

Assessment Officer Report

PA2302487, 40 Mount View
Road, Boronia.



Officer Assessment Report
Development Approvals & Design



Department
of Transport
and Planning

OFFICIAL



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Executive Summary



Key Information		Details	
Application No:	PA2302487		
Received:	14 February 2024		
Statutory Days:	130		
Applicant:	Met Communities c/- Clement-Stone Town Planners		
Planning Scheme:	Knox		
Land Address:	40 Mount View Road, Boronia		
Proposal:	Development and subdivision of 144 dwellings, associated vegetation removal and generally in accordance with the approved development plan.		
Development Value:	\$ 32,120,000 m		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for the land at 40 Mount View Road Boronia, described in Title Vol 8032 598 Fol. 43815217, Vol 8574 100. Fol. 43815130 and Vol 8593 361 Fol. 43815168.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.09	Neighbourhood Residential Zone Schedule 3 (NRZ)	A permit is required to subdivide land
			Construct two or more dwellings on a lot
Overlays:	Clause 43.04	Development Plan Overlay Schedule 14	Development Plan has been approved.
	Clause 42.01	Environmental Significance Overlay, Schedule 2	Construct a building or construct or carry out works.
			Subdivide land
			Remove destroy or lop any vegetation, including dead vegetation.
	Clause 42.01	Environmental Significance Overlay, Schedule 3	Construct a building or construct or carry out works.
	Clause 42.03	Significant Landscape Overlay, Schedule	Subdivide land
			Remove destroy or lop any vegetation, including dead vegetation.
			Construct a building or construct or carry out works.
Particular Provisions:	Clause 52.06	Car Parking	New use
	Clause 52.17	Native Vegetation	
Cultural Heritage:	The area is not affected by Aboriginal Cultural Heritage.		
Total Site Area:	80350	m²	



Dwellings:	144 dwellings comprising: - 3 x 3 bed, 2.5 bath, double garage - 30 x 2 bed, 1.5 bath, single garage - 6 x 3 bed, 2.5 bath, tandem garage - 3 x 2 bed, 1.5 bath, single garage - 9 x 4 bed, 2.5 bath, double garage - 12 x 3 bed, 2.5 bath, tandem garage - 49 x 3 bed, 2.5 bath, tandem garage - 2 x 3 bed, 2.5 bath, double garage - 9 x 4 bed, 1 bath, double garage - 8 x 2 bed, 1 bath, single garage - 11 x 4 bed, 3 bath, double garage - 2 x 4 bed, 2.5 bath, double garage
Parking:	- The three- and four-bedroom dwellings are all provided with a double or tandem garage. - The two-bedroom dwellings are all provided with a single garage. - A total of 58 visitor parking spaces have been provided.
Referral Authorities:	Head Transport for Victoria (determining) City of Knox Council (informal) Fire Rescue Victoria (S55 Determining) Sewer / Water - Southern Rural Water (S55 Determining) AusNet Services
Public Notice:	Notice of the application under section 52 of the Act was not required. <i>If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</i>
Recommendation:	Grant a Planning Permit



Application Process

1. In accordance with the schedule to Clause 72.01 of the Knox Planning Scheme, the Minister for Planning is the Responsible Authority for administering and enforcing the planning scheme for 40 Mount View Road, Boronia.
2. The subject site forms part of the Government's Inclusionary Housing Pilot which uses surplus government land for the purposes of housing. The subject site is one of six surplus government land parcels set to deliver a mix of social, affordable and market housing.
3. The *40 Mount View Road, Boronia Inclusionary Housing Pilot Development Plan* the (development plan) DP2201689 was issued on the 14 April 2023. The plans for the development plan were endorsed on the 2 May 2023.
4. The application for a planning permit was lodged on the 15 September 2023, on review of the application documents it was determined that the MPL Certificate submitted had expired and could not be accepted. The MPL Certificate is a required document for an application to be considered.
5. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	14 February 2024
Further information requested	15 February 2024
Further information received	Partially satisfied - 15 July 2024
Decision Plans	Plans prepared by Genton Architects , titled 'Response to RFI' and dated 05/06/2024 .
Other Assessment Documents	- Landscape Plan, prepared by Fraser Design, dated 08/04/2024 - Cut and fill plan, prepared by SMEC, Rev C dated 09/04/2024 - Transport Impact Assessment, prepared by One Mile Grid, dated 24 May 2024. - Biodiversity Assessment, prepared by Ecology & Heritage partners, dated May 2022. - Arboricultural Impact Assessment, prepared by arbkey, dated 12/02/2024. - Construction Environmental Management Plan, prepared by ecology & heritage, dated February 2023. - Sustainable Management Plan (SMP) prepared by SBE, dated 7 June 2022 - Infrastructure and Stormwater Management Report, dated 6 May 2022 - Waste Management Plan, prepared by SMEC, dated 22 February 2023

6. The subject of this report is the decision plans (as described above).

Proposal Summary

7. Planning Permit application PA2302487 proposes a development and subdivision of one hundred and forty-four (144) dwellings and associated vegetation removal, generally in accordance with the approved development plan.
8. The proposal comprises:

- Subdivision of the subject site into 144 lots in a manner that is consistent with the layout of the approved Development Plan;
- The construction of 144 dwellings, comprising of a mixture of two-, three- and four- bedroom dwellings within building envelopes generally consistent with the approved Development Plan.
- Provision of new publicly accessible roads through the development which will connect Mount View Road with Moncoe Street.
- Development of public open space within the development.
- Protection and enhancement of the designated habitat zones and scattered trees within the site.
- Retention of existing trees outside of the habitat zones where possible.



Figure 1: Concept layout (source applicant)





Site Description

9. The site is located on the former Boronia College School site. It is located in the foothills of the Dandenong Ranges approximately 40km from the CBD of Melbourne.
10. It is located in a well-established residential area, approximately 1.2km from the Boronia Shopping Mall and its within 500m from multiple bus routes on Albert Avenue (Buses 690 & 967) and 500m from bus routes on Forest Road (Bus route 755).
11. The existing site is irregular in shape, with multiple street and residential interfaces.
12. The site frontages to Mount View Road and Moncoe Street, with a total size of 8.045 ha.



Figure 3: Aerial image of the subject site (source applicant)



Figure 4: Site Plan

13. The site is formally described as comprising the following land parcels:

- Lot 9 on Plan subdivision 068864 (Volume 08574 Folio 100)
- Lot 5 (Volume 8032 Folio 598)
- Lot 4 (Volume 8593 Folio 361)

14. There are several easements on the site, as follows:

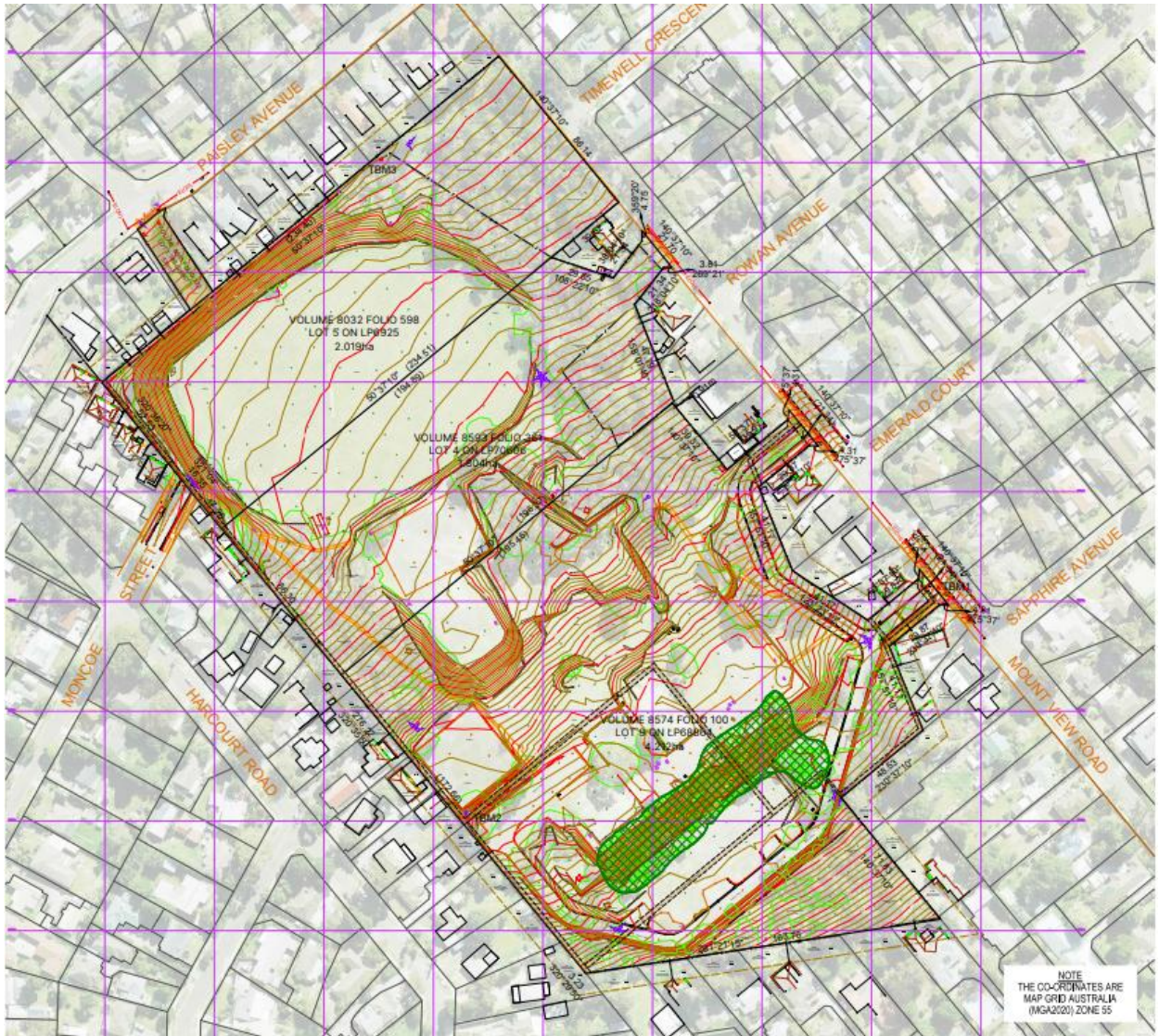


Figure 5: Survey Plan

Site Surrounds

15. The surrounding development consists mainly of single and double storey residential dwellings.

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

- To the **north** of the site:

The site has an interface with the rear of properties which have a frontage onto Paisley Avenue. The dwellings which have an interface with the subject site are predominately single storey.

- To the **south** of the site:

The site has an interface with the rear of properties which front onto Forest Road. These dwellings are a mix of single and double storey dwellings. Some of the properties have been subdivided into multiple unit lots.

- To the **east** of the site:

To the east are dwellings which front onto Mount View Road, the dwellings which have a direct interface with the subject site are predominately single storey.

- To the **west** of the site:

The dwellings to the west which have an interface with the subject site include single and double storey dwellings. Some of the blocks have been subdivided and contain multiple dwellings.

17. A site inspection of the subject site and surrounds was undertaken on **17 October 2022**. Images of the site and surrounds are reflected in **Figures 6-11**.



Figure 6: Internal view looking northwest



Figure 7: Habitat Zone 6 looking southeast



Figure 8: Internal view looking southeast



Figure 9: Habitat Zone 7 looking east



Figure 10: Internal view looking southeast



Figure 11: Habitat Zone 2 looking southeast

18. There are several developments existing, approved or proposed in the surrounding area, as illustrated in Figure 10.

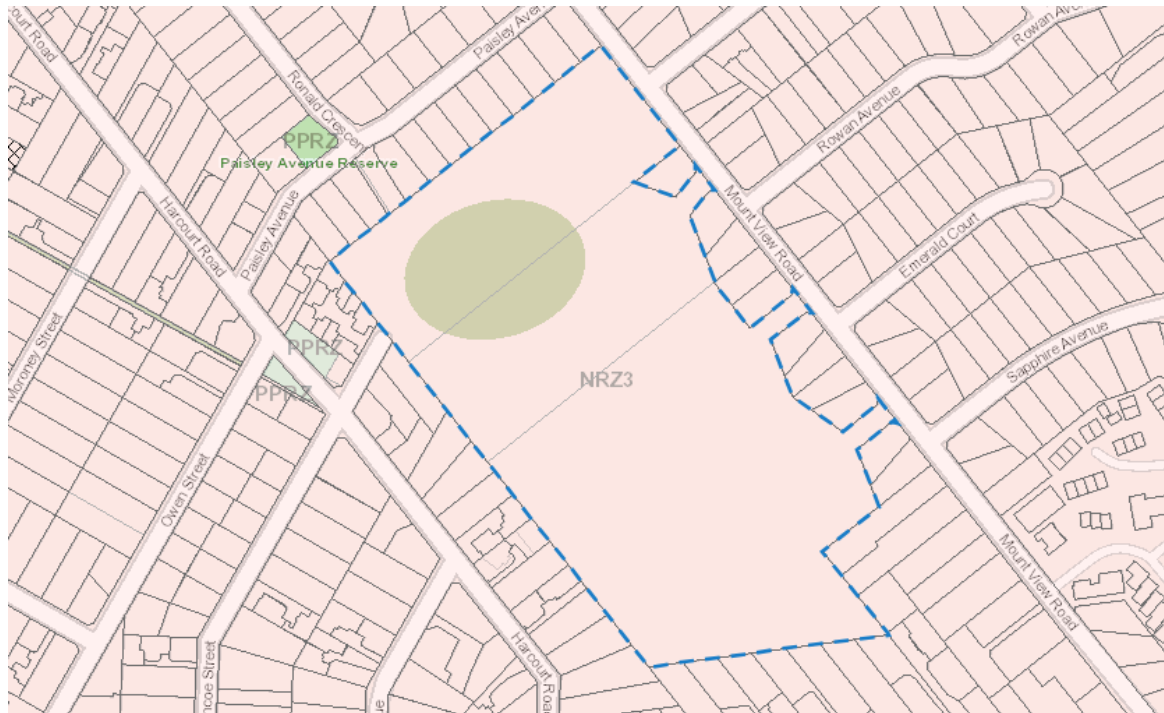


Figure 12: Map showing surrounding subdivision pattern



Plan Melbourne 2017-2050

19. Plan Melbourne 2017-2050 is the metropolitan strategic planning strategy which seeks to guidance the future development of Metropolitan Melbourne and Victoria. Plan Melbourne identifies Knox City Council as an outer area growth area.
20. Plan Melbourne provides a range of relevant strategies as follows:
 - *Strategy 2.1 – manage the supply of new housing in the right locations to meet population growth and create a sustainable city*
 - *Strategy 2.2 – deliver more housing closer to jobs and public transport*
 - *Strategy 2.3 – increase the supply of the social and affordable housing*
 - *Strategy 2.4 – facilitate decision-making processes for housing in the right locations*
 - *Strategy 2.5 – provide a greater choice and diversity of housing.*
 - *Strategy 4.3 – achieve and promote design excellence*
 - *Strategy 5.1 – creation of 20-minute neighbourhoods*
 - *Strategy 5.2 - create neighbourhoods that support safe communities and healthy lifestyles.*
 - *Strategy 5.4 – deliver local parks and green neighbourhoods in collaboration with communities.*

Planning Policy Framework

21. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne <i>Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.</i> <i>Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.</i>
11.02-1S	Supply of urban land <i>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other communities.</i> <i>Planning for urban growth should consider:</i> - <i>Opportunities for the consolidation, redevelopment and intensification of existing urban areas.</i> - <i>Neighbourhood character and landscape considerations.</i> - <i>The limits of the land capability and natural hazards and environmental quality</i> - <i>Service limitations and the costs of providing infrastructure</i>
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity <i>To protect and enhance Victoria's biodiversity.</i> <i>Use biodiversity information to identify important areas of biodiversity, including key habitat for rare and threatened species and communities, and strategically valuable biodiversity sites.</i>
12.05-1S	Environmentally sensitive areas <i>Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the</i>

Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

12.05-2S	To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. <i>Ensure development does not detract from the natural qualities of significant landscape areas.</i> <i>Ensure important natural features are protected and enhanced.</i>
Clause 15	Built Environment and Heritage
15.01-1S	Urban design <i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i>
15.01-2S	Building Design <i>To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.</i> <i>Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.</i> <i>Encourage water efficiency and use of rainwater, stormwater and recycled water.</i> <i>Minimise stormwater discharge through site layout and landscaping measure that support on-site infiltration and stormwater reuse.</i> <i>Ensure buildings and their interface with public realm support personal safety, perceptions of safety and property security.</i> <i>Ensure development is designed to protect and enhance valued landmarks, views and vistas.</i> <i>Ensure development provided landscaping that responds to its, site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.</i>
15.01-4S	Healthy Neighbourhoods <i>To achieve neighbourhoods that foster healthy and active living and community wellbeing.</i>
15.01-4R	Healthy Neighbourhoods – Metropolitan Melbourne <i>Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.</i>
15.01-5S	Neighbourhood Character <i>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</i> <i>Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.</i>
Clause 16	Housing
16.01-1S	Housing Supply <i>To facilitate well-located, integrated and diverse housing that meets community needs.</i> <i>Increase the proportion of housing in designated location in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.</i> <i>Encourage higher density housing development on sites that are well-located in relation to jobs, services and public transport.</i> <i>Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.</i> <i>Support opportunities for a range of income groups to choose housing in well-serviced locations.</i>
16.01-1R	Housing Supply – Metropolitan Melbourne <i>Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed-use development opportunities in locations that are:</i> - <i>Urban renewal precincts and sites</i> <i>Identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.</i> <i>Facilitate increased housing in established areas to create a 20 minute neighbourhoods close to existing</i>

services, jobs and public transport.

16.01-2S	Housing Affordability To deliver more affordable housing closer to jobs, transport and services. Increase the supply of well-located affordable housing by: - Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts. Facilitate the delivery of social housing by identifying surplus government land suitable for housing.
	Clause 18 Transport
	18.02-1S Walking To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
	Clause 19 Infrastructure
19.03-3S	Integrated water management To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Ensure land is set aside for water management infrastructure at the subdivision design stage. Minimise the potential impacts of water, sewerage and drainage assets from encroaching sensitive and incompatible uses.
	19.03-2S Infrastructure design and provision To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community. To provide an integrated approach to the planning and engineering design of new subdivision and development. Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

22. The assessment section of this report provides a detailed assessment of the relevant planning policies

Zoning and Overlays

Applicable Zone/s

Neighbourhood Residential Zone

23. The subject site is located within the Neighbourhood Residential Zone, as shown below:



Figure 13: Map showing zoning

24. The relevant purposes of the NRZ are:

- To implement the *State Planning Policy Framework* and the *Local Planning Policy Framework*, including the *Municipal Strategic Statement* and local planning policies.
- To recognise areas of predominately single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

25. It is noted that the schedule to the NRZ contains no variations, objectives or decision guidelines.

26. Pursuant to Clause 32.09-3, a planning permit is required to subdivide land.

27. Pursuant to Clause 32.09-7, a planning permit is required to construct two or more dwellings on a lot.

Applicable Overlay/s

Development Plan Overlay – Schedule 14

28. The subject site is affected by Development Plan Overlay – Schedule 14 (DPO14).

29. Pursuant to Clause 43.04-2, a permit must not be granted until a development plan has been prepared to the satisfaction of the responsible authority. It is noted that a Development Plan has been prepared and approved by the Minister for Planning, dated 14 April 2023.

30. A permit must be generally in accordance with an approved development plan.

Significant Landscape Overlay – Schedule 2

31. The site is affected by a Significant Landscape Overlay (SLO2).

32. Pursuant to Clause 42.03-2, a permit is required to construct a building or construct or carry out works.

Environmental Significance Overlay – Schedule 3

Environmental Significance Overlay – Schedule 2

33. Pursuant to Clause 42.01-1, a planning permit is required to construct a building or carry out works.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 - Car Parking

34. Clause 52.06 requires 1 car space for each on- or two-bedroom dwelling, and 2 spaces to each three or more-bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom).
35. The proposal fully complies with this statutory requirement providing 247 residential parking spaces and accordingly no permit is triggered for a .
36. It is noted that the subject site is located outside of the Principal Public Transport Network area, the development has provided 58 visitor parking spaces across the broader site.

Clause 52.17 – Native Vegetation

37. Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation.
38. The proposal seeks to remove approximately 0.066 hectares of native vegetation and the removal of eight (8) trees (Trees 42, 123, 131, 132, 141, 147, 153 and 159) on site.

Clause 53.01 – Subdivision and public open space contribution

39. Pursuant to Clause 53.01 a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to the clause.
40. The schedule specifies a public open space contribution for land that is zoned within Neighbourhood Residential Land. The lot sizes proposed have an area of less than 725 square metres, therefore a minimum of 8.5% of the total land to be subdivided must be provided as public open space.
41. The applicant is proposing to provide a total of 7.5% of public open space and will be required to provide a financial contribution to the Knox City Council as part of the subdivision of the site.

Clause 53.18 – Stormwater Management in Urban Development

42. Clause 53.18 applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.
43. Clause 53.18 sets out the following requirements to subdivide land and construct a building or construct or carry out works.
44. An application to subdivide land:
- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6
 - Should meet all of the standards of Clauses 53.18-4 and 53.18-6.
45. An application to construct a building or construct or carry out works:
- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6
 - Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 55 – Two or More Dwellings on a lot and Residential Buildings

46. Clause 55 applies to an application to construct two or more dwellings on a lot.

Clause 56 – Residential Subdivision

47. Clause 56 applies to an application to subdivide land in the NRZ.



Referrals

48. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head Transport for Victoria – no objection	21 November 2024
Section 55 Referral – Determining	Fire Rescue Victoria – no objection subject to conditions	20 March 2025
Section 55 Referral – Determining	Ausnet – no response	
Section 55 Referral - Determining	Southern Rural Water – no objection	

Municipal Council Comments

49. The **Knox** City Council (the council) considered the application and have provided the following response:



Attn: Catherine te Lintelo

Dear Catherine,

Application No: PA2302487
Council Ref: P/2023/6424
Description: Development and subdivision of one hundred and forty-four (144) dwellings and associated vegetation removal, generally in accordance with the approved development plan
Location: 40 Mount View Road, BORONIA VIC 3155

Further to our regular meetings I would like to take this opportunity to provide a response in writing to the plans that have been submitted in response to the request for further information.

Firstly, Council would like to note that it is disappointing that the applicant has made very few changes to address previous issues raised by Council and has not addressed any of the major issues raised.

- The proposal has not been designed to ensure the long-term retention of Tree 194. The plans only indicate that Dwelling TH12 encroaches 10% into the tree's TPZ, however the complement of plans indicate that there will be site cut/fill, retaining walls, fences, sheds, water tanks and other works within the TPZ and SRZ of this tree. This is not supported, and the three surrounding dwellings need to be redesigned, including with the deletion of one dwelling to ensure that there is no more than 10% encroachment into Tree 194's TPZ and no works undertaken within the SRZ. Ideally the redesign should result in this tree being located within a reserve, road or common property area and not within the private open space of a dwelling.
- The proposed Public Open Space located to western corner of the site is not supported and Council will not accept this land. This land should be allocated to the proposed dwellings and other, more suitable land should be provided to satisfy the required 8.5% public open space contribution.
- In addition to this, the proposed public open space contains a 'private detention tank', Council will not accept Public Open Space that contains drainage assets, nor will Council allow private assets to be located within Council land.
- In Council's previous response, we raised concern with the proposed 'kiosk' located between Dwelling TH50 and Habitat Zone HZ8, specifically that it was not clear what this was. The plans indicate that it is an Electrical Kiosk. The location of this kiosk is poor and does not appear to have paid consideration to how the kiosk will be accessed. The landscape plan proposes landscaping around the Kiosk and no arrangements for access to the Kiosk have been shown. The Kiosk needs to be relocated to a position that is easily accessible by a road or common property area and it should not rely on access through Public Open Space areas or Habitat Zones.

- Nearly 40% of the proposed dwellings do not meet the minimum requirements of the provision of Private Open Space as outlined in the Neighbourhood Residential Zone – Schedule 3. All dwellings must be provided with Private Open Space consisting of: An area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.
- The street interface continues to be poor, with the majority of the dwellings failing to provide any ground floor habitable rooms windows to the street and the streetscape, as proposed, will be dominated by garages.
- The interface with the habitat zones and proposed public open space is still poor and needs to be improved with the provision of visually permeable fencing and visual surveillance from habitable room windows. Dwelling should also be designed to be more responsive to this interface.
- The plans do not show that the proposed layout can accommodate the provision of four bins.
- The landscaping plan has not been updated to remove tree species that are not suitable as street trees. The landscape plan needs to be reviewed and modified to ensure that the following trees are not included as proposed street trees:
 - *Acacia melanoxylon**
 - *Olea europaea*
 - *Eucalyptus cephalocarpa**
 - *Eucalyptus macrorhyncha**
 - *Eucalyptus goniacalyx**
 - *Eucalyptus obliqua**

* These species are suitable as reserve/open space plantings.

It is noted that the applicant has acknowledged that many of the matters that were raised had not been addressed and they have suggested that these matters be addressed through conditions, it is Council's view that the changes required to address these concerns would be extensive and the applicant should address these matters prior to a permit being issued, otherwise the application should be refused.

Council is more than willing to continue working with yourself to ensure an appropriate outcome is achieved and would welcome the opportunity to review amended plans that address the concerns that have been raised in our correspondence.

Although Council believes that the application as currently proposed should be refused, should the Department determine that a permit is to be issued Council requests that we are provided the opportunity to assist with the conditions that are included in any permit issued.

As a minimum, conditions on any permit should include and cover the following:

- Reconfigure of Dwelling 10-12 to delete a dwelling and ensure that no works occur within the SRZ of Tree 194 and no more than 10% encroachment into the TPZ by buildings and works, including site cut/fill and all buildings or the layout of the development modified to locate the tree within a reserve, roadway or common property;
- All dwellings are to be provided with a Private open space area consisting of: An area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room;

- Redesign of the lot boundaries associated with Dwellings TH116-122 and TH131-135 to incorporate the proposed Public Open Space into the lots. This area should be appropriately contoured and landscaped to ensure that the area can be easily used and maintained by the future owners/occupiers;
- Provision of a minimum of 8.5% of Public Open Space;
- Relocate the electrical kiosk to an appropriate location that is easily accessed and does not require any access to be provided across proposed Public Open Space, landscape areas or Habitat Zones;
- Submission of an Ecology report that provides a survey of the Habitat Zones and Public Open Space areas, identifying weeds and any mitigation works that are required to be done to these areas;
- Requirement for the works identified in the Ecological Report to be undertaken prior to Statement of Compliance;
- TH17 to be redesigned to have an improved interface with its SPOS;
- A Construction and Environmental Management Plan;
- Native vegetation conditions;
- Tree Protection;
- Amenity During Construction;
- Waste Management Plan;
- Tree Management Plan;
- Fencing of reserves;
- Landscape Plans;
- Engineering Plans;

Council is willing to continue to work with you to achieve an acceptable outcome for the site and develop appropriate conditions as required.

Should you have any further enquiries regarding the above matter, please contact our office on 9298 8125 to leave a message for me and I will return your call within 24 hrs to discuss this matter.

Yours sincerely,



Peter Steele
Coordinator – Urban Planning

Notice

50. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and review rights of section 82(1) of the Act.



Strategic Direction and Land Use

52. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
53. The relevant MPS and PPF policies have been considered in assessing the application.
54. The proposal responds to Clause 11.01-1S (Settlement) as it incorporates a design response that adheres to sustainable neighbourhood principles, such as compact and walkable neighbourhoods with site responsive designs which allows for diverse and affordable housing.
55. Conditions will ensure that the development addresses Clause 15.01-2S (Building Design) to improve energy and resource efficiency contributing to reduction of climate change challenges. Conditions will also ensure that the development protects and improves the health of water bodies by reducing and treating stormwater runoff (Clauses 19.03-3S).
56. The proposal will facilitate well-located, integrated and diverse housing that meets community needs (Clause 16.01-1S – Housing Supply) by
 - Including a mixture of lot shapes and sizes which will encourage a mixture of housing types.
 - Increasing the proportion of housing in an established urban area on an under-utilised urban lot.
 - Incorporating a high level of internal and external amenity.
57. The proposed subdivision will integrate with existing infrastructure and services (Clause 19.03-2S).

Consistency with the approved Development Plan

58. The DPO and approved Development Plan appropriately synthesizes land use and built form controls and provides the most appropriate guidance for future expectations of redevelopment on the site.
59. As such, the proposal continues to embody the key principles that have been established through the approved Development Plan. In particular, the proposal:
 - Provides a mixture of dwelling types, layouts and sizes and continues to align with the purposes of the NRZ.
 - Retains the habitat zones located across the broader site.
 - Ensures a functional road layout that is integrated with the existing road network so as to avoid unreasonable impacts on existing infrastructure capacity; and
 - Enables a range of sustainable features that originally envisage by DPO14 and the approved Development Plan.
60. Accordingly, the proposal provides an acceptable response to the strategic direction and land use outcomes that are sought through the approved Development Plan subject to conditions.

Site Layout

61. The proposed site layout (Figure 14) generally accords with the approved Development Plan, which provides the concept layout in which any future proposal must be generally in accordance.



Figure 14: Approved Development Plan



Figure 15: Proposed dwelling layout

62. The site layout has been assessed and is acceptable, subject to conditions. In particular, the following is noted:

- The position of new dwellings, roads and the public open space are almost identical to that which is shown in the approved Development Plan. This ensures ongoing alignment with the vision of the Development Plan.
- Vehicle entrance points have been kept to a practical minimum ensuring that the public realm interface and amenity is maximised.
- The proposal is designed around the Habitat Zones, resulting in a relative low proportion of site coverage by buildings and high degree of site permeability ensuring that the proposal avoids unreasonable impacts to existing infrastructure.
- The site layout will enable tree planting and landscaping opportunities through the site, including new footpaths and nature strip planting within the site, which will enhance future public realm amenity; and
- The allocated future public open space includes the existing ANZAC memorial.

63. The plans show the location of the substation / electoral kiosk between Habitat Zone 8 and Townhouse 50 (TH50). DTP notes that anecdotal experience with development of similar scale suggests that these kiosks are required to be fully detached from any dwelling and sit as a 'standalone' module.

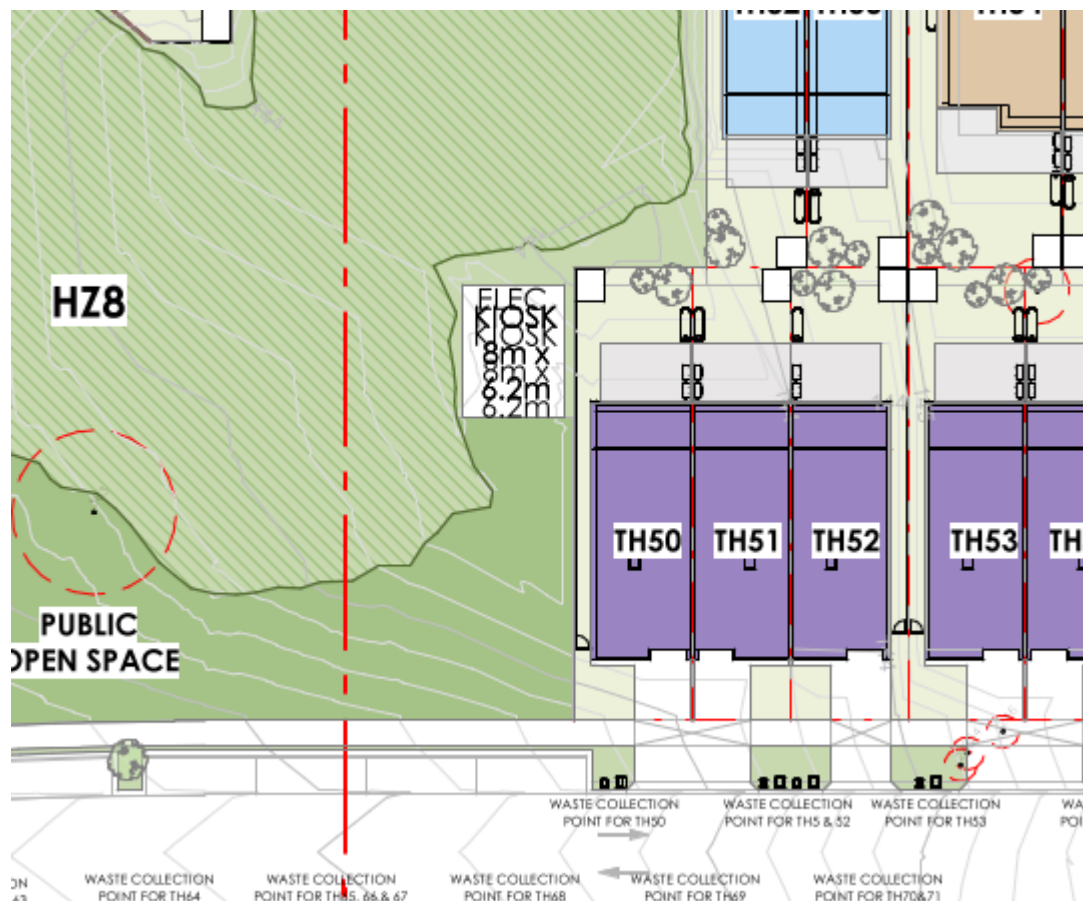


Figure 16: Location of Kiosk

Buildings and Works

64. The zoning of the land is within a Neighbourhood Residential Zone which specifies a maximum building height of 9m, and the building must not contain any more than 2 storeys at any point.



65. The proposal achieves this, as follows:

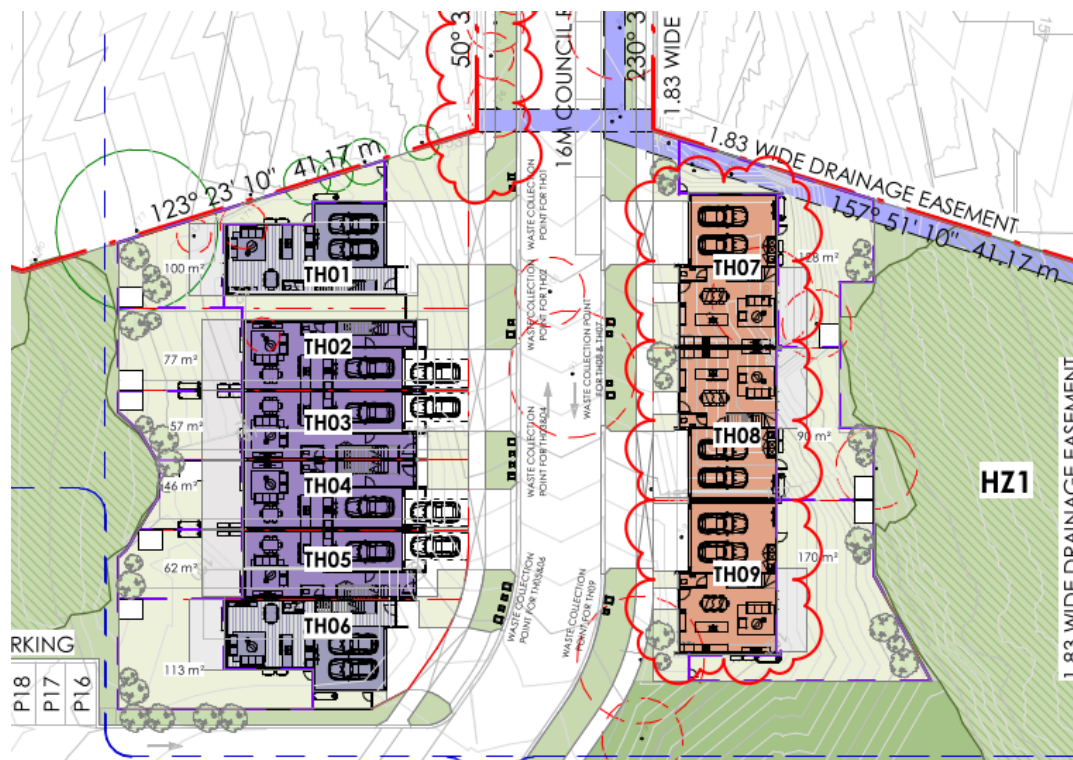
- No dwellings exceed 2-storeys in height, and the built form is designed to be setback from the common boundaries adjacent to existing dwellings.
- The upper forms of the dwellings are a mix of terrace style and upper levels providing separation between dwellings.
- The built form comprises of a variation of dwelling types and separation between groups of dwellings. This ensures that there is visual interest in the development and avoids the perception of visual bulk when viewed from the streetscape.
- The dwellings have been orientated to the street or proposed streets to ensure a good sense of entry and contributing to passive surveillance.
- The proposal comprises a mixture of dwelling layouts ensuring that a mix of single and double storey dwellings are located throughout the site.
- The dwellings are provided with SPOS areas which are compliant with Clause 55.03-5.
- One group of dwellings have been proposed which contain rear loaded garages within the development.

66. As such, the proposed built form is acceptable subject to conditions and will avoid unreasonable off-site amenity impacts to the neighbouring dwellings.

67. The following assessment of the dwelling modules is detailed below.

Dwellings TH01 – TH09

68. The dwellings are located on the road which connects to Mount View Road.
69. It is a mixture of double storey dwellings, consisting of stand-alone dwellings and terrace style dwellings. All dwellings are provided with garages and car parking spaces meeting the statutory requirements.
70. Upper-level windows are provided with screening to habitable room windows consisting of obscure glazing. However, the upper level bedrooms of these dwellings overlook areas of habitat zones and recent changes to the planning scheme allows bedrooms under the new Clause 55 assessments to no longer require screening measures. Although this application has been assessed under the old standards it provides a better amenity outcome for the development if the upper bedroom windows contain clear glazing which will allow views into these areas providing a level of passive surveillance and ongoing safety for residents.
71. Fencing for dwellings directly adjacent to Habitat Zones will be required to have permeable fencing to allow views through to the habitat zones.
72. Tree conditions will be included to ensure the protection of Habitat Zone 1 and 9 which are directly adjacent to these dwellings.



Dwellings TH10 – TH16, TH30 – TH39 & TH50-TH60

73. The dwellings are located centrally within the development and are provided access via a new council road or via private access road.
74. All dwellings are provided with single or double garages, meeting the statutory parking requirements under Clause 52.06.
75. Dwellings TH10, TH11 and TH12 have SPOS areas within the TPZ of Tree 194 which is a protected tree on the site and is required to be protected and retained. Works also include proposed cut and fill up to 1m within the TPZ of this tree according to the provided cut and fill drawings.

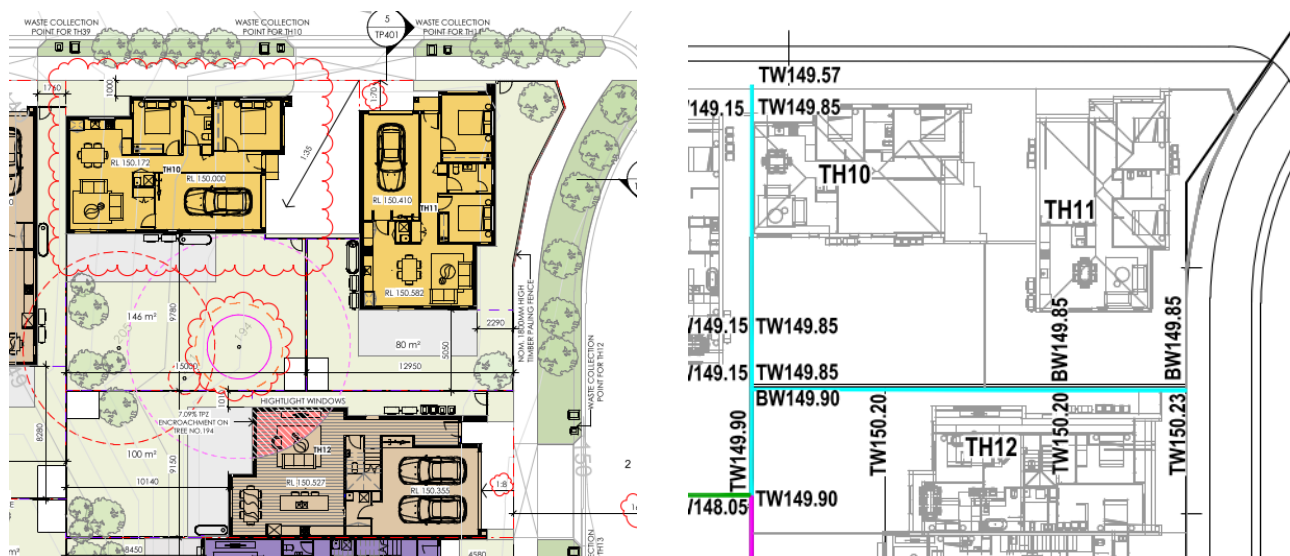


Figure 19: Location of Tree 194

76. The extent of encroachment to this protected tree through either the extent of cut, fill and retaining walls is 25% is greater than the allowable 10% under Australian Standards and is an unacceptable outcome for the health of this tree.

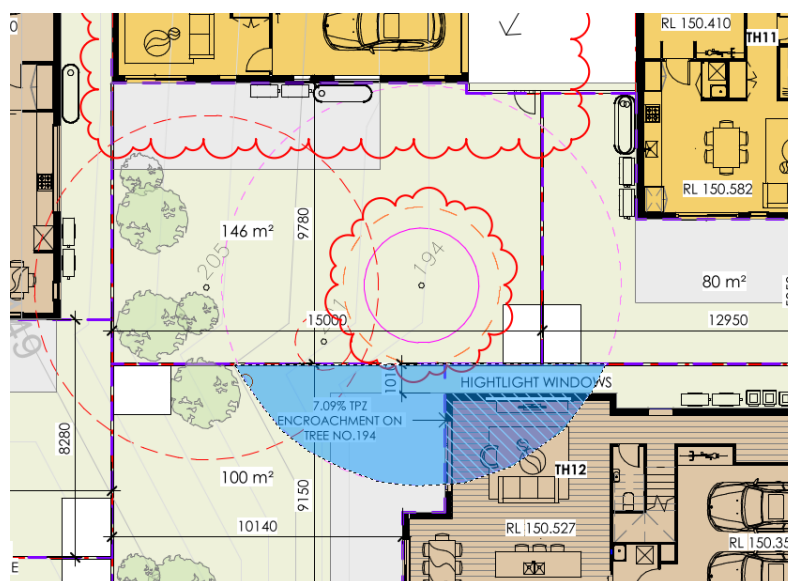


Figure 20: TPZ of Tree 194 affected by cut/fill

77. Dwellings adjoining HZ9 (TH30 & TH31) will be subject to a condition to have permeable fencing to allow views into the adjacent habitat zones to provide a sense of surveillance, the remainder of the dwellings located within this grouping do not have any direct interface with the habitat zones and can be provided with traditional fencing arrangements.
78. Dwelling TH31 SPOS is compromised due to the location of the adjoining habitat zone at the rear of the dwelling. The irregular shape of the lot will require the ground floor to be redesigned to allow better access to the SPOS area associated with this dwelling. The current design has the door opening directly onto the rear fence and will be conditioned to be relocated to the southern wall where the SPOS area is located. The redesign of the ground floor layout for TH31 will be a condition on any permit issued.

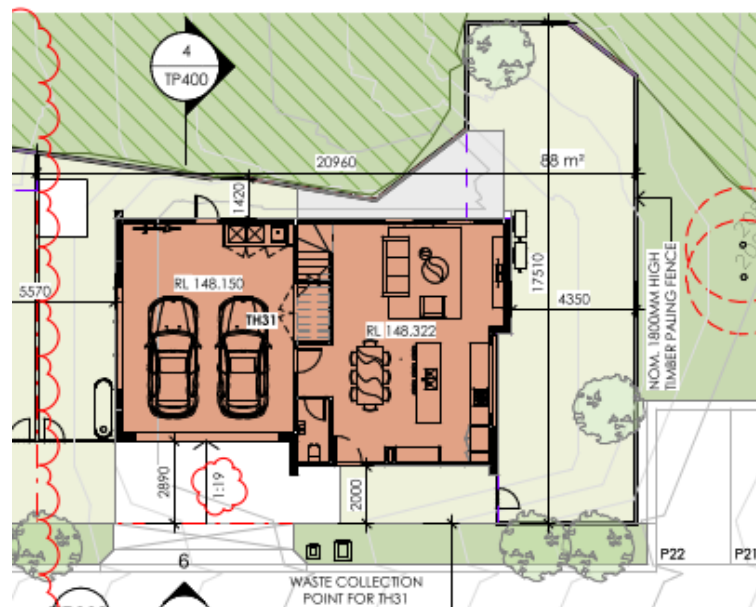


Figure 21: TH31 Ground Floor layout

79. In addition, it will be required for the floor plan layouts for Townhouse Type 05 be updated to show all windows on the upper level as per the elevations and the location of the laundry to be relocated out of the garage into the storage space and be accessible internally via the main living room of the dwelling. The garage meets the minimum dimensions require and does not provide enough space for the addition of a laundry cupboard and associated doors which will restrict parking and provides for a poor amenity outcome for future residents.

Dwellings TH17 – TH26

80. The dwellings are located along the southern boundary of the development and are provided access via a private access road. The dwellings are a combination of double storey terraced dwellings (3 Bed) and three single storey dwellings (2 bed). All dwellings are provided with a single crossover and a single car garage, with double storey terraces provided with an external car space in the driveway.
81. In addition to the dwelling car parking, 8 dedicated visitor parking spaces are provided on the street ensuring that cars do not restrict the roadway and a hammerhead turning bay is situated at the end of the private road allowing vehicles including waste trucks to exit the street in a forward direction.
82. To the rear of the proposed dwellings is an extensive existing retaining wall, clarification will be required to be provided detailing the location of proposed fencing and how the retaining wall will be managed to ensure protection of habitat zone HZ2.



Figure 22: Dwelling locations TH17- TH29

Dwellings TH40 – TH49

83. The dwellings are located along the western boundary of the development and are provided access via a private access road. The dwellings are a combination of double storey attached or semi-detached terraced dwellings (3 Bed) and two single storey dwellings (2 bed). All dwellings are provided with a single crossover and a single car garage, double storey terraces are provided with an external tandem car space in the driveway ensuring compliance with Clause 52.06.
84. These dwellings all back onto properties which face onto Harcourt Road and their rear yards adjoin the site. The new development is provided with setbacks to the boundary fence at ground level of 7m for the double storey dwellings and 8.3m for the single storey dwellings to this boundary.
85. The upper levels of the townhouses facing the adjoining properties contain bedrooms, standard B4-4 specifies that bedrooms are not a habitable room and overlooking standards do not apply. In addition to the lower setbacks, the upper levels setbacks are increased to 9.9m from the rear boundary exceeding any overlooking objectives.
86. Townhouse 40 and 49 have limited windows facing the habitat zones and therefore passive surveillance is minimal towards these areas. Townhouse TH40 will be required to have permeable fencing along the northern boundary adjacent to HZ4 to provide passive surveillance of the open space. TH49 will be required to have permeable fencing to the south allowing views into HZ3. Both will form conditions of permit.



Figure 23: Dwelling locations TH40- TH49

Dwellings TH72 – TH82

87. The dwellings are located centrally within the development and are provided access via a new council road to the front and a private access road for access to garages. The dwellings are double storey attached or semi detached terraced dwellings (4 Bed) including a ground floor bedroom and 3 upstairs bedrooms. All dwellings are provided with a double width crossover to the rear loaded double garage and nine visitor spaces are provided along the frontage, accessed via the council road.

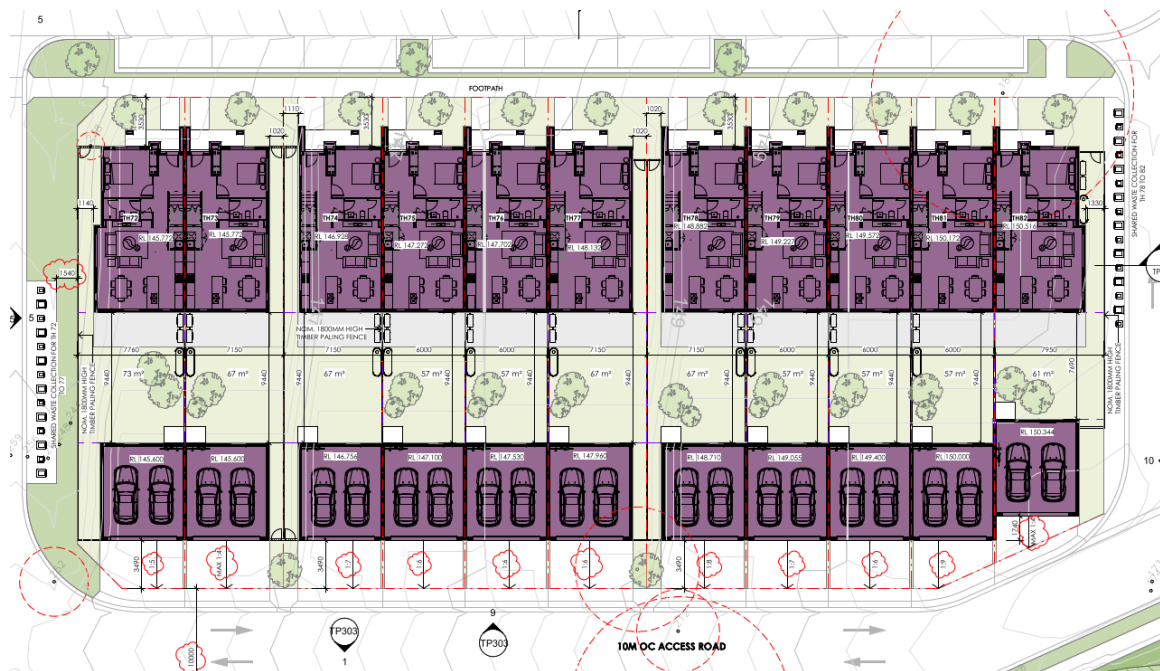


Figure 24: Dwelling locations TH72- TH82

88. The provision of rear loaded garages allows for the dwellings to have ground floor rooms facing the street; however, the upper-level bedrooms have been provided a highlight window to the street reducing passive surveillance opportunities. A condition will be included on the permit to replace these windows with full size clear glazed windows allowing views to the street.

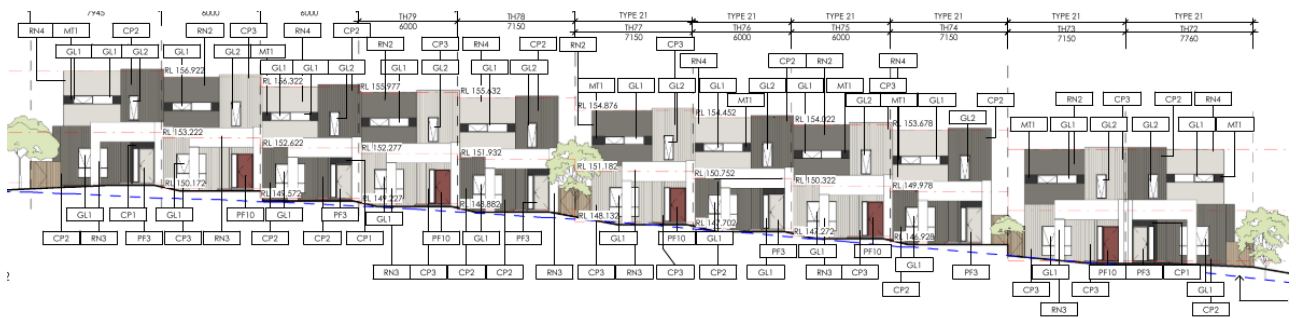


Figure 25: Street elevation TH72- TH82

89. In addition, upper-level rear facing windows will be conditioned to be provided with clear glazing to improve internal amenity for future residents. With the recent changes to Clause 55 of the Knox planning scheme the windows will be compliant with the new overlooking standards.
90. The current site cut, and fill plan does not reflect the extent of fall as shown in the elevations and will be conditioned to be updated to accurately reflect the location of retaining walls.

Dwellings TH 61 - TH71 & TH92 - TH93

91. The dwellings are located along the western side of the new central council road which provides access through the development. The dwellings are located centrally within the site and opposite an area of public open space and back onto Habitat Zone 4.
92. The dwellings are double storey terraced dwellings (2 bed). All dwellings are provided with a single crossover and a single car garage, where garages are adjacent to another garage, the crossovers are combined to become a double width crossover.

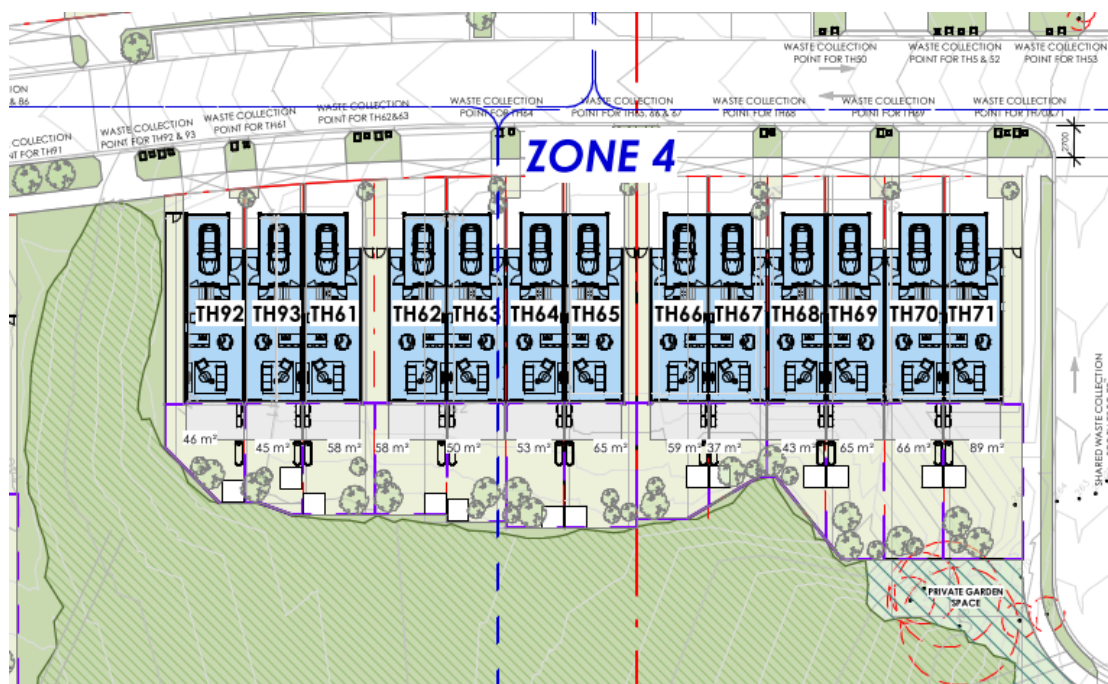


Figure 26: Plan TH61 – TH71 & TH92 – TH93

93. The following trees TPZ's – Trees 369, 371, 390, 398 and 400 will be conditioned to be shown on the site plans and cut and fill plans to ensure no encroachment greater than 10% allowable under Australian Standards. These

trees are located along the edge of the HZ4 and within the vicinity of the rear fencing associated with these dwellings.

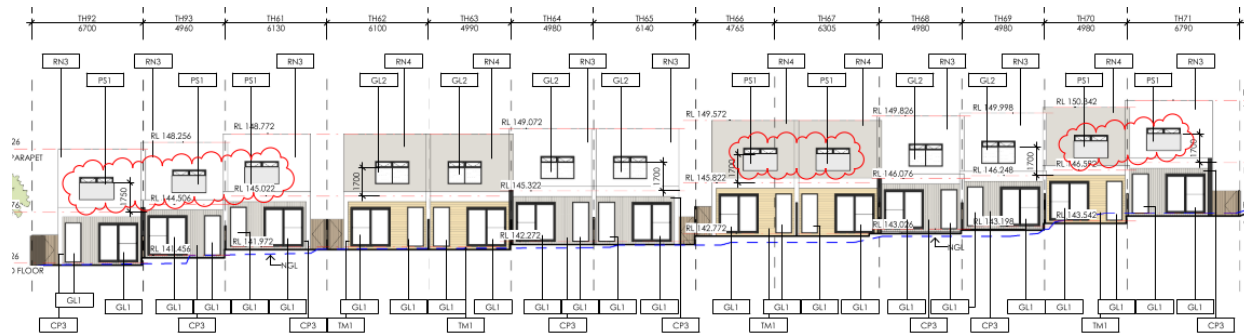


Figure 27: Rear (west) elevation TH61 – TH71 & TH92 – TH93

94. The upper-level bedrooms overlooking the Habitat Zone are shown with obscure glazing, however the planning scheme has changed, and these windows will be conditioned to contain clear glazing to provide passive surveillance of the surrounding habitat zone and meet the overlooking requirements.
95. The narrow frontage of these blocks results in a front elevation for these dwellings consisting of garage doors and the front doors. There is no surveillance opportunities from the ground level to the street and therefore the sense of address for these dwellings is compromised.
96. It will be conditioned that the front doors are provided with some glass panels to allow residents visibility of their porch and the broader frontage. The changes to the doors will provide a sense of address and safety for residents.

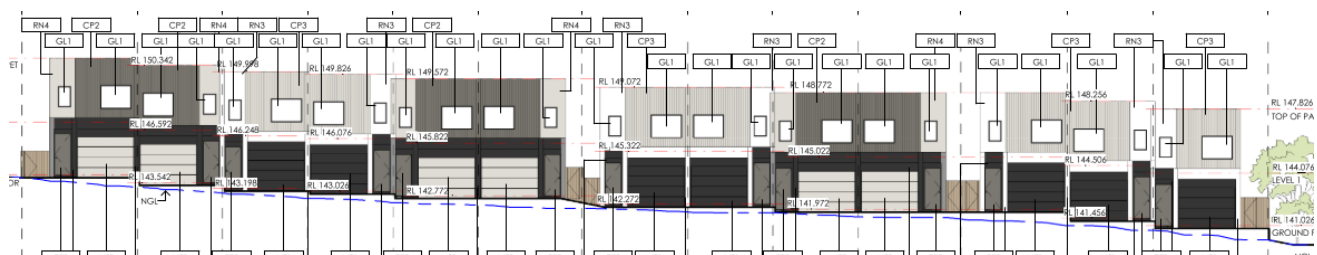


Figure 28: Front (east) elevation TH61 – TH71 & TH92 – TH93

97. Conditions will be included to ensure that driveways have limited difference in level. This will include TH70 & TH71, TH68 & TH 69 and TH61 & TH93. The variations in heights between adjacent driveways is both impractical and creates unsafe opportunities for vehicle movements.

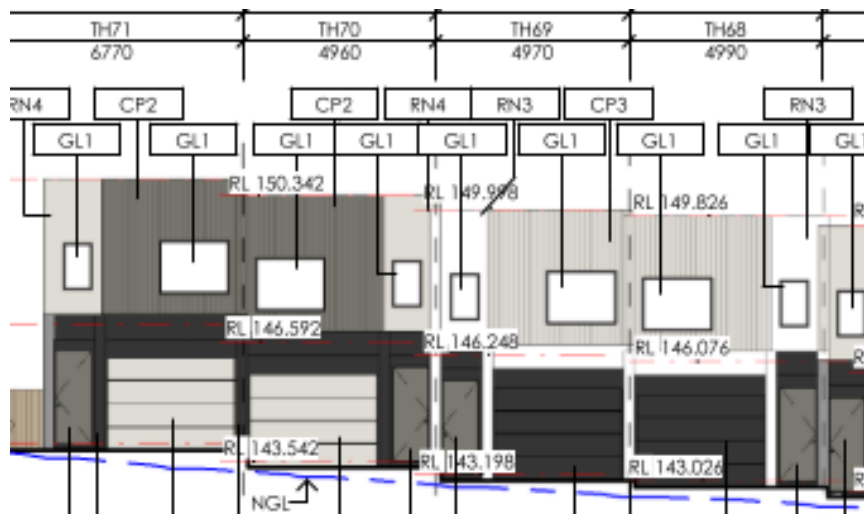


Figure 29: Front (east) elevation showing variation between driveways

Dwellings TH94 – TH103

98. The dwellings are located in the northeastern corner of the development and are provided access via a private access road. The dwellings are a combination of double storey and single storey dwellings with variations of bedroom configurations. Dwellings with 3 bedrooms are provided with a double garage or a single garage and tandem car space, dwellings with 2 bedrooms are provided a single garage.
99. An additional 7 designated visitor parking spaces have been provided within this house grouping to ensure clear access for vehicles along the street.



Figure 30: Plan layout of TH94 -TH103



Figure 31: Elevations of TH94 -TH103

100. The rear of the dwellings are adjacent Habitat Zone 6 and Habitat Zone 8 resulting in irregular shaped rear yards of varying sizes. Conditions have been included that the fencing and any associated retaining walls or site cut does not affect vegetation within the habitat zones.

Dwellings TH83 – TH86, TH104 – TH110 & TH123 -TH130

101. The dwellings are located centrally within the development and are provided access via a private access road or the new council road through the site. The dwellings are double storey attached or semi-detached terraced dwellings (3 Bed) with dwellings TH83-TH86 provided with separation at upper levels. Dwellings are provided with either single or double crossover depending on whether they are provided with a single car garage with tandem car space or a double garage.



Figure 32: plans of TH83 -TH96, TH104-TH110 & TH123 – TH130

102. Dwellings with fencing adjacent to habitat Zones will be conditioned to have permeable fencing to allow views into the habitat zones, the remainder of the dwellings can have standard boundary fencing arrangements.

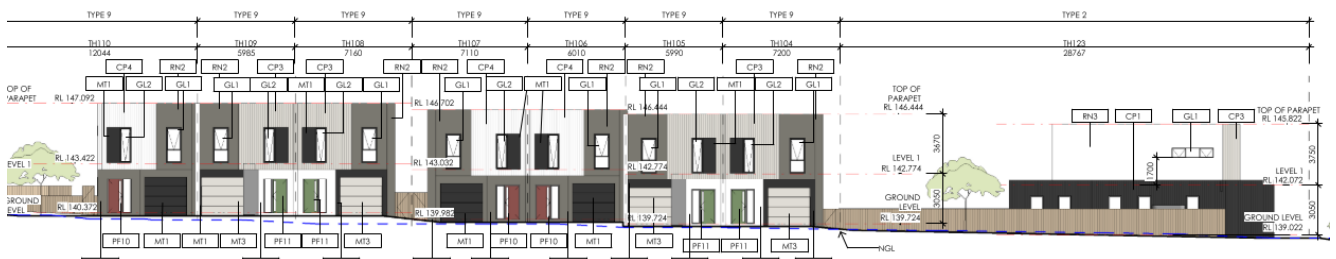


Figure 33: Street Elevation TH104-TH110

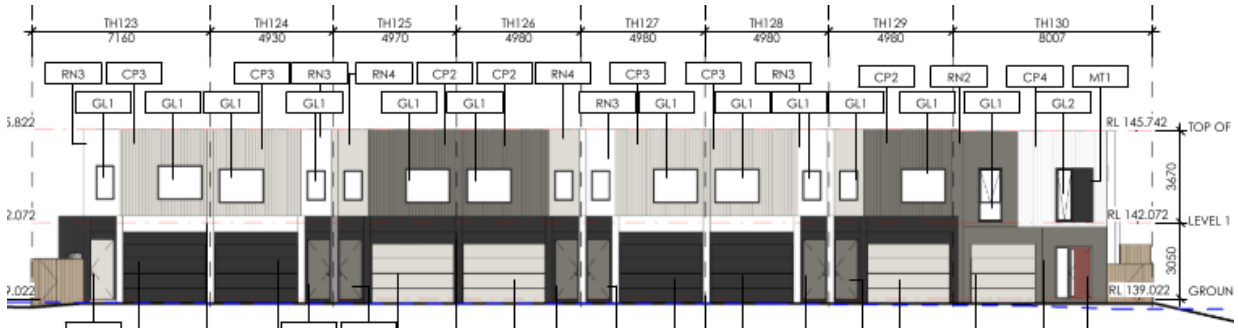


Figure 34: Street Elevation TH123 – TH130



Figure 35: Street Elevation TH83 -TH96

Dwellings TH111 – TH119

103. The dwellings are located along the northern boundary of the development and are provided access via a private access road. The dwellings are a combination of double storey terraced dwellings with combinations of various bedroom configurations (3 & 4 Bed). All dwellings are provided with a single or double width crossover depending on the garage configuration and single car garages are provided with an external car space in the driveway.
104. The provision of tandem car parking spaces in front of some dwellings creates variation to the terraced frontages and street setbacks to the new private roadway, tandem dwellings providing a greater setback than the dwellings provided with a double garage.
105. The dwellings are a variation of styles and materials and finishes providing some difference between dwellings when viewed from the street.

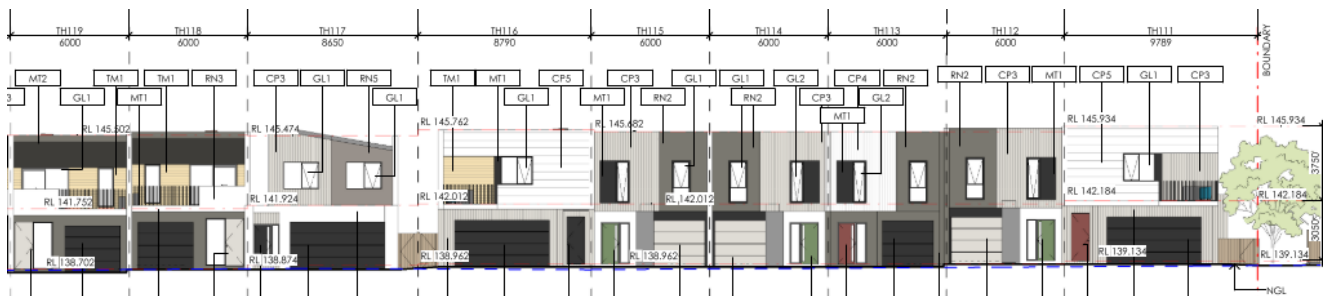


Figure 36: Street Elevation TH111 -TH119

106. These dwellings are sited on the location of the former oval of the school which is flat but does have significant fall to the north which is at the rear of the proposed dwellings and adjacent to existing housing stock which backs onto the former school site.

107. Townhouses TH111 – TH115 have a rear interface with HZ6, and results in rear yards of irregular shape and size. The rear yards are proposed to be flat and to obtain this objective they need to be provided extensive retaining walls along the edge of the protected habitat zone. The dwellings have not been designed to mitigate the extensive fall to the rear and the proposed retaining walls will create areas within the habitat zones which cannot be viewed from any dwelling.
108. A condition has been included to require all dwellings adjacent to habitat zones to have permeable fencing, it will also be conditioned that these dwellings contain some provisions within the rear yards to minimise the heights of the retaining walls.
109. The north elevation show the extent of retaining walls along the rear of this grouping of dwellings for their SPOS areas and results in a three-storey built form when viewed from adjoining properties in an area which has a neighbourhood residential zone and maximum build height of two storeys.
110. Open fencing for these properties will allow for the dwellings to have views down into the adjoining habitat zones and reduce the visual bulk.

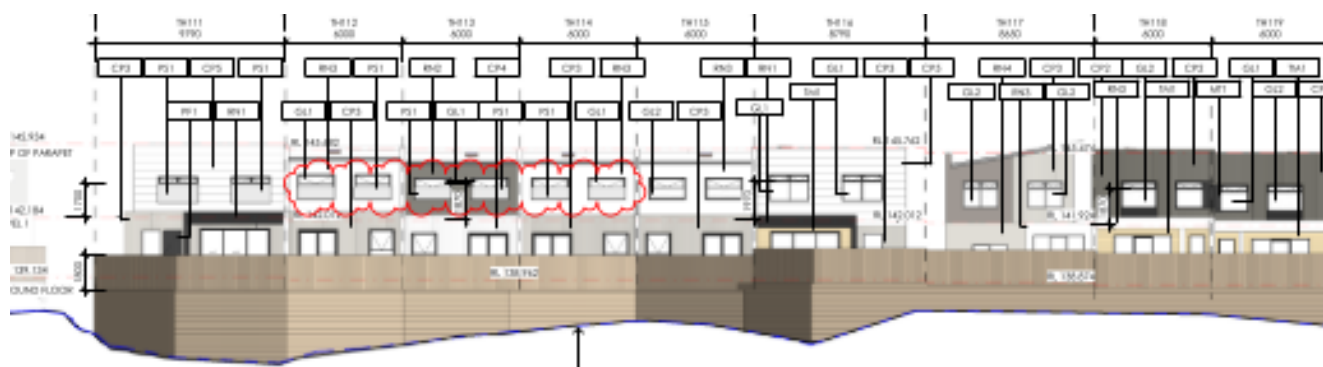


Figure 37: North Elevation TH111 -TH119

111. Dwellings TH116 - TH119 rear yards back onto an area that had proposed as public open space, this area is steep and unusable as public open space. It will be condition on any permit issued for the side boundary fencing of these dwellings be extended to the northern boundary fence, providing these dwellings with more extensive rear yards and the ability to provide stepped retaining walls and landscaping opportunities.

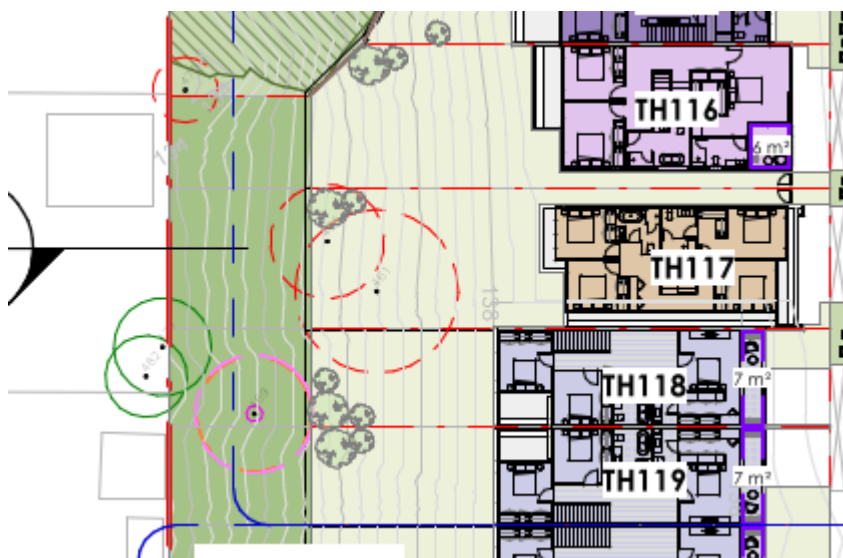


Figure 38: Plan Layout TH116 -TH119

Dwellings TH120 – TH122 & TH131 – TH135

112. The dwellings are located along the northern boundary of the development and are provided access via the new council road through the development. The dwellings are a combination of double storey attached and semi-detached terraced dwellings with combinations of various bedroom configurations (3 & 4 Bed) and two freestanding double storey dwellings. All dwellings are provided with a single or double width crossover depending on the garage configuration and single car garages are provided with an external car space in the driveway.
113. Between dwellings TH122 and TH131 is a new pedestrian access linking the subject site to a council park located on Paisley Avenue. This access breaks the built form along this northern elevation and provides views into the site.
114. Dwellings TH120 – TH122 & TH131 – TH135 rear yards back onto an area that the applicants had proposed as public open space, this area is steep and unusable as public open space. It will be condition on any permit issued for the side boundary fencing of these dwellings be extended to the northern boundary fence, providing these dwellings with more extensive rear yards and the ability to provide stepped retaining walls and landscaping opportunities.
115. Tree 481, specified as a protected scattered tree will be located within the SPOS of TH135, consideration will be required to the location and extent of retaining walls within the rear yard of this dwelling.

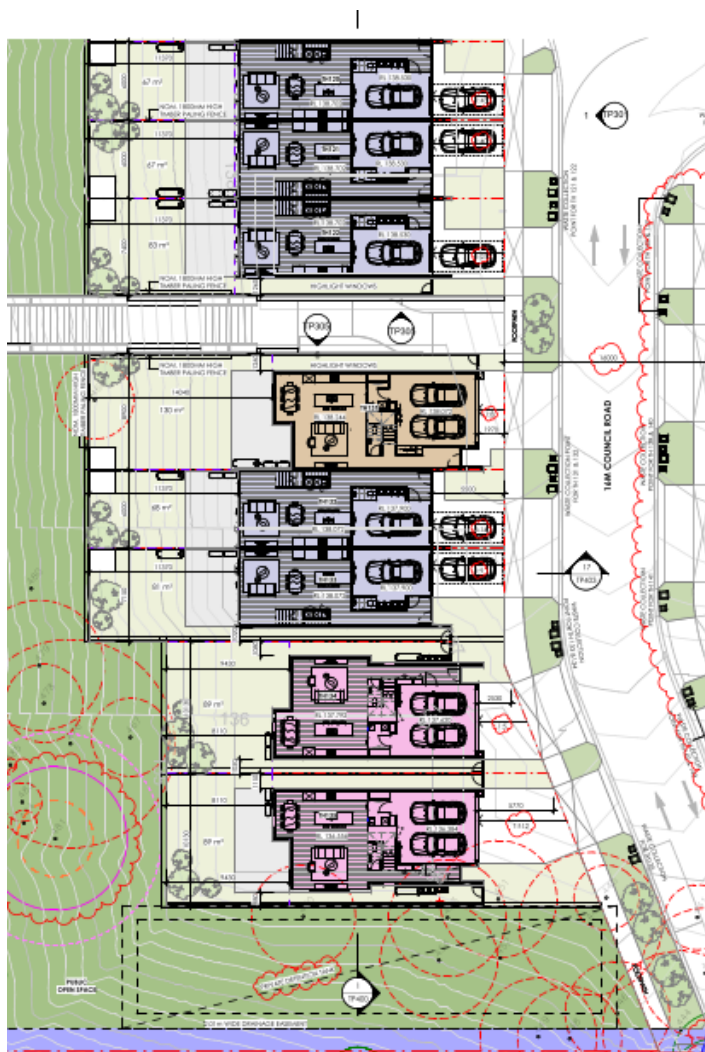


Figure 39: Plan TH120 -TH122 & TH131 – TH135

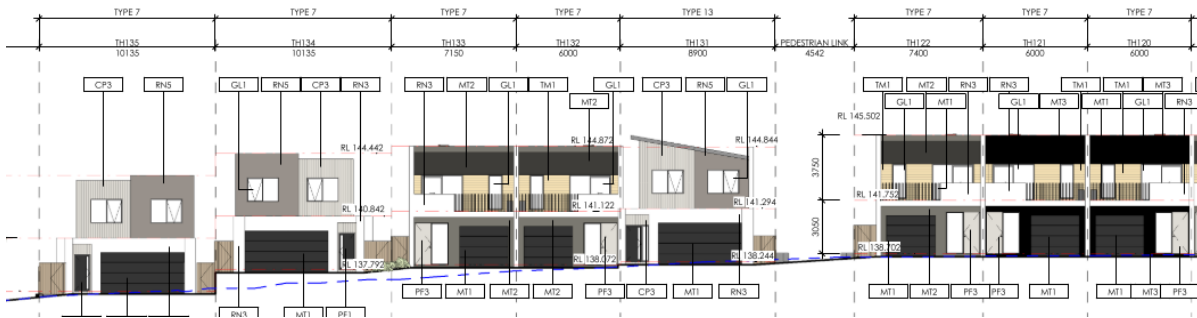


Figure 40: Elevation TH120 -TH122 & TH131 – TH135

Dwellings TH87 – TH91 & TH136 – TH144

116. Dwellings TH87 – TH91 are located along the western side of the proposed council road which will run centrally through the site. The double storey dwellings are provided with a single garage and tandem car parking space, open plan living on the ground floor and 3 bedrooms upstairs. The dwellings are provided with rear yards ranging from 81m² to 142m² and are irregular in shape due to the rear fencing being adjacent to HZ4.
117. The dwellings are predominately attached terrace style with a separation between TH88 and TH89. This terrace style allows for the minimum number of crossovers to be provided where adjacent garages are provided with double width crossover.

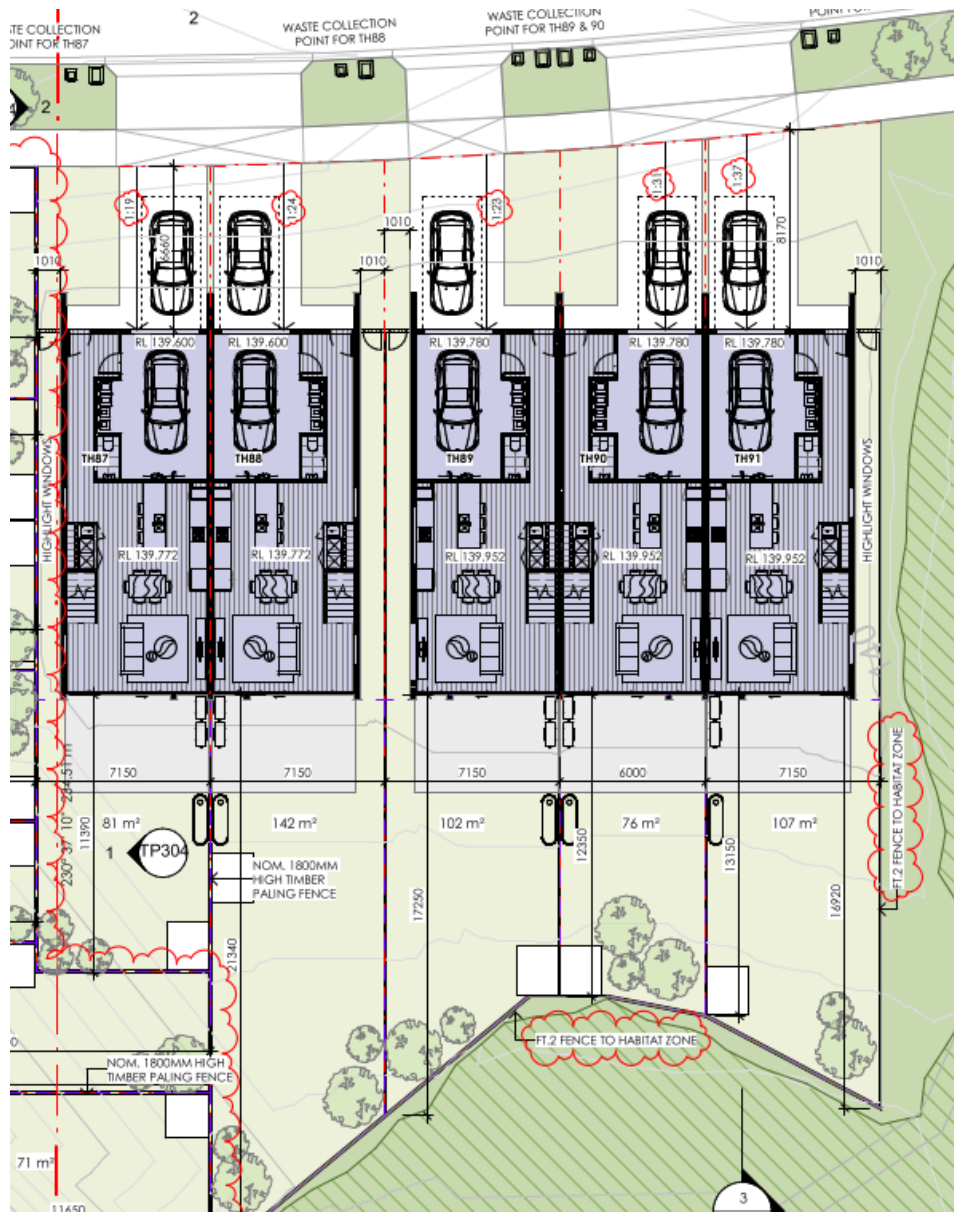


Figure 41: Plan TH87 -TH91



Figure 42: Elevation TH87 -TH91

118. These dwellings are located on predominately flat land and have minimum cut and fill associated with the dwellings.
119. Consideration will be required to be given to any trees located within HZ4 to ensure that retaining walls or location of fencing does not impact the trees.
120. Dwellings TH136 – TH144 also consist of a series of terrace style dwellings consisting of three groups of 3 dwellings.

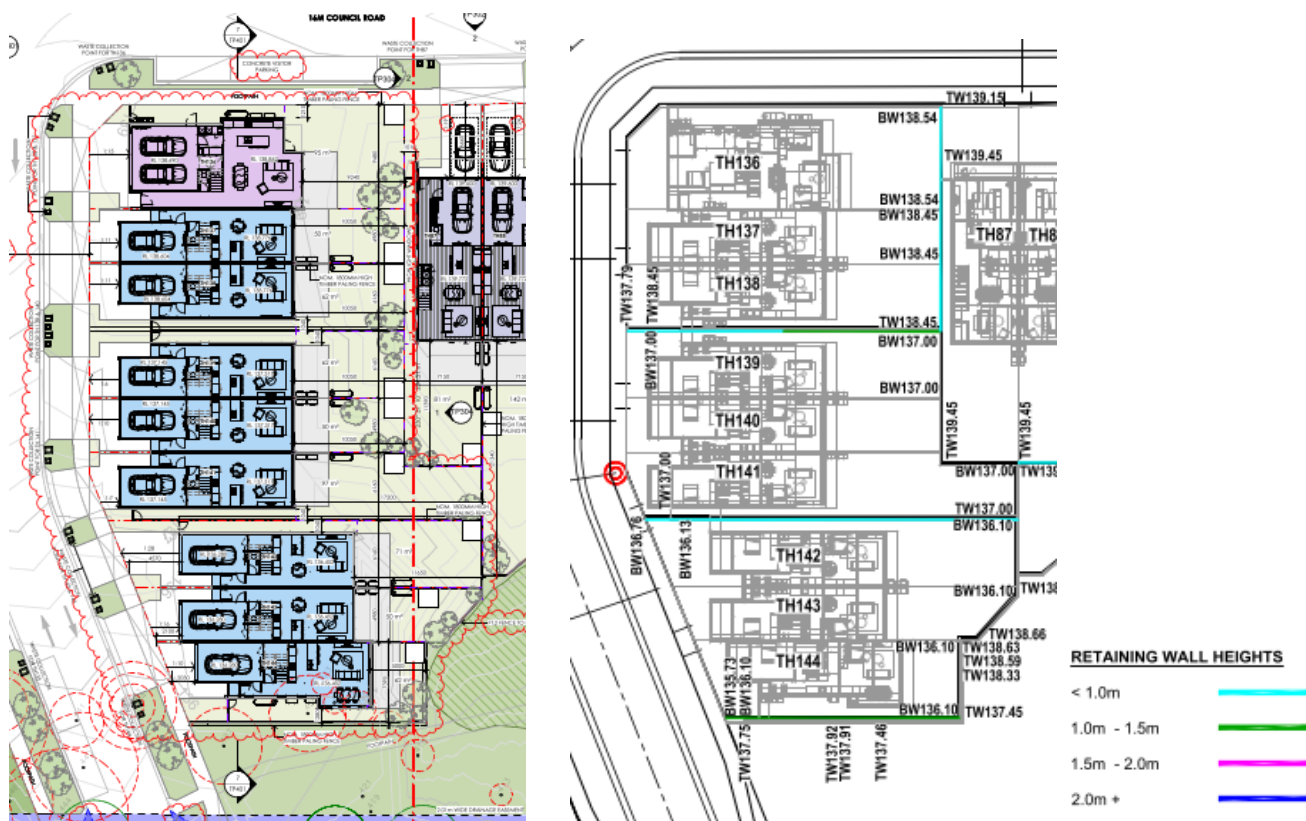


Figure 43: Plan & site cut plan TH136 -TH144

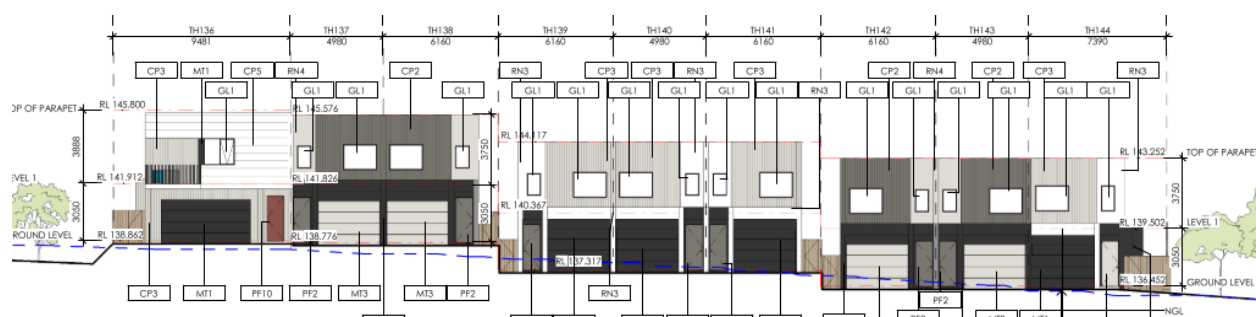


Figure 44: Elevation TH136 -TH144

121. The dwelling groups are separated by extensive site cut between each module resulting in some dwellings having compromised rear yards with extensive retaining walls and fencing and reduced sunlight to SPOS areas.
122. Dwelling TH144 provides a poor interface for entry into the development from Monroe Street, providing only one highlight window to the western elevation and limited visual interest.



123. A condition on the permit to modify the window to enable views to the west from the dwelling to the open space located adjacent to the dwelling.

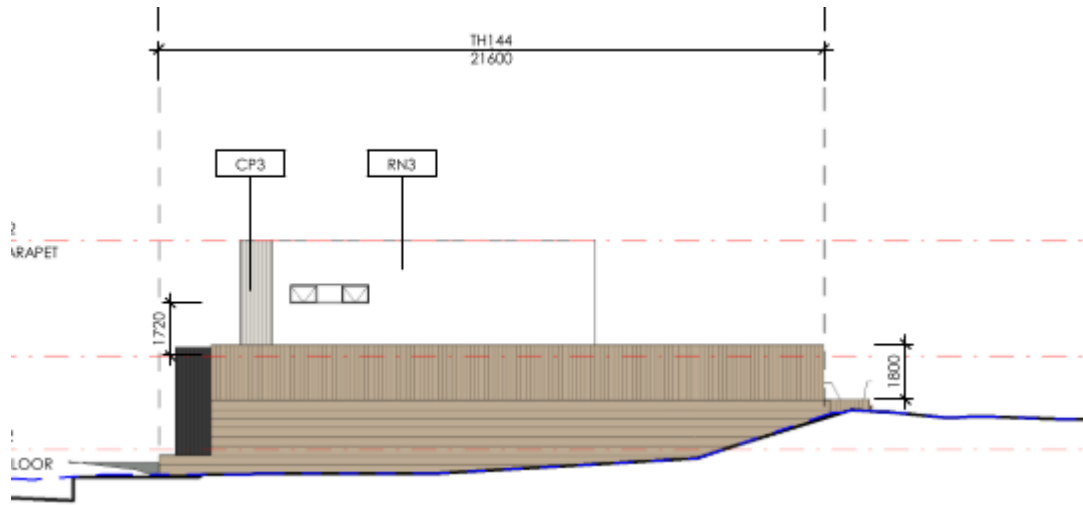


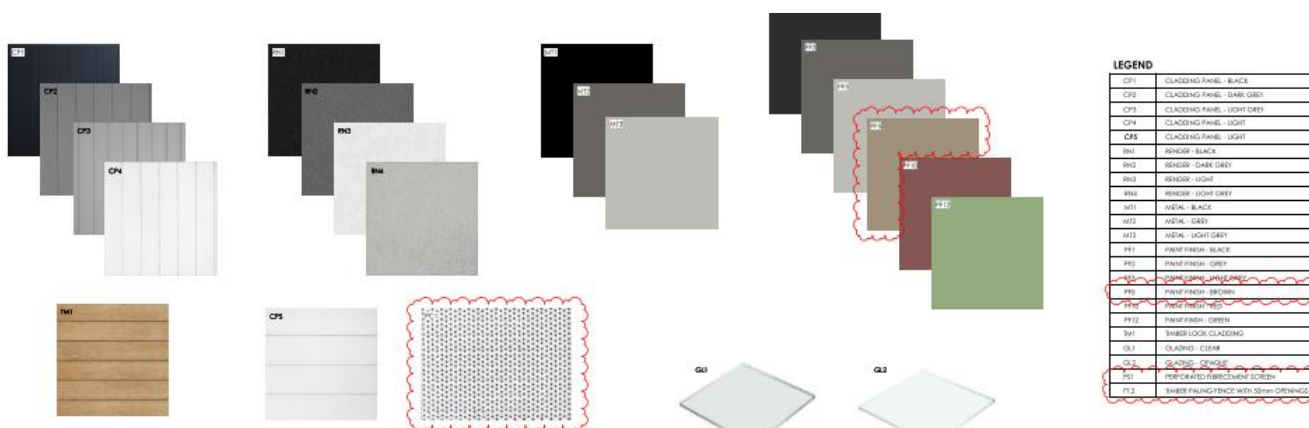
Figure 45: West Elevation TH144

Height and Setbacks

124. The proposal for double and single storey dwellings is consistent with the Development Overlay and the surrounding Neighbourhood Residential Zoned land.
125. All dwellings are set back from boundaries with adjoining properties ensuring consistency with the surrounding pattern of development.
126. Overall the development of the dwellings is consistent in heights with surrounding development and meets the objectives of the zone.

Design Detail

127. Planning policy, DPO14 and the approved Development Plan collectively seek to ensure that the future dwellings enhance the existing context and provides a high-quality architectural design. The proposal incorporates a muted colour palette applied to quality materials including cladding panels, render and paint finishes.
128. The coordinated placement of these materials throughout the site will ensure consistency of architectural language within the development while providing for a high degree of articulation and visual interest.



129. The proposal will provide a high degree of internal amenity for most of the dwellings, with well-sized bedrooms, provision for secluded private open space, storage and lock up garages. Conditions will be included to amend the layout of some of the dwelling types to improve internal amenity for future residents.

Landscaping and Public Realm

130. The approved Development Plan and DPO14 seek to ensure that the development provides a new street network which improves pedestrian and vehicular permeability and connectivity within the neighbourhood and provides a positive interface to the public open space and the habitat zones.
131. The submitted landscape concept plan shows that four new privately owned roads will be accessed via the new public road through the site and will be delivered as part of the development. These new roads will contribute to connectivity within the neighbourhood and improve vehicle and pedestrian permeability through the large site.
132. Furthermore, the detailed cross-section for each of these respective roads identify space for new footpaths, nature strips and canopy trees. This will ensure good pedestrian permeability through the site, providing good connections to the new public open space, habitat zones, Mount View Road, Moncoe Street and Paisley Avenue Reserve.
133. The landscape concept plan provides detail of landscaping to be provided within the private and public spaces associated with dwellings, landscaping along nature strips and street trees and landscaping within the public open space.
134. The extensive habitat zones and the public reserve are to be vested with the council following the completion of the development. Given the significance of this infrastructure, it is considered appropriate to review it independently from the overarching site landscape plan. Accordingly, a permit condition will require provision of a separate habitat zone landscape plan. This will also ensure that the broad landscape plan concept can proceed without prejudicing the design of any works within the habitat zones.

Habitat Zones and Scattered Trees

135. The development is sited around the existing habitat zones located throughout the site. These habitat zones are protected within the Development Plan Overlay Schedule 14 which includes Map 1 defining the location of habitat zones and scattered trees to be retained.
136. The habitat zones include various species of trees located along the edge of protected areas and the proposed development. Trees located along the boundaries of the development areas will be conditioned to be shown on the plans, including the SRZ and TPZ radius to ensure that no works, including site cut/fill or retaining walls are located within the TPZ of these trees.

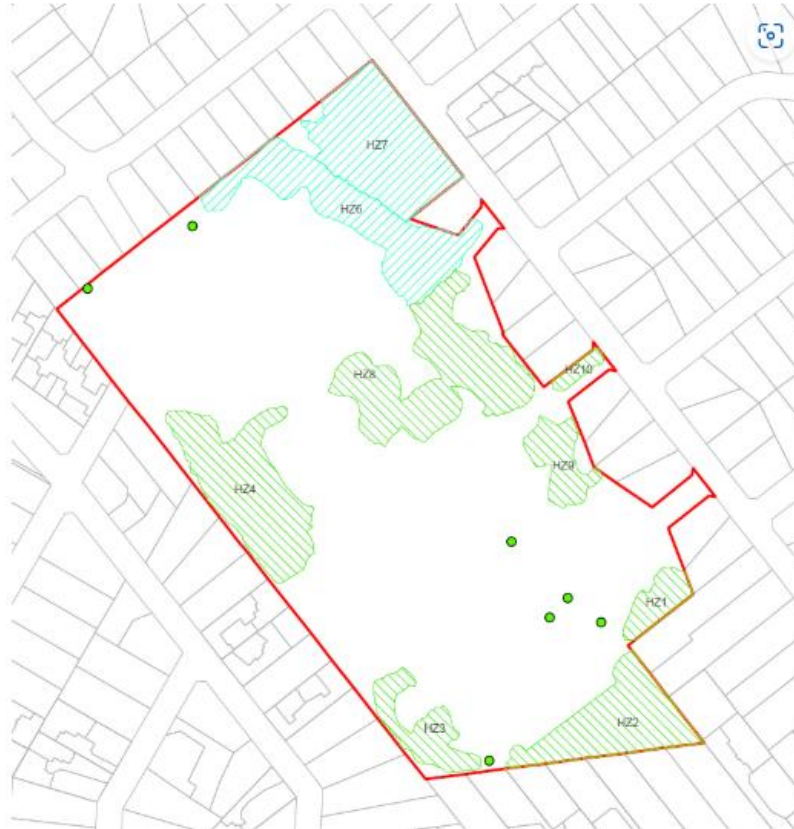


Figure 46: Map 1 to Schedule 14 to Clause 43.03

137. Trees along the edges of the habitat zones close to development will be required to be included on the plans as a permit condition and the associated SRZ and TPZ in accordance with the Arborist report Endorsed on 2 May 2023 and prepared by Arbkey, dated February 12, 2023. The following trees and associated TPZ and SRZ are required to be shown on the development plans:

Tree No.	Species	SRZ (m)	TPZ (m)
26	Eucalyptus radiata – Narrow leaved peppermint	2.1	3.46
182	Eucalyptus radiata – Narrow leaved peppermint	2.59	5.33
183	Eucalyptus gonicalyz – Long-leaved box	2.85	7.68
186	Eucalyptus obliqua – Messmate Stringybark	3.31	10.8
192	Quercus robur – English Oak	1.91	2.64
219	Eucalyptus obliqua – Messmate Stringybark	3.17	10.75
222	Eucalyptus obliqua – Messmate Stringybark	2.76	8.39
277	Eucalyptus obliqua – Messmate Stringybark	2.37	4.32
278	Eucalyptus obliqua – Messmate Stringybark	2.1	3.48
280	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.85	7.57
282	Eucalyptus obliqua – Messmate Stringybark	2.85	7.32
283	Eucalyptus obliqua – Messmate Stringybark	2.57	5.28
286	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.67	5.64
316	Eucalyptus obliqua – Messmate Stringybark	3.17	10.08
333	Eucalyptus obliqua – Messmate Stringybark	1.85	2.76
337	Eucalyptus obliqua – Messmate Stringybark	2.93	7.8
351	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2	3
358	Eucalyptus cephalocarpa – Silver-leaved Stringybark	1.94	2.64
359	Eucalyptus viminalis subsp. Pryoriana – Gippsland Manna Gum	3.72	13.08

369	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.3	4.44
371	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.57	5.52
382	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.53	5.88
390	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.71	6.6
395	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.73	6.36
397	Eucalyptus obliqua – Messmate Stringybark	3.17	9.28
398	Eucalyptus obliqua – Messmate Stringybark	2.67	5.64
399	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.71	2.71
400	Eucalyptus cephalocarpa – Silver-leaved Stringybark	3.38	11.82
402	Eucalyptus obliqua – Messmate Stringybark	3.12	9.12
407	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.76	7.32
408	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.8	6.96
414	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.57	6.12
417	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.39	4.92
450	Eucalyptus cephalocarpa – Silver-leaved Stringybark	3.57	11.16
458	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.76	6.72
463	Casuarina cunninghamiana – River She-oak	2.25	4.2
464	Eucalyptus cephalocarpa – Silver-leaved Stringybark	3.01	9.46

138. The addition of these trees on the plans and associated TPZ's will ensure that the buildings and works for site cut/fill and construction of retaining walls is located outside of the TPZ areas and does not encroach more than the allowable 10% as specified under Australian Standards.
139. In addition to the habitat zones, 7 scattered trees are located on the site which require separate protection, significantly in areas where there is building works to be undertaken around the tree.
140. The scattered trees have the following protection zones and have been shown on the development plans.

Tree No.	Species	SRZ (m)	TPZ (m)
35	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.37	4.08
49	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.85	7.44
89	Eucalyptus cephalocarpa – Silver-leaved Stringybark	2.39	4.92
136	Eucalyptus sp. - Gum	2.37	2.37
194	Eucalyptus obliqua – Messmate Stringybark	2.73	6.96
469	Eucalyptus sp. - Gum	3.51	3.51
481	Eucalyptus yarraensis– Yarra Gum	2.93	8.16

141. Tree protection conditions addressing the above will be included in any permit issued.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

142. The following car parking rates are relevant to the application:

Dwelling	Rate	Amount Required	Amount Provided
2-bedroom dwellings	1 car space per dwelling	41	41
3- and 4- bedroom dwellings	2 car spaces per dwelling with at least one space undercover	206	206
Visitors	For visitors to every 5 dwellings for developments of 5 or more dwellings	28	58



143. Each two-bedroom dwelling includes a single car garage, while the three- and four-bedroom dwellings are each provided with either a double garage or a single garage with tandem car space.
144. The internal dimensions of all garages and car spaces comply with the requirements of Clause 52.06-9.
145. Further, the proposal complies with relevant Clauses 52.06-9 (Design standards for car parking) as follows:
- At least one car space is provided undercover (garage).
 - The double garage dimensions are 6m long and 5.5m wide.
 - Accessways are a minimum of 3m wide.
 - Includes sufficient space to accommodate a corner splay or an area at least 50 per cent clear of visual obstructions extending at least 2m along the frontage road from the edge of an exit lane and 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. A permit condition will ensure this is provided.
 - All garage structures are appropriately integrated within the design of the dwelling to ensure an appropriate design outcome.
 - Vehicles are capable of exiting the site in a forward direction from the private roads into Mount View Road and Moncoe Street.
146. The extent, quality and design of the car parking is acceptable. The proposal proposes extensive designated visitor car parking spaces indented to the nature strip to allow clear access to roadways for traffic to pass uninhibited.

Bicycle Facilities

147. Clause 52.34-1 of the Scheme requires bicycle parking facilities for multistorey residential development. Guidance is limited on the provision of bicycle parking for residential housing developments.
148. However, the development provides a designated bicycle parking space in each garage exceeding the statutory requirements.

Waste

149. A Waste Management Plan (WMP) prepared by SMEC, dated February 22, 2023, was provided and endorsed as part of the Development plan.
150. The submitted waste management plan identifies that waste collection will be facilitated by a private contractor with bins to be placed kerbside. The WMP provides details for the collection of four waste streams including general waste, FOGO, recycling and glass recycling.
151. Hard waste would continue to be collected via Knox City Council hard rubbish collection strategy which enables residents to book a collection time which suits the resident.
152. The plans demonstrate adequate kerbside width to accommodate bins enabling this collection to occur in an efficient manner.
153. The WMP demonstrates that there is sufficient road width and circulation paths for private waste collection vehicles to enter the private roads, supported by swept path diagrams.

Environmental Risks

Flood Mitigation

154. The application was referred to Knox City Council, who supported the proposal subject to conditions. The site is designated as flood prone on council's internal flood mapping system.
155. Knox City Council internally referred the application to the civil drainage engineers who provided additional conditions regarding flood modelling reports to be submitted as part of documentation for endorsement to ensure the adjoining residential properties are not flooded during 1 in 100-year flood events.

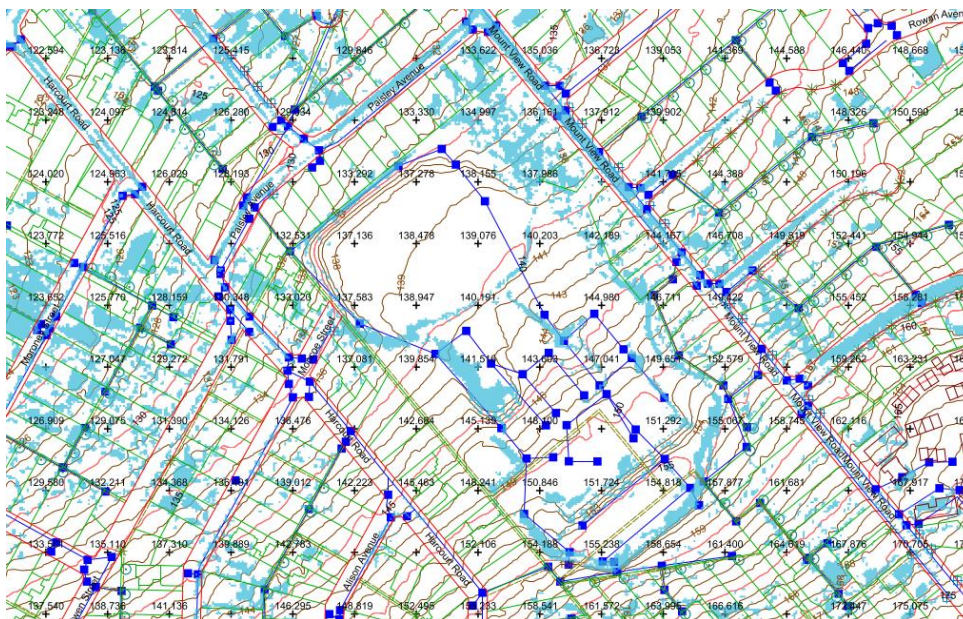


Figure 47: Flood and drainage map (Source: Knox City Council)

156. The extent of localised flooding is highlighted in the mapping provided by Knox City Council, this mapping also provides confirmation that the entire site drains to one point in the northwest corner.
157. Conditions will be included in any permit issued to provide flood modelling and submission of drainage plans which will be referred to and reviewed by Knox City Council. Calculations and provision of stormwater retention systems on the plans will provide confirmation that the development can accommodate stormwater on-site and not result in additional flooding of compromised properties adjoining the site to the north and northwest.

Bushfire Risk

158. The site is located at the foothills of the Dandenong ranges and the southern boundary of the site is located within a designated bushfire prone area.
159. The area subject to being bush fire prone is not proposed to be built upon as it is located within HZ2 and HZ3 and within the rear SPOS of dwellings located along this boundary.
160. The bushfire risk will be assessed as part of the building permit process and if these dwellings located along the southern boundary are deemed to be at risk they will be required to be designed to the appropriate BAL rating.

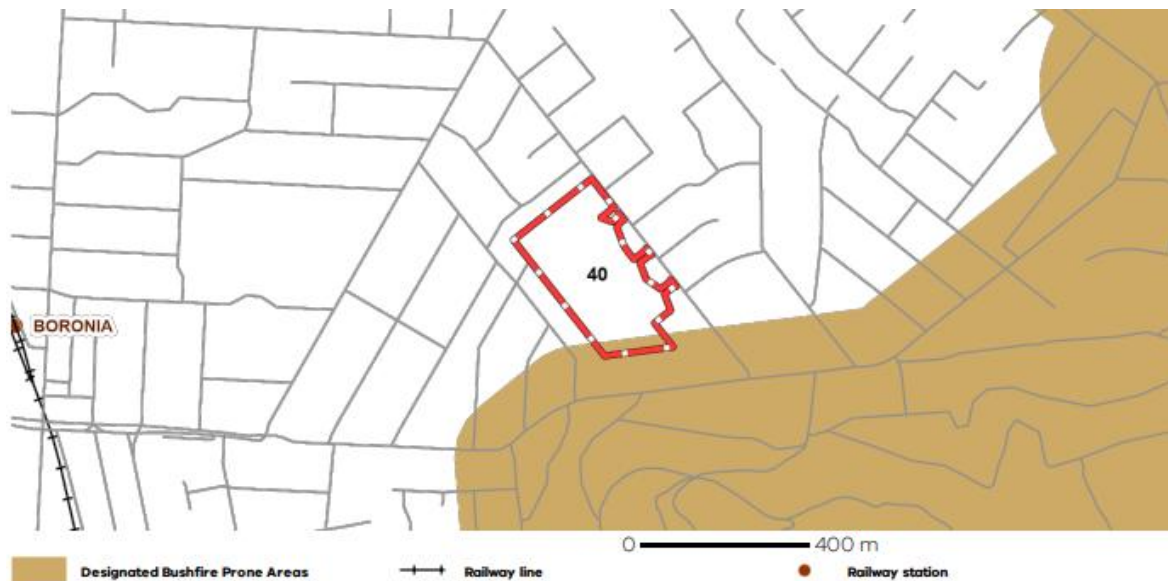


Figure 48: Bush fire prone area

Sustainability

Environmentally Sustainable Design (ESD)

161. The application was submitted with a Sustainable Management Plan (SMP) which was prepared by SBE Melbourne, V2, dated 7 June 2022. This report was endorsed as part of the Development Plan application and demonstrates that the dwellings achieve a minimum BESS percentage of 51% demonstrating that the dwellings achieve a minimum of best practice.
162. The SMP will be required to be updated to reflect changes to the dwellings which have been required through the application process. The BESS report assessment of dwellings will need to achieve a minimum of 51% which meets best practice.

Water Sensitive Urban Design (WSUD)

163. Water sensitive design has been considered as part of the Sustainable Management Plan which includes a WSUD assessment as appendix E of the report prepared by SBE Melbourne, dated 7 June 2022.
164. The WSUD assessment has been undertaken using a typical dwelling (TH52) and calculated the roof area of this dwelling to inform calculations for the STORM report. All dwellings will be provided with a 2000L rain water tank for the supplying of water for toilet flushing and provision of an external tap for irrigation of the garden.

Stormwater Management

165. The development has an endorsed Infrastructure and Stormwater Management Plan, prepared by SMEC, which was required to be provided and endorsed as part of the Development Plan assessment process. The report will be required to be updated with information provided as part of this application to include the proposed dwellings and road layouts.
166. Conditions have been provided by City of Knox Drainage Engineers for additional information to be included in the report to address stormwater run off from the infrastructure, including dwellings and road network.

- 
167. The conditions require the provision of updated calculations for the management of stormwater, quantity analysis, overland flow and flood calculations, stormwater quality and drainage discharge from the site when connected to the legal point of discharge.
168. The council recommended conditions to be included as part of the permit. DTP agrees with the proposed conditions as the council has clearly demonstrated that stormwater discharge from the site has implications to adjoining properties. The legal point of discharge is located at the northwestern corner of the subject site and maps provided by the City of Knox confirm adjoining dwellings are currently classified as flood prone by councils' drainage engineers.
169. The drainage concerns will be required to be addressed by the proponent and submitted documents for endorsement will be required to be assessed by the City of Knox drainage engineers in consultation with DTP officers.
170. Subject to the above conditions and assessment by council, the proposal will result in appropriate stormwater and flooding outcomes.

Native Vegetation

171. Clause 52.17 is triggered with the proposed removal of eight trees from the site: These include Trees 42, 123, 131, 132, 141, 147, 153 and 159 as identified by Arboricultural Impact Assessment report.
172. A biodiversity report was submitted and endorsed by the department as part of the Development Plan application. The report details the field assessment and provides details of sties which can be utilised to satisfy General Habitat units. The report confirms the general offset amount 0.011 general habitat units is required to be offset within Port Phillip and Weterport Catchment Management Authority (CMA) or Knox City Council.
173. Permit conditions will be included for the details of the location of offset planting in accordance with the general habitat unit offsets detailed in the report prepared by ecology & heritage, dated 19/05/2022 and endorsed as part of the development plan approval.

Other Matters

Cultural Heritage

174. The land is not affected by Cultural Heritage and therefore a CHMP is not required to be submitted as part of the application documents.

Staging

Subdivision of Land

175. It is noted that when the Development Plan was approved, an assessment against Clause 56 was undertaken, as such the proposal continues to comply with the requirements of Clause 56 noting the below:
- The proposal supports redevelopment that offers a diversity of housing types with the Boronia area and the setbacks from adjacent boundaries which allows for an appropriate transition between the subject site and the surrounding Neighbourhood Residential Zone.
 - The site will be subdivided into 144 lots and will be connected to the existing road network through the provision of a new council road and several private roads.
 - The lots have a variety of sizes complementing the diversity of dwelling types.
 - The subdivision provides new public open space of approximately 6000 square metres (7.5%) which is below the requirements. A financial contribution will have to be made to make up the difference.

- The proposed subdivision pattern responds to the habitat zones located within the site to ensure that they continue to be protected.
- The size of the proposed lots will allow for off street parking to be provided at the statutory parking rate.
- The subdivision is in an existing residential area and will be able to access existing utility services, including water, sewerage, drainage and electricity.
- The submitted traffic report indicates that the level of traffic expected can be suitably absorbed by the surrounding road network.

Removal of easements

176. The application requires the removal of various easements located within the site. These easements were provided as part of the school development and are therefore redundant.
177. Conditions will be included for an updated survey plan clearly detailing the easements to be removed as part of the amended plans.

Council Considerations

178. Council have been consulted and provided guidance through the application process due to the significant constraints on the site and the extensive areas of habitat zones which will be vested to council at the completion of the development.
179. Council concerns have been addressed in Appendix 2 of this report.
180. Concerns have also been raised by council regarding the lack of screening to upper level windows of the new development which is in line with the new clause 55 assessment criteria. It is noted the development was predominately assessed under the old clause 55 however there are no overlooking opportunities to dwellings adjacent to the development site. In addition, the benefits of ensuring the new dwellings have views into the adjacent habitat zones from upper levels providing a significant safety benefit to the overall development.
181. Council provided conditions in regards to drainage, roads and for the habitat zones as part of their response and the department has predominately incorporated councils requirements into the proposed permit.
182. Conditions of significance including drainage, Construction Management, roads and drainage, Environmental Management and Stormwater Management are to be assessed in consultation with the City of Knox. These conditions require the input of specialised services including drainage engineers, traffic engineers and planning enforcement officers to ensure the development does not adversely affect the properties surrounding the site.

Subdivision

183. The assessment against clause 56 for the subdivision was undertaken as part of the development plan assessment and approval. This application confirms that the proposed subdivision remains consistent with the development plan including lot sizes and layouts and subject to conditions will remain consistent with the Development Plan approved by the department.



184. The proposal is generally consistent with the relevant planning policies of the Knox Planning Scheme and is generally in accordance with the approved Development Plan.
185. The proposal will contribute to the provision of 144 dwellings within the Boronia area, with a mix of housing typologies.
186. The proposal will provide additional affordable housing and contribute to the objectives of the Inclusionary Housing Pilot Scheme.
187. The proposal has been formally referred to the relevant referral agencies, who do not object to the proposal, subject to conditions of any permit to issue.
188. Knox City Council was informally notified of the application, and their comments have been considered as part of the application.
189. It is recommended that Planning Permit No. **PA2302487** for the Construction of 144 dwellings and subdivision at 40 Mount View Road, Boronia be issued subject to conditions.
190. It is **recommended** that the applicant and the council be notified of the above in writing.

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: Senior Planner, Development Approvals and Design

Signed:

Phone:

Dated: 27 June 2026

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: Manager, Development Approvals and Design

Signed:

Phone:

Dated: 30 June 2026

Appendix 1: Clause 55 Assessment



The following tables comprise an assessment of the proposed dwellings against clause 55 of the planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment
<i>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</i> <i>In relation to the neighbourhood:</i> <i>The pattern of development of the neighbourhood.</i> <i>The built form, scale and character of surrounding development including front fencing.</i> <i>Architectural and roof styles.</i> <i>Any other notable features or characteristics of the neighbourhood.</i> <i>In relation to the site:</i> <i>Site shape, size, orientation and easements.</i> <i>Levels of the site and the difference in levels between the site and surrounding properties.</i> <i>The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.</i> <i>The use of surrounding buildings.</i> <i>The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.</i> <i>Solar access to the site and to surrounding properties.</i> <i>Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.</i> <i>Any contaminated soils and filled areas, where known.</i> <i>Views to and from the site.</i> <i>Street frontage features such as poles, street trees and kerb crossovers.</i> <i>The location of local shops, public transport services and public open spaces within walking distance.</i> <i>Any other notable features or characteristics of the site.</i> <i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i> Satisfactory neighbourhood and site description <i>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</i> <i>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.</i> <i>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</i>	Application complies The proposal responds to the urban context but provides a more intense built form than the surrounding neighbourhood character and prevailing subdivision pattern. However, the development is proposed to meet the character of the area envisaged by the approved Development Plan.

Design response

Clause 55.01-2	Assessment
<i>The design response must explain how the proposed design:</i> <i>Derives from and responds to the neighbourhood and site description.</i> <i>Meets the objectives of Clause 55.</i> <i>Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</i>	Complies The application responds to the relevant planning policy and objectives of Clause 55. The development responds to the new neighbourhood character proposed by the approved development plan.



- If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.
- The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Neighbourhood character objectives

Street setback objectives

Clause 55.02-1

Assessment

Objectives

- To ensure that the setbacks of a buildings form a street respond to the existing or preferred neighbourhood character and make efficient use of the site.

Complies with the objective.

Standard B2-1

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in Table B2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.

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.

The proposed front setbacks to the new streets varies within the development.

The development is provided with new roads which provide access to the new dwellings, there are no new dwellings located on existing council roads which would need to comply with the standard street setback requirements.

Table B2-11 Street setback

Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting	Front walls of new development



	allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.	fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.	
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Building height objectives

Clause 55.02-2	Assessment
Objectives To ensure that the height of buildings respond to the existing or preferred neighbourhood character.	Complies
Standard B2-2 - The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. - If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross-section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.	The development has a maximum height of two storeys which is consistent with the maximum heights as specified within the neighbourhood residential zone. The proposal is consistent with the approved development plan.

Side and rear setbacks objective

Clause 55.02-3	Assessment
Objective To ensure that the height and setback of a building from a boundary responds the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.	Complies
Standard B2-3 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.	The dwellings are proposed as attached or semi-detached terrace style which will not affect any adjoining residential properties located on adjacent streets.



- *Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:*
 - *B2-3.1:*
The building is setback at least 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.
 - *B2-3.2*
If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.
- *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.*
- *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.*

Walls on boundary objective

Clause 55.02-4	Assessment
Objective • <i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.</i>	Complies
Standard B2-4 • <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances:</i> - <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> - <i>The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.</i> • <i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i> • <i>A building on a boundary includes a building set back up to 200mm from a boundary.</i> • <i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i>	Where walls are located on a boundary, the adjoining dwelling matches the length of wall on boundary.

Site coverage objective

Clause 55.02-5	Assessment
Objective • <i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	Complies



Standard B2-5

- The site area covered by buildings should not exceed:
 - The maximum site coverage specified in a schedule to the zone; or
 - If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.
- If the maximum site coverage is specified in a schedule to the zone, it must be greater than the percentage specified in Table B2-5.

Table B2-5 Site Coverage

Zone	Area
Neighbourhood Residential Zone	60 per cent
Township Zone	
General Residential Zone	65 per cent
Residential Growth Zone	
Mixed Use Zone	70 per cent
Housing Choice and Transport Zone	

The proposed site coverage of the overall site is 17.6% which is well below the allowable site coverage of 60% across the broader site.

Access objective

Clause 55.02-6	Assessment
Objectives • To ensure the number and design of vehicle crossovers responds to the neighbourhood character.	Complies
Standard B2-6 • The width of accessways or car spaces (other than to a rear lane) does not exceed: ○ 33 per cent of the street frontage, or ○ 40 per cent of the street frontage if the width of the street frontage is less than 20 metres. • The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased. • The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.	The submitted plans allows for a single crossover to each dwelling and crossovers have been kept to a practical minimum. The design avoids a proliferation of crossovers and driveways. Where possible, crossovers for dwellings have been consolidated with adjacent ones.

Tree canopy objective

Clause 55.02-7	Assessment						
Objective • To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings the streetscape. • To preserve existing canopy cover and support the provision of new canopy cover. • To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.	Complies						
Standard B2-7 • Provide a minimum canopy cover as specified in Table B2-7.1. <table><caption>Table B2-7.1</caption><tr><th>Site area</th><th>Canopy cover</th></tr><tr><td>1000 square metres or less</td><td>10% of the site area</td></tr><tr><td>More than 1000 square metres</td><td>20% of the site area</td></tr></table> • Existing trees to be retained meet all the following: ○ Has a height of at least 5 metres, ○ Has a trunk circumference of 0.5 metres or greater at 1.4 metres above	Site area	Canopy cover	1000 square metres or less	10% of the site area	More than 1000 square metres	20% of the site area	The development will retain large extents of vegetation and tree canopy within the habitat zones. Conditions will be included requiring a new canopy tree to be planted within the front and rear setbacks of all new dwellings.
Site area	Canopy cover						
1000 square metres or less	10% of the site area						
More than 1000 square metres	20% of the site area						



- ground level,
 - Has a trunk that is located at least 4 metres from proposed buildings.
- The minimum canopy cover is met using any combination of trees specified in Table B2-7.2
- Existing trees that are retained can be used in calculating canopy cover.

Table B2-7.2 Tree type, canopy cover, deep soil planter requirements

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of planter soil
A	4 metres	6 metres	12.6 sqm	12 cubic metres (min. plan dimensions 2.5 metres)	12 cubic metres (min. plan dimensions 2.5 metres)	0.8 metre
B	8 metres	8 metres	50.3 sqm	49 cubic metres (min. plan dimensions 4.5 metres)	28 cubic metres (min. plan dimensions 4.5 metres)	1 metre
C	12 metres	12 metres	131.1 sqm	121 cubic metres (min. plan dimensions 6.5 metres)	64 cubic metres (min. plan dimensions 6.5 metres)	1.5 metre

- Provide at least one new or retained tree in the front setback and the rear setback.
- Trees are located in either:
 - An area of deep soil as specified in Table B2-7.2; or
 - A planter as specified in Table B2-7.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

Front fences objective

Clause 55.02-8

Assessment

Objective

- To encourage front fence design that responds to the existing or preferred neighbourhood character.

Not applicable

Standard B2-8

- A front fence within 3 metres of a street is:
 - The maximum height specified in a schedule to the zone, or
 - If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

No front fencing is proposed within the development.

Table B2-8 Maximum front fence height

Street context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

Liveability

Dwelling diversity objective

Clause 55.03-1	Assessment
Objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Complies
Standard B3-1 - Developments include at least: - One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings. - One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.	The development consists of 144 dwellings, including a range of single and double storey dwellings. Eight dwellings are single storey, and an additional 11 double storey dwellings have bedrooms at ground level, providing a total of 18 dwellings meeting the standard. 103 dwellings are provided with 3 or more bedrooms, this includes 72(3 bed) and 31(4bed) dwellings. This dwelling mix meets the standard.

Parking location objectives

Clause 55.03-2	Assessment
Objectives To minimise the impact of vehicular noise within developments on residents.	Complies
Standard B3-2 - Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least: 1.5 metres; or - If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or 1 metre where window sills are at least 1.5 metres above ground level. - This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.	No windows are located adjacent to driveways meeting the standard.

Street integration objectives

Clause 55.03-3	Assessment
Objectives To integrate the layout of development with the street to support the safety and amenity of residents.	Complies subject to conditions
Standard B3-3 - Where a development fronts a street, a vehicle accessway or abuts public open space: - Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space. - The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.	Conditions will be included to ensure that passive surveillance is achievable of the adjoining habitat zones from bedroom windows. For dwellings with no opportunity for a living space within the front of the dwelling a condition will be included for the front doors to have a portion of clear glazing to allow views to the street and front entries of dwellings. A condition will be included for each dwelling to be provided with a mailbox in accordance with Australia

- *Lighting is provided to all external accessways and paths.*
- *Mailboxes are provided for each dwelling and can be communally located.*

Post standards.

Entry objective

Clause 55.03-4	Assessment
Objective • <i>To provide each dwelling, apartment development or residential building with its own sense of identity.</i> • <i>To provide entries with weather protection, safe design, natural light and ventilation.</i>	Complies
Standard B3-4 Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings • <i>Each dwelling and each residential building has a ground level entry door that:</i> ○ <i>Has a direct line of sight from a street, accessway or shared walkway.</i> ○ <i>Is not accessed through a garage.</i> ○ <i>Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.</i> Apartment development and residential building with a shared entry • <i>An apartment development and each residential building has:</i> ○ <i>A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.</i> ○ <i>An external covered area of at least 144 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building.</i> ○ <i>Shared corridors and common areas have at least one source of natural light and natural ventilation.</i>	All dwellings are provided with their own entry and are easily identifiable from the street. Dwellings are provided with an entry porch providing a space of shelter.

Private open space objective

Clause 55.03-5	Assessment
Objective • <i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	Complies
Standard B3-5 • <i>A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone.</i> • <i>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:</i> ○ <i>An area of 25 square metres of secluded private open space with a minimum dimension of 3 metres width;</i> ○ <i>A balcony with at least the area and dimensions specified in Table 3-5; or</i> ○ <i>An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or</i> ○ <i>An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.</i> • <i>If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;</i> ○ <i>The area and dimensions specified in the schedule must be 25 square metres or less; and</i> ○ <i>The area and dimension specified for a podium, balcony or an</i>	All dwellings have SPOS areas greater than 40 square metres meeting the standard.



are on a roof must be less than the area and dimensions specified in this standard.

- If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.
- Where ground level private open space is provided an area for clothes drying is provided.

Table B3-5 Private open space for a balcony

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 bedroom dwelling	12 square metres	2.4 metres

Solar access to open space objective

Clause 55.03-6

Assessment

Objective

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

Complies

Standard B3-6

- The southern boundary of secluded private open space is 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.

The dwellings predominately have some access to northern light. Dwellings located along the southern boundary require the rear fencing to be setback a minimum of 4.4m, these dwellings have a minimum setback of 7.6m.

Functional layout objective

Clause 55.03-7

Assessment

Objectives

- To ensure dwellings provide functional areas that meet the needs of residents.

Complies

Standard B3-7

- Bedrooms:
 - Meet the minimum internal room dimensions specified in Table B3-7.1; and
 - Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

All dwellings meet the minimum room dimensions required under this standard ensuring functional living spaces.

Table B3-7.1 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- *Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2.*

Table B3-7.2 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

Clause 55.03-8	Assessment
Objective • <i>To allow adequate daylight into single aspect habitable rooms.</i>	Complies
Standard B3-8 • <i>The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.</i> ○ <i>The room combines the living area, dining area and kitchen; and</i> ○ <i>The kitchen is located furthest from the window; and</i> ○ <i>The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level, this excludes where services are provided above the kitchen; and</i> ○ <i>An overhang extends no more than 2m beyond the window of the single aspect habitable room.</i> • <i>In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.</i>	All dwellings have a minimum ceiling height of 2.7m and are designed to have a combined living, dining and kitchen area.

Daylight to new windows objective

Clause 55.03-9	Assessment
Objective • <i>To allow adequate daylight into new habitable room windows.</i>	Complies
Standard B3-9 Dwelling (other than a dwelling in or forming part of an apartment development) • <i>A window in an external wall of the building is provided to all habitable rooms.</i> • <i>Habitable rooms in a dwelling have a window that faces:</i> ○ <i>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</i> ○ <i>A verandah provided it is open for at least one third of its perimeter, or</i> ○ <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i> Dwelling in or forming part of an apartment development • <i>A window in an external wall of the building is provided to all habitable</i>	The dwellings are all provided with clear glazed windows to the ground floor living spaces which open directly onto the SPOS area of that dwelling. Where dwellings are located on the end of a row of dwellings additional windows are provided to allow greater daylight access.



rooms.

- Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:
 - A minimum width of 1.2 metres.
 - A maximum depth of 1.5 times the width, measured from the external surface of the window.
 - A window clear to the sky.

Natural ventilation objectives

Clause 55.03-10	Assessment
Objectives • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings.	Complies
Standard B3-10 Dwelling (other than a dwelling in or forming part of an apartment development) • Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide; ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling. Dwelling in or forming part of an apartment development • At least 40 percent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide: ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling.	All dwellings are provided with openable windows to allow a breeze path through the dwelling.

Storage objective

Clause 55.03-11	Assessment
Objectives • To provide adequate storage facilities for each dwelling.	Complies
Standard B3-11 Dwelling (other than a dwelling in or forming part of an apartment development) • Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.	Each dwelling has been provided with external storage a minimum of 6 cubic meters. In addition to storage located within the dwellings and some dwellings have additional storage accessible from the garage and located under the stairs.

Dwelling in or forming part of an apartment development

- Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.

Table B3-11 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Accessibility for apartment developments objective

Clause 55.03-12

Assessment

Objective

Not applicable

- To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B3-12

- At least 50 per cent of dwellings in or forming part of an apartment development have:
 - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
 - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
 - A main bedroom with access to an adaptable bathroom.
 - At least on adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12.

Table B3-12 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.



Circulation area	A clear circulation area that is: ■ A minimum area of 1.2 metres by 1.2 metres. ■ Located in front of the shower and the toilet. ■ Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: ■ A minimum width of 1 metre. ■ The full length of the bathroom and a minimum length of 2.7 metres. ■ Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

External Amenity

Daylight to existing windows objective

Clause 55.04-1	Assessment
Objective • <i>To allow adequate daylight into existing habitable room windows.</i>	Complies
Standard B4-1 • <i>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.</i> • <i>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.</i> • <i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>	The dwellings associated with the proposed development are not opposite an existing habitable room with all new buildings set back from boundaries distances greater than 1m.

Existing north-facing windows objective

Clause 55.04-2	Assessment
Objective • <i>To allow adequate solar access to existing north-facing habitable room windows.</i>	Complies
Standard B4-2 • <i>Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:</i> ○ <i>A new 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</i>	The dwellings associated with the new development will not restrict solar access to any existing north facing habitable room windows.



metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

- For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.
- For this standard a north facing window is a window with an axis perpendicular to its surface orientated from north 20 degrees west to north 30 degrees east.

Overshadowing secluded open space objective

Clause 55.04-3	Assessment
Objective • To ensure buildings do not significantly overshadow existing secluded private open space.	Complies
Standard B4-3 • The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. • If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.	The new development will not overshadow adjoining properties SPOS areas.

Overlooking objective

Clause 55.04-4	Assessment
Objective • To limit views into existing secluded private open space and habitable room windows.	Complies
Standard B4-4 • In Clause 55.04-4 a habitable room does not include a bedroom. • 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. • 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: ○ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or ○ Has sill heights of at least 1.7 metres above floor level; or ○ Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ○ Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. ○ Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. • Obscure glazing in any part of the window below 1.7 metres above	Dwellings located adjacent to the western boundary (TH40 – TH49) where they are double storey in height, are setback from the adjoining boundary a minimum of 9.9m meeting the standard.



floor level may be openable provided that there are no direct views as specified in this standard.

- Screens used to obscure a view are:
 - 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.
- 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.

Internal views objective

Clause 55.04-5	Assessment
Objective • To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Complies – conditions required
Standard B4-5 • In Clause 55.04-5 a habitable room does not include a bedroom. • Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling: ○ Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or ○ Has a sill height of at least 1.7 metres above floor level; or ○ Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or ○ Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. • Direct views are managed at a height of 1.7 metres above floor level and within: ○ A 45 degree horizontal angle from the edge of the new window or balcony. ○ A 45 degree angle in the downward direction. • Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.	Since the application has been lodged the planning scheme has been amended via VC267 on the 31/03/2025 which has determined that bedrooms are not a habitable room. Upper-level windows located to the rear of dwellings no longer require screening measures to restrict views into adjoining properties within the development. A condition will be required to remove all obscure glazing from upper-level windows. This allows views into adjoining habitat zones creating greater passive surveillance and opportunities to provide a greater level of safety by removing areas with limited views.

Sustainability

Permeability and stormwater management objective

Clause 55.05-1	Assessment
Objectives • To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways. • To facilitate on-site stormwater infiltration. • To encourage stormwater management that maximises the retention and reuse of stormwater. • To contribute to urban cooling.	Complies subject to conditions
Standard B5-1 • The site area covered by the pervious surfaces is at least 20 percent of the site. • The development includes a stormwater management system designed to: ○ Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater	The site has large areas of open space provided through the provision of the habitat zones which allows for a greater level of permeability within the site. The applicant has included some measures to mitigate water management on the site, however



management guidance (EPA Publication 1739.1, 2021) of:

- Suspended solids 80% reduction in mean annual load.
- Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
- Litter 70% reduction of mean annual load.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Note:

A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.

- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

greater detail needs to be provided regarding the location and capacity of the proposed stormwater retention tank located in the northwestern corner of the site.

Overshadowing domestic solar energy systems objective

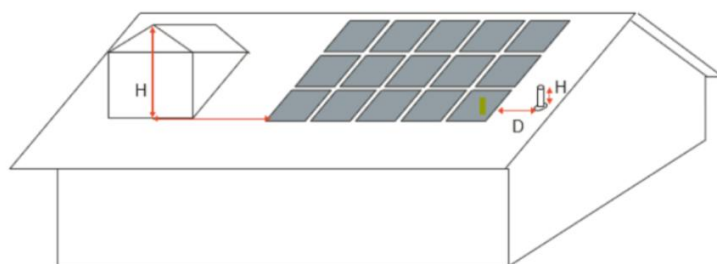
Clause 55.05-2	Assessment
Objectives • To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.	Complies
Standard B5-2 • Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. • This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone. • In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.	The development will not overshadow any domestic solar energy system located on adjoining properties.

Rooftop solar energy generation area objective

Clause 55.05-3	Assessment
Objectives • To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.	Complies
Standard B5-3 • In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system. • An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which: ○ Has a minimum dimension of 1.7 metres. ○ Has a minimum area in accordance with Table B5-3 ○ Is orientated to the north, west or east. ○ Is positioned on the top two thirds of a pitched roof.	The dwellings have the roof top capacity for the provision and installation of solar generation. Dwellings are provided with either flat or pitched roofs which exceed the minimum dimensions under the standard.

- Can be a contiguous area or multiple smaller areas
- Is free from obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area



- Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

Table B5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

Solar protection to new north-facing windows objective

Clause 55.05-4	Assessment
Objective • To encourage external shading of north facing windows to minimise summer heat gain.	Variation acceptable
Standard B5-4 • North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.	The development doesn't have a high proportion of technical north facing windows. These windows could be screened if required at a later stage.

Waste and recycling objectives

Clause 55.05-5	Assessment																				
Objectives <i>To ensure dwellings are designed to facilitate waste recycling.</i> <i>To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.</i> <i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.</i>	Complies																				
Standard B5-5 Dwelling (other than a dwelling in or forming part of an apartment development) <i>The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.</i> <table><tr><th colspan="4">Table B5-5.1 Bin storage</th></tr><tr><th>Type of bin storage area</th><th>Minimum area</th><th>Minimum depth</th><th>Minimum height</th></tr><tr><td>Individual bin storage area for a dwelling.</td><td>1.8 square metres</td><td>0.8 metre</td><td>1.8 metres</td></tr><tr><td>Shared bin storage area for 3 dwellings or less.</td><td>5.4 square metres</td><td>0.8 metre</td><td>1.8 metres</td></tr><tr><td>Shared bin storage area for 4 or more dwellings.</td><td>1 square metre per dwelling plus 4 square metres</td><td>0.8 metre</td><td>1.8 metres</td></tr></table> <i>If the development includes a shared bin storage area:</i> <i>The shared bin storage area:</i> <i>Is located within 40 metres of a kerbside collection point.</i> <i>Includes a tap for bin washing.</i> <i>There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.</i> <i>Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.</i> <i>Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.</i> Dwelling in or forming part of an apartment development <i>The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.</i>	Table B5-5.1 Bin storage				Type of bin storage area	Minimum area	Minimum depth	Minimum height	Individual bin storage area for a dwelling.	1.8 square metres	0.8 metre	1.8 metres	Shared bin storage area for 3 dwellings or less.	5.4 square metres	0.8 metre	1.8 metres	Shared bin storage area for 4 or more dwellings.	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres	The dwellings are provided with sufficient bin space, either within the garage or rear yard, for the provision of waste, green waste, glass and recycling bins to ensure that waste recycling is encouraged.
Table B5-5.1 Bin storage																					
Type of bin storage area	Minimum area	Minimum depth	Minimum height																		
Individual bin storage area for a dwelling.	1.8 square metres	0.8 metre	1.8 metres																		
Shared bin storage area for 3 dwellings or less.	5.4 square metres	0.8 metre	1.8 metres																		
Shared bin storage area for 4 or more dwellings.	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres																		



Table B5-5.2 Apartment bin storage

Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

- *Enclosed bin storage areas are ventilated by:*
 - *Natural ventilation openings to the external air with an area of at least 5 per cent of the area for the bin storage area; or*
 - *A mechanical exhaust ventilation system.*
- *A tap and drain is provided to wash bins.*
- *A continuous path of travel is provided from each dwelling to bin storage areas.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Noise impacts objective

Clause 55.05-6	Assessment
Objectives • <i>To minimise the impact of mechanical plant noise located in the development.</i>	Complies
Standard B5-6 • <i>Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.</i>	The mechanical plant provided for dwellings will be located in areas where it will not affect bedrooms of adjacent properties.

Energy efficiency for apartment development objectives

Clause 55.05-7	Assessment
Objectives • <i>To achieve energy efficient dwellings and buildings.</i> • <i>To ensure dwellings achieve adequate thermal efficiency.</i>	Not applicable
Standard B5-7 • <i>Dwellings in or forming part of an apartment development located in a climate zone identified Table B5-7 do not exceed the maximum NatHERS annual cooling load.</i>	



NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Appendix 2: Knox Council referral response



Councils' Concerns	DTP Comment
<i>The proposal has not been designed to ensure the long-term retention of Tree 194. The plans only indicate that Dwelling TH12 encroaches 10% into the tree's TPZ, however the complement of plans indicate that there will be site cut/fill, retaining walls, fences, sheds, water tanks and other works within the TPZ and SRZ of this tree. This is not supported, and the three surrounding dwellings need to be redesigned, including with the deletion of one dwelling to ensure that there is no more than 10% encroachment into Tree 194's TPZ and no works undertaken within the SRZ. Ideally the redesign should result in this tree being located with a reserve, road or common property area and not within the private open space of a dwelling.</i>	Agreed that current plans show more than 10% encroachment into the TPZ of Tree 194. Permit conditions have been included for this tree to be shown on the cut and fill plans and conditioned to require any sheds, water tanks etc to be removed out of the TPZ of this tree.
<i>The proposed Public Open Space to the western corner of the site is not supported and Council will not accept this land. This land should be allocated to the proposed dwellings and other, more suitable land should be provided to satisfy the required 8.5% public open space contribution.</i>	Agreed in part: The land along the north western boundary has been conditioned to be included in the rear yards of the dwellings. This removes an area of unusable open space which would have been difficult to maintain and likely to become a dumping ground for hard rubbish. The remainder of the western open space contains the detention tank and will be included on common property.
<i>In addition to this, the proposed public open space contains a 'private detention tank', Council will not accept Public Open Space that contains drainage assets, nor will Council allow private assets to be located within Council land.</i>	Agreed: Permit condition has been included to show the 'private detention tank' in common property.
<i>In Council's previous response, we raised concern with the proposed 'kiosk' located between Dwelling TH50 and Habitat Zone HZ8, specifically that it was not clear what this was. The plans indicate that it is an Electrical Kiosk. The location of this Kiosk is poor and does not appear to have paid consideration to how the kiosk will be accessed. The landscape plan proposed landscaping around the Kiosk and no arrangements for access to the Kiosk have been shown. The Kiosk needs to be relocated to a position that is easily accessible by a road or common property area and it should not rely on access through Public Open Space area or Habitat Zones.</i>	Comment noted: The location of the Kiosk adjacent to TH50 is central to the site, and although it requires to be accessed via public open space it is located to the edge of it. The location is also partially determined by the energy provider, this location is indicative and may be subject to change.
<i>Nearly 40% of the proposed dwellings do not meet the minimum requirements of the provision of Private Open Space as outlined in the Neighbourhood Residential Zone – Schedule 3. All dwellings must be provided with Private Open Space consisting of: An area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.</i>	Noted: The development has a variety of sizes for Private Open Space for dwellings ranging from 45sqm to 157sqm and includes ground level open space and includes a balcony for some dwelling designs. The development is proposed as an inclusionary housing development including affordable, social and normal housing. The proposed SPOS areas provide an acceptable outcome for the residents with all SPOS areas accessible from living rooms.
<i>The street interface continues to be poor, with the majority of the dwellings failing to provide any ground floor habitable rooms windows to the street and the streetscape, as proposed, will be dominated by garages.</i>	Noted: conditions have been included to increase the extent of clear glazing to the street where possible. Dwellings which have no ground floor habitable rooms are to be provided with clear glazing to the front doors.
<i>The interface with the habitat zones and proposed public open space is still poor and needs to be improved with the provision of visually permeable fencing and visual surveillance from habitable room windows. Dwelling should also be designed to be more responsive to this interface.</i>	Agreed: the development has been conditioned to required 50% transparent fencing adjacent to the habitat zones and clear glazing to upper level bedroom windows to increase the passive surveillance of these areas.
<i>The plans do not show that the proposed layout can accommodate the provision of 4 bins.</i>	Noted: Dwellings have space within garages and some dwellings have direct access to rear outdoor space for



	bins.
<i>The landscaping plan has not been updated to remove tree species that are not suitable as street trees. The landscape plan needs to be reviewed and modified to ensure that the following trees are not included as proposed street trees:</i>	Agreed: these tree species have been included in a permit condition to ensure that they are not included on the updated landscape plan.
○ <i>Acacia melanoxylon</i> ○ <i>Olea europaea</i> ○ <i>Eucalyptus cephalocarpa</i> ○ <i>Eucalyptus macrorhyncha</i> ○ <i>Eucalyptus goniocalyx</i> ○ <i>Eucalyptus obliqua</i>	
<i>It is noted that the applicant has acknowledged that many of the matters that were raised had not been addressed and they have suggested that these matters be addressed through conditions, it is Council's view that the changes required to address these concerns would be extensive and the applicant should address these matters prior to a permit being issued, otherwise the application should be refused.</i>	Noted: DTP agrees that the number of conditions included in any permit issued are onerous due to the applicants not addressing issues raised within the RFI. However the application will not be refused due to the poor response by the applicant.
<i>Council is more than willing to continue working with yourself to ensure an appropriate outcome is achieved and would welcome the opportunity to review amended plans that address the concerns that have been raised in our correspondence.</i>	DTP has continued to work with Knox City council to address the appropriate conditions to be included to address Council's concerns and ensure that the development will not be stalled through the lack of compliance with Council's drainage and traffic concerns.
<i>Although Council believes that the application as currently proposed should be refused, should the Department determine that a permit is to be issued Council requests that we are provided the opportunity to assist with the conditions that are included in any permit issued.</i>	The Department has worked closely with City of Knox planning department to ensure that the proposal will not adversely affect council assets and has been involved in the provision of conditions.
<i>At a minimum, conditions on any permit should include and cover the following:</i>	
<i>Reconfigure of Dwelling 10-12 to delete a dwelling and ensure that no works occur within the SRZ of Tree 194 and no more than 10% encroachment into the TPZ by buildings and works, including site cut/fill and all buildings or the layout of the development modified to locate the tree within a reserve, roadway or common property.</i>	Noted: it has been conditioned that the tree is to be protected, plans updated including the cut and fill plan to show the location of the tree and ensure that there is no cut/fill or buildings and works within the TPZ or SRZ.
<i>All dwellings are to be provided with a Private open space area consisting of: an area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.</i>	Disagree: the development provides an acceptable amount of private open space for dwellings with a broad range of sized yards for the dwellings due to the locations of the Habitat Zones.
<i>Redesign of the lot boundaries associated with Dwellings TH116-122 and TH133 -135 to incorporate the proposed Public Open Space into the lots. This area should be appropriately contoured and landscaped to ensure that the area can be easily used and maintained by the future owners/occupiers.</i>	Agree: this has been conditioned.
<i>Provision of a minimum of 8.5% of Public Open Space</i>	Disagree: The application provides a minimum of 7.5% Public Open Space in addition to the extensive Habitat Zones. The variation to the open space has been negotiated as part of the contract between the developer and the Department of Education. The extent of Public open space provided is acceptable.
<i>Relocate the electrical kiosk to an appropriate location that can be easily accessed and does not require any access to be provided across proposed Public Open Space, landscape areas or Habitat</i>	Noted: the location of the electrical kiosk will be subject to final approval by the relevant authority.



Zones.

<i>Submission of an ecology report that provides a survey of the Habitat Zones and Public Open Space areas, identifying weeds and any mitigation works that are required to be done to these areas.</i>	Agreed: this has been conditioned, the applicant has stated that these areas are to be vested to council at the end of the construction period. The report undertaken for the Development Plan approval is outdated.
<i>Requirement for the works identified within the Ecology Report to be undertaken prior to the Statement of Compliance.</i>	Agreed: These areas are proposed to be vested back to council at the end of the construction period, it is part of the applicants requirements as part of the development site to maintain these areas so they are in a fit and healthy state to be handed to council.
<i>TH17 to be redesigned to have an improved interface with its SPOS.</i>	Agreed: included as a permit condition.
<i>A construction and environmental Management Plan</i>	Agreed: included as a permit condition. The site has extensive habitat zones which are required to be protected during and post construction.
<i>Native Vegetation conditions.</i>	Agreed: conditions included.
<i>Tree protection.</i>	Agreed: tree protection conditions have been included.
<i>Amenity during construction.</i>	Agreed: a construction management plan is required to be submitted and approved as part of a permit condition.
<i>Waste management plan</i>	Agreed: the application was provided with a WMP which will be required to be endorsed.
<i>Tree management plan</i>	Agreed: the site has been provided with an extensive arborist report, all trees specifically protected during construction have been included in permit conditions.
<i>Fencing of reserves</i>	Agreed: a condition has been included in the permit.
<i>Landscaping Plans</i>	Agreed: a condition has been included in the permit for a landscape plan to be submitted.
<i>Engineering plans</i>	Agreed: a condition has been included for engineering plans to be submitted for endorsement.