaces located to the south.</p> <p>Dwelling 37 is shown to have the smallest setback to the southern boundary.</p> <table><tr><th>Dwelling 37 southern wall height</th><th>Setback Required</th><th>Setback proposed</th></tr><tr><td>3.1m</td><td>4.79m</td><td>4.8m minimum</td></tr></table> <p>Dwelling 37 meets the requirement for Solar access to open</p>	Dwelling 37 southern wall height	Setback Required	Setback proposed	3.1m	4.79m	4.8m minimum
Dwelling 37 southern wall height	Setback Required	Setback proposed					
3.1m	4.79m	4.8m minimum					

	space and Dwellings 25-39 are considered to also meet the minimum requirement.
52.20-6.18 Storage A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Complies Each dwelling is provided with 6m ³ of storage within their secluded private open spaces areas.
52.20-6.19 Front fence A front fence within 3 metres of a street should not exceed a maximum height of: <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 	Complies New front fencing to Ashwood Gardens and Waltham Drive comprises a 1m tall 25% transparent low fence. This includes Dwelling 10 which is located on the southernmost corner of the development where Learmonth Road and Waltham Drive intersect. The fence is proposed to signal the private front yard of the dwelling and adds to the sense of address of the development. The semitransparent nature of the fence allows visibility of proposed landscaping and will provide an attractive presence to the overall development.
52.20-6.20 Common property Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	Complies The development clearly delineates public, communal and private areas. Common property is provided through the centre of the site by way of a shared vehicle and pedestrian space. It allows for all vehicles to enter and exit the site via one way and is easily identifiable for easy ongoing management. Landscaping features will form a border between private and public realm as demonstrated in artist impressions.  <p>Figure 14 artist impression Ashwood Gardens</p>  <p>Figure 15 artist impression Waltham Drive</p>
52.20-6.21 Site services 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. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof	Complies A bin and recycling enclosure has been located within the site for dwellings that do not have direct street access. Dwellings 10-12 and 19-24 are proposed to have council kerbside collection. Dwellings 1-9, 13-18 and 25-40 are proposed to have waste collected by a private waste contractor.



<p>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>The ongoing management of the waste for the site is supported by a WMP which has commissioned to support the application.</p> <p>Letter boxes have been designed using a rendered brick structure that is proposed to be situated at both the Learmonth Road and Ashwood Gardens frontages for all dwellings with an internal frontage.</p> <p>Dwellings with a direct street frontage will be provided with their own letter box.</p>
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