

COUNCIL REPORT ATTACHMENT

31-33 COMAS GROVE AND 2A HILL STREET THORNBURY VIC 3071

AUTHOR: Principal Planner – John Limbach

DIRECTOR: Director City Works and Development – Michael Ballock

OWNER/APPLICANT/CONSULTANT:

Applicant: VMC C/O Chahid Kairouz Architects
97 Collins St
THORNBURY VIC 3071

Owner: The Roman Catholic Trust Corp Diocese Of Melbourne
383 Albert St
EAST MELBOURNE VIC 3002

SUMMARY:

- The City of Darebin Planning Committee refused the original application at its meeting on 12 December 2011. Council issued a Notice of Refusal on 22 December 2011.
- Council received notice that the Victorian Civil and Administrative Tribunal (VCAT) had received an application under Section 77 of the Planning and Environment Act 1987 (P488/2011).
- The VCAT hearing is scheduled for 4 June 2012, and substituted plans were received by Council in accordance with VCAT's order dated 19 April 2012, on 26 April 2012.
- 79 objectors are parties to the VCAT proceeding.
- The proposal is for a medium density housing development comprising the construction of:
 - A three (3) storey building (plus basement level) consisting of 34 dwellings and a two (2) storey building consisting of two (2) dwellings fronting Hill Street, and
 - A two (2) storey building consisting of four (4) dwellings fronting Comas Grove.
- The proposal includes 40 dwellings in total, with a mix of 20 one (1) bedroom and 20 two (2) bedroom dwellings.
- The three (3) storey building includes 37 car parking spaces, including those allocated to the dwellings within the 'Terrace T' building.

- The 'terrace A' building includes four (4) car parking spaces.
- The three (3) storey building has ground floor dwellings with access to secluded private open space in the range of 25 square metres to 56 square metres in area. The first, second and third floor dwellings would have access to secluded private open space in the form of balconies that range from 8 square metres to 11 square metres in area.
- The two (2) storey 'terrace T' building has dwellings with access to ground floor secluded private open space that ranges from 7.5 square metres to 18 square metres in area as well as secluded private open space in the form of balconies that are 8 square metres in area.
- The two (2) storey 'terrace A' building has dwellings with access to ground floor secluded private open space of 25 square metres in area, as well as dwellings with access to first floor secluded private open space in the form of balconies in the range of 12 square metres to 17 square metres in area.
- The three (3) storey building has a maximum height of 9.60 metres.
- The two (2) storey 'terrace T' building has a maximum height of 7.15 metres.
- The two (2) storey 'terrace A' building has a maximum height of 8.60 metres.
- Two (2) covenants are registered on the two (2) Certificate of Title.

- The covenant registered on Instrument of Transfer No. 789303 states the following:

..'not dig for or remove from off the said land any soil, sand, clay, stone or gravel except in the way of excavating for the foundations of any building to be erected on the said land or for use in such building or in preparing or layout out gardens to be occupied therewith and no bricks, tiles, clay or cement shall at any time be manufactured or burnt upon the said land nor shall any quarrying be carried out on or conducted thereon, nor shall any tanning or similar business or noxious trade or business be carried out on the said land which is likely to contaminate or pollute the water contained in the Merri Creek..'

- The covenant registered on Instrument of Transfer No. 968805 stated the following:

..'not dig for or remove from off the said land any soil, sand, clay, stone or gravel except in the way of excavating for the foundations of any building to be erected on the said land or for use in such building or in preparation or laying out gardens to be occupied therewith and no bricks, tiles, clay or cement shall at any time be manufactured or burnt upon the said land nor shall any quarrying be carried out on or conducted thereon, or shall any tanning or similar business or noxious trade or business be carried out on the said land which is likely to contaminate or pollute the water contained in the Merri Creek..'

The proposal will not contravene either of the covenants.

- It is recommended that Council form the view that Planning Permit application D807/2011 be approved, subject to condition.

CONSULTATION:

- Notification of the original application has taken place in the form of letters to adjoining and nearby owners and occupiers and by the posting of a notice on site.
- 112 objections have been received against the application and are detailed in Planning Committee Minutes dated 12 December 2011.
- The item went to mediation at VCAT on 17 April 2012, but no resolution was reached.
- The application has been referred to the following Council units:

Environmentally Sustainable Design Officer
Transport Management Unit
Capital Works Unit
Darebin Parks Unit
Strategic Planning Unit

RECOMMENDATION

THAT Council form the view that Planning Permit application D807/2011 be approved, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *drawing numbers A0-A15 (inclusive), prepared by Chadid Kairouz Architects and dated 24.4.12*) but modified to show:
 - (a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
 - (b) Tree protection zones and management notations in accordance with Condition Nos. 7 and 8 of this Permit
 - (c) The first floor of Terrace A (dwelling A.3) set back a minimum of 3 metres from the ground floor street setback (dwelling A.1), including the balcony.
 - (d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- (e) Modifications in accordance with an updated ESD report (refer to Condition No. 9 of this Permit).
- (f) A notation stating that all skylights to the common area of the second floor of the three (3) storey building are operable.
- (g) Rain water tanks in accordance with an updated ESD report (refer to Condition No. 9 of this Permit).
- (h) All east and west facing habitable room windows and glazed doors of the three (3) storey building fitted with external shading devices where not shaded by balconies located above. Retractable shading devices are to be utilised unless an equivalent treatment is shown.
- (i) All redundant crossovers removed in accordance with Condition No. 10 of this Permit.
- (j) The south facing window of bedroom 1 to dwelling A.2 to have a minimum sill height of 1.40 metres, measured from the surface of the vehicle accessway
- (k) One (1) car parking space allocated to each dwelling.
- (l) One (1) car parking space within the basement allocated to visitor parking.
- (m) The northern boundary set back of the first floor to dwelling A.3 increased to a minimum of 4 metres, where not located adjacent to the garage on the adjoining property to the north.
- (n) The balcony of dwelling L1.8 set back from the northern property boundary in line with the northernmost wall of that dwelling.
- (o) The eastern boundary setback of the first floor balcony to dwelling L1.12 increased to a minimum of 3.50 metres, where not located adjacent to the garage on the adjoining property to the east.
- (p) The eastern boundary setback of the second floor balcony to dwelling L2.9 increased to 4.50 metres, where adjacent to the swimming pool of the adjoining property to the east.
- (q) The eastern boundary setback of the second floor wall to dwelling L2.9 increased to a minimum of 5.50 metres, where not located adjacent to the garage on the adjoining property to the east.
- (r) All first and second floor windows and balconies (including balcony returns) within 9 metres of adjoining areas of secluded provided with either:
 - a sill with a minimum height of 1.7 metres above finished floor level,
 - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or

- fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

- (s) The height of fences on the northern boundary of the secluded private open space of dwellings A.1 and A.2, and the eastern boundary of the three (3) storey building to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- (t) All internal fences that separate secluded private open space to have a minimum height of 1.80 metres.
- (u) The private open spaces of dwellings G1.4, G1.6, G1.8 and G1.10 to be increased to a minimum area of 40 square metres. This is to be achieved by reducing the floor areas of ground floor dwellings, with no boundary setbacks to be reduced as a result.
- (v) All balconies are to have a minimum dimension of 1.60 metres, with a minimum area of 8 square metres.
- (w) Modifications in accordance with an acoustic assessment (refer to Condition No. 11 of this Permit).
- (x) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

- (y) The storage to dwellings A.1 and A.2 to be shown.

- (z) An entrance canopy/shelter and entry feature to the Hill Street pedestrian entry of the three (3) storey building.
- (aa) Modifications in accordance with a Waste Management Plan (refer to Condition No. 12 of this Permit).
- (bb) A single communal antenna for the three (3) storey building. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- (cc) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to as not to be visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

When approved, the plans will be endorsed and form part of this Permit.

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if either:
 - * The development does not start within three (3) years from the date of this Permit; or
 - * The development is not completed started within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

- 4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) a minimum of eight (8) low to medium canopy trees.
 - (b) tree protection zones in accordance with Condition Nos. 7 and 8 of this Permit.
 - (c) dense landscaping to the front of Terrace A.
 - (d) details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified.
 - (e) a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants.

- (f) details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as asphalt, concrete, brick or gravel) demonstrating a minimum site permeability of 20%.
- (g) street trees within the nature strip/s adjacent to the property.
- (h) all constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
- (i) edge treatment between grass (lawn) and garden beds.
- (j) an outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
- (k) the location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (l) clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers
- (m) a scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. The following trees must have 'tree protection zones' which must be fenced and managed in accordance with Condition No. 8 of this Permit (tree numbers as defined in the submitted report identified as 'Arboricultural Assessment & Report, prepared by Treed Environs and dated November 2011):
 - a) Tree 6 (street tree) – 2.50 metres measured from the trunk edge.
 - b) Tree 7 (adjacent property) – 3.80 metres measured from the trunk edge.
 - c) Trees 9 & 13 – 1.60 metres measured from the trunk edge.
8. Before buildings and works start, a tree protection fence must be erected around the 'tree protection zones' detailed in Condition No. 7.

- a) This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
 - b) The tree protection fence must remain in place until construction is completed.
 - c) Any construction work in this zone must be no dig.
 - d) No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
 - e) If required the ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
9. Before the development starts, an ESD report detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The ESD report must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.

Prior to the occupation of the development, a report from the author of the ESD report, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD report have been implemented in accordance with the approved ESD report.

10. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
11. Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (ie. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor for the three (3) storey component of the development.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

12. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
15. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
16. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
17. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
19. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
20. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;

- (f) clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose

REPORT

INTRODUCTION AND BACKGROUND

The City of Darebin Refused application for Planning Permit D807/11 on 22 December 2011 for the following reasons:

1. The proposal does not comply with objectives 1.1 or 1.2 of the Guidelines for Higher Density Residential Development, or Clause 55 of the Darebin Planning Scheme as it is not accompanied by an acceptable written statement or design response.
2. The proposal does not respect the cultural, architectural or historic associations and significance of the site.
3. Insufficient on-site car parking is provided for residents and visitors of the four (4) storey component.
4. The proposal fails to comply with Clause 22.04 (Neighbourhood Character); Clause 55.02-1 (Neighbourhood Character) and Clause 15.01 (Urban Environment) of the Darebin Planning Scheme and the Guidelines for Higher Density Residential Development, with specific regard to:
 - The height and form of the four (4) storey component, which would have a detrimental impact on the low-scale 'backyard realm' character of the area.
 - The height and form of the four (4) storey component which would appear as visually bulky and over-dominant when viewed from the secluded private open space of adjoining residential properties.
 - The poor sense of address and entry shelter to the four (4) storey component.
 - The minimal side setbacks of terraces A and B, which would have a detrimental impact on the existing side boundary pattern and the existing rhythm of spacing between dwellings.
 - The height and form of terraces A and B, which would appear out of scale with existing buildings and would dominate the streetscape.
5. The proposed four (4) storey component fails to comply with the following objectives at Clause 22.10 of the Darebin Planning Scheme:
 - Design and Materials

- Building Height
 - Street Address
6. The proposed development is not consistent with the following objectives/standards of Clause 55 of the Darebin Planning Scheme:
- Clause 55.02-1 Standard B1 Neighbourhood Character – in addition to the grounds outlined in item No.4 above, the proposed development is inconsistent with the pattern of development in the surrounding area.
 - Clause 55.02-2 Standard B2 Residential Policy - The proposal is not accompanied by an acceptable written statement and design response. The proposal does not comply with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.
 - Clause 55.03-10 Standard B15 Parking Location – the car parking spaces to terrace T are not reasonably close or convenient to the dwellings.
 - Clause 55.05-5 Standard B29 Solar Access to Open Space – the secluded private open space to dwelling A1 has not been designed to receive sufficient solar access.
 - Clause 55.06-1 Standard B31 Design Detail – the design detail of the proposed terraces A and B is not consistent with the character of dwellings in the surrounding area.
7. The proposal would result in the loss of a street tree (Comas Grove frontage) which is considered to be of high amenity value.
8. The proposal is considered an overdevelopment.

Council received notice that VCAT had received an application under Section 77 of the Planning and Environment Act 1987 (P488/2011).

The item went to mediation at VCAT on 17 April 2012, but no resolution was reached.

The VCAT hearing is scheduled for 4 June 2012, and substituted plans were received by Council in accordance with VCAT's order dated 19 April 2012, on 26 April 2012.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is made up of four (4) lots on two (2) separate titles, which together form an L shaped site which fronts both Comas Grove to the east and Hill Street to the south. The site has a frontage of 38.67 metres to Comas Grove and 25.20 metres to Hill Street. The maximum depth of the site is 45.11 metres measured from Comas Grove and 72.15 metres from Hill Street. The land falls

approximately 300mm from west to east and approximately 300mm from north to south.

- The site is located in the Residential 1 Zone and is affected by the Development Contributions Plan Overlay.
- The site is located on the west side of Comas Grove, opposite the intersection with Hutton Street, and on the north side of Hill Street, Thornbury.
- The site contains a large bungalow style dwelling to the Comas Grove frontage, with a number of outbuildings toward the rear, including a former dairy building towards the Hill Street frontage. The existing dwelling dominates this section of Comas Grove and is visible down the length of Hutton Street to the east. There are a large number of trees located throughout the site.
- The adjoining properties are described as follows:

North

35 Comas Grove:

Occupied by a single storey, weatherboard bungalow style dwelling, that has been altered externally, with secluded private open space and garages to the side and rear.

109 Fyffe Street:

Occupied by single storey, brick units with a driveway along the western boundary of the property.

111 Fyffe Street:

Occupied by a double storey, brick block of flats with a large car parking area to the rear, adjoining the boundary with the subject site.

South

31A Comas Grove:

Occupied by a single storey, brick post-war style dwelling with vehicle access along its southern boundary and a swimming pool within the rear secluded private open space.

East

31A Comas Grove:

Occupied by a single storey, brick post-war style dwelling with vehicle access along its southern boundary and a swimming pool within the rear secluded private open space.

29 Comas Grove:

Occupied by a single storey, inter-war style dwelling fronting Comas Grove, and two (2) double storey, brick contemporary style dwellings fronting Hill Street.

West

2 Hill Street:

Occupied by a single storey, weatherboard bungalow style dwelling with secluded private open space and outbuildings to the rear.

15 Strettle Street:

Occupied by a large double storey, brick building used for aged care 'St Paul's Hostel for the Elderly'. This site is under common ownership with the subject site.

- The site is in an area generally characterised as an established residential area located on sloping land edging the Merri Creek valley. There are many older buildings, dating from the Interwar and Post-war eras that are an important part of the area's character, in addition to modern infill development. Overall, the streetscapes are defined by a consistency of building scale and setbacks. The gardens are well established as is street planting.
- The site is proximate to the following public transport:

Bus Route 510: approximately 400 metres to the south
Tram Routes 11 & 112: approximately 600 metres to the north east
Thornbury Train Station (Epping): approximately 1.30km to the east

Proposal

- The proposal is for a medium density housing development comprising the construction of:
 - A three (3) storey building (plus basement level) consisting of 34 dwellings and a two (2) storey building consisting of two (2) dwellings fronting Hill Street, and
 - A two (2) storey building consisting of four (4) dwellings fronting Comas Grove.
- The proposal includes 40 dwellings in total, with a mix of 20 one (1) bedroom and 20 two (2) bedroom dwellings.
- The three (3) storey building includes 37 car parking spaces, including those allocated to the dwellings within the 'Terrace T' building.
- The 'terrace A' building includes four (4) car parking spaces.
- The three (3) storey building has ground floor dwellings with access to secluded private open space in the range of 25 square metres to 56 square metres in area. The first, second and third floor dwellings would have access to secluded private open space in the form of balconies that range from 8 square metres to 11 square metres in area.
- The two (2) storey 'terrace T' building has dwellings with access to ground floor secluded private open space that ranges from 7.5 square metres to 18 square metres in area as well as secluded private open space in the form of balconies that are 8 square metres in area.
- The two (2) storey 'terrace A' building has dwellings with access to ground floor secluded private open space of 25 square metres in area, as well as dwellings with access to first floor secluded private open space in the form of balconies in the range of 12 square metres to 17 square metres in area.
- The three (3) storey building has a maximum height of 9.60 metres.

- The two (2) storey 'terrace T' building has a maximum height of 7.15 metres.
- The two (2) storey 'terrace A' building has a maximum height of 8.60 metres.

Zone:

Residential 1 Zone (Clause 32.01)

Overlay:

Development Contributions Plan Overlay (Clause 45.06)

Requirement for a planning permit & planning scheme controls:

Clause 32.01-4 (Residential 1 Zone) – construction of two or more dwellings on a lot.

A development contribution levy applies under the Development Contributions Plan Overlay as the proposed development cost is in excess of \$100,000.

State Planning Policy Framework: Supply of urban land (Clause 11.02-1); Soil degradation (Clause 13.03); Built Environment and Heritage (Clause 15); Urban design (Clause 15.01-1); Urban design principles (Clause 15.01-2); Cultural identity and neighbourhood character (Clause 15.01-5); Sustainable development (Clause 15.02); Heritage (Clause 15.03); Residential development (Clause 16.01); Development contribution plans (Clause 19.03-1)

Local Planning Policy Framework: Key influences and issues (Clause 21.03); Sustainability (Clause 21.05-1); Housing (Clause 21.05-2); Urban Design (Clause 21.05-3); Heritage, culture and arts (Clause 21.05-4); Neighbourhood character (Clause 22.04).

Zone: Residential 1 (Clause 32.01)

Overlay: Development Contributions Plan (Clause 45.06);

Particular Provisions: Rescode (Clause 55)

General Provisions: Decision Guidelines (Clause 65.01)

The application is assessed against the most relevant policies in the Planning Assessment section of this report.

Neighbourhood Character Study: Precinct F2

- The land is not within 60 metres of a major electricity transmission line (220 kilovolts or more) or and electricity transmission easement.
- A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required.

Planning Assessment:

Soil Degradation (Clause 13.03)

The objective of Clause 13.03 of the Darebin Planning Scheme is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Section 60 (1)(e) of the *Planning and Environment Act 1987* states that Council must consider any significant effects (e.g. contamination) which it considers the environment may have on the use or development.

Council has no records of the site being used for a use that has a high potential for contamination as shown in Table 1 – Potential Contamination of the *General Practice Note 'Potentially Contaminated Land (Department of Sustainability and Environment) June 2005*.

As a consequence of no previous uses being identified that have a high potential for contamination, there will be no requirement for a site assessment to be submitted.

Built Environment and Heritage (Clause 15)

Planning should ensure all new land use and development appropriately responds to the surrounding landscape, preferred neighbourhood character and cultural context. Sites with significant heritage, architectural, aesthetic, scientific and cultural value should be protected.

Heritage (Clause 15.03)

Objective

To ensure the conservation of places of heritage significance.

Council commissioned an independent Architect and Conservation Consultant, John Briggs, to prepare a heritage assessment of 31-33 Comas Grove and the former dairy at 2A Hill Street.

The Briggs report recognises the “physical prominence” of the dwelling and the general “integrity and intactness” of original features, however it “*could not be distinguished as a milestone, or outstanding, in either the architectural or historical development of the area.*” It was constructed after many of the houses which represent the first wave of development in the area (c.1920), and is “*in all but the size of the house is representative example rather than an exceptional exemplar of the style and period.*” The report also assessed the dairy fronting 2A Hill Street, stating that “*the former dairy building constructed in 1941 did not have historical significance and that its use as a dairy was also not of significance, even though perhaps of some general interest.*”

Whilst scope exists to request site specific interim heritage controls, it is unlikely to be granted as there insufficient justification for the protection of the site. In addition there is also a reduced threat of the loss of heritage building fabric, largely as the existing planning application for 31-33 Comas Grove has been amended to include retention of the bungalow dwelling in its entirety. There is no immediate threat that would assist in arguing for interim protection measures to be applied by the Minister for Planning.

Context

The following notated aerial map assists in the visualisation of the context of the subject site. The aerial map shows the site's non-sensitive (green) and sensitive interfaces (red), and includes labels that explain why the non-sensitive interfaces are considered as such.



Neighbourhood Character Precinct F2 Guideline Assessment:

Vegetation:

To maintain and strengthen the garden setting of the dwellings.

To integrate garden settings with creek-side environs.

A condition of any approval will require a Landscape plan to be submitted.

An arborist report has been submitted as part of the application and includes recommendations regarding existing trees on the site. The trees are numbered from 1 to 26 and shown on an attached site plan; the tree numbers in this report are consistent with the numbers within the arborist report. Council's Darebin Parks Unit generally agree with the recommendations contained within the arborist report, and would agree to the removal of the proposed trees on the understanding that at least eight (8) suitable low to medium canopy trees are included in any landscape plan.

Tree 6 must be retained within a tree protection zone of 2.5 metres (measured from the trunk edge). Any construction work in this zone must be no dig to ensure the tree remains in good health. The proposed accessways must be realigned to achieve the tree protection zones.

Tree 7 (adjacent property to the north) must be protected with a tree protection zone of 3.80 metres. Any construction work in this zone must be no dig.

Trees 9 and 13 must be retained with a tree protection zone of 1.60 metres (measured from the trunk edge). Any construction work in this zone must be no dig to ensure the tree remains in good health. The proposed accessways must be realigned to achieve the tree protection zones.

Sufficient front setbacks have been proposed which will allow the establishment of significant areas of landscaping.

A condition of any approval will require dense landscaping to the front of Terrace A in order to reduce the visual impact of the building on the neighbourhood character.

The site is not located proximate to the creek.

Complies subject to condition

Siting:

To provide space for front gardens.

To ensure new development retains substantial space for landscaping.

To maintain and reinforce the side and boundary setback pattern and the existing rhythm of spacing between dwellings.

To minimise the loss of front garden space and the dominance of car parking structures.

The proposed buildings would be set back from the front boundaries a sufficient distance to provide generous space for landscaping.

The three (3) storey building would be set back sufficiently from side boundaries in order to allow for landscaping.

Terrace T would adjoin the existing dwelling on the adjoining property to the east; this is considered acceptable as that dwelling is built to the common boundary.

Terrace A is built to the northern boundary, but set back 4.90 metres from the existing dwelling, so as to respect the rhythm and spacing of dwellings within the streetscape.

Terrace A includes car parking that is located to the rear of dwellings A.1 and A.2, which ensures that car parking does not dominate the façade of the development.

Terrace T and the three (3) storey component have all their car parking within the basement, which does not have a dominant entry to Hill Street.

Whilst the existing dwelling to Comas Grove includes a vehicle turning space to the front setback, it is considered acceptable as no structure is proposed, and the driveway is to be reduced compared to the existing situation.

Complies

Height and building form:

To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.

The Comas grove streetscape is characterised by single storey dwellings and it is therefore considered that dwelling A.3 of Terrace A appears as an overly dominant and incongruous element within the streetscape and would thereby have a detrimental impact on the neighbourhood character of the area. A condition of any approval will require the first floor of Terrace A to be set back a minimum of 3 metres (the width of a room) from the ground floor front setback to Comas Grove.

The two (2) storey form of Terrace T respects the height and form of the adjoining property to the east and is therefore considered acceptable.

The three (3) storey building is considered to be an appropriate design response, streetscape wise, due to the front setbacks to Hill Street, which are 7.4 metres (balcony) and 8.60 metres at first floor level and 15.40 metres (stairs) to 17.40 metres at second floor level. The large front setbacks ensure that the building will have a lesser visual impact on the streetscape, especially when viewed directly in front from Hill Street, as confirmed by site lines included on the elevation plans.

Complies subject to condition

Materials and design detail:

To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.

To use materials and finishes that harmonise with the Merri Creek setting for dwellings within close proximity of the creek.

Terrace A is considered to be a modern interpretation of the character of period dwellings within the streetscape. The windows, which have a horizontal emphasis,

the strapping to the gable ends and the pitched roofing are considered to be appropriate within the streetscape, and respect, rather than replicate, period dwelling detailing.

Terrace T is considered be a modern interpretation of the character of the adjoining property to the east and is therefore considered acceptable.

The three (3) storey building is set back significantly from Hill Street and relies on the visual prominence of Terrace T to take the focus away from its modern, flat roof appearance.

A condition of any approval will require a materials and colour schedule.

The site is not proximate to the creek.

Complies subject to condition

Front boundary treatment:

The low fencing proposed to the Comas grove and Hill Street frontages is considered acceptable as they allow view of the garden areas and dwellings behind.

Complies

Two (2) or More Dwellings on a Lot and Residential Building (Clause 55)

Standard B1 - Neighbourhood Character:

This element has been considered above in the Neighbourhood Character Guidelines Assessment and the development is considered acceptable, subject to condition.

Complies subject to condition

Standard B2: Residential Policy

The proposal complies with State Planning Policy Framework, Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Complies subject to condition

Standard B3: Dwelling Diversity

20 two (2) bedroom dwellings and 20 one (1) bedroom dwellings are proposed, which adds to the dwelling diversity of the area.

Complies

Standard B4: Infrastructure

The development is to be located in an established area where there is adequate infrastructure. The proposal will not exceed the capacity of local infrastructure.

Council's Capital Works Unit has commented that drainage is available to the site subject to conditions.

Complies subject to condition

Standard B5: Integration with the Street

All dwellings provide adequate vehicle and pedestrian links with separate pedestrian entries. The development fronts the street network. No high front fencing is proposed.

Complies

Standard B6: Street Setback

Terrace A

The front setbacks of dwellings on the adjoining properties to the north and south are 7.17 metres and 9.13 metres. The standard requires a setback of 8.15 metres.

The proposed front setback of 8.48 metres complies with the standard.

Terrace T

The front setbacks of the dwellings on the adjoining properties to the east and west are 2.20 metres and 6.33 metres. The standard requires a setback of 4.27 metres.

The proposed front setback of 3 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.

The design provides a graduated and staggered, when viewed with the three (3) storey component, which is set back between 6 metres (entry foyer) and 13.20 metres towards the adjoining property to the west

The front setback is in excess of the front setbacks of the dwellings on the properties to the east (2B and 2C Hill Street).

The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.

The proposed setback results in efficient use of the site.

The existing streetscape is not consistent and provides for varied setbacks.

Three (3) storey building

The front setbacks of the dwellings on the adjoining properties to the east and west are 2.20 metres and 6.33 metres. The standard requires a setback of 4.27 metres.

The proposed front setback of 6 metres complies with the standard.

Complies with objective

Standard B7: Building Height

The two (2) storey Terrace A building has a maximum height of 8.60 metres.

The two (2) storey Terrace T building has a maximum height of 7.15 metres.

The three (3) storey building has a maximum height of 9.60 metres.

The proposed Terrace A and Terrace T buildings comply with the standard requiring a maximum height not exceeding 9.0 metres. For the most part, the three (3) storey building is 8.95 metres in height, with only the stairs and lift to the south east corner being 9.60 metres in height. The location of the second floor of the building, being set back 15.40 metres to 17.40 metres from the street, will ensure that its height will have limited impact on the streetscape.

Complies with objective

Standard B8: Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 44%.

Complies

Standard B9: Permeability

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, at least 20% of the site should be permeable. Permeability is 45%.

Complies

Standard B10: Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Rainwater tanks permanently connected to toilets for flushing.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.
- Skylights to the second floor common area.
- Bicycle parking is available throughout the development.
- Motion sensor lighting to common areas.
- CO monitoring and variable speed drive fans for the basement car park.
- Solar tubes to all internal bathrooms on the second floor.
- Solar hot water to the three (3) storey building.

Conditions of any approval will require the following:

- An updated ESD report and any modifications in accordance with recommendations found within the report.
- A notation stating that all skylights to the second floor common area are operable.
- Rain water tanks in accordance with the ESD report for Terrace A, Terrace T and the three (3) storey building.
- All east and west facing habitable room windows and glazed doors of the three (3) storey building to be fitted with external shading devices where not shaded by balconies located above.

Complies subject to condition

Standard B11: Open Space

The site is not adjacent to any areas of public or communal open space.

Not applicable

Standard B12: Safety

The entrances to the dwellings are adequately visible from the internal accessway and/or the street.

The development is designed to provide good lighting, visibility and surveillance of car parking and the internal accessway.

The private open space within the development is protected from inappropriate use as a public thoroughfare.

Complies

Standard B13: Landscaping

The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

A detailed landscape plan would be required as a condition of any approval.

Complies subject to condition

Standard B14: Access

Vehicle access to and from the site is safe, manageable and convenient. The number and design of the vehicle crossover(s) respects the neighbourhood character.

The width of the accessways to Terrace A and the existing dwelling is 6 metres combined, taking up 15.51% of the frontage, which is acceptable given that the standard requires no more than 33% of the frontage to be taken up by vehicle accessways.

Terrace T shares an accessway and car parking with the three (3) storey building.

The crossover to Terrace T and the three storey building, taking up 23.80% of the frontage, is acceptable given that the standard requires that no more than 33% of the frontage should be taken up by vehicle accessways.

Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction from both car parking areas.

A condition of any approval will require all redundant crossovers to be reinstated to Council requirements.

Complies subject to condition

Standard B15: Parking Location

Parking facilities will be proximate to all dwellings within the development.

The proposed parking spaces are an adequately secure form of parking.

The accesses are observable.

A condition of any approval will require the south facing window of bedroom 1 of dwelling A.2 to have a minimum sill height of 1.40 metres from the surface of the vehicle accessway. All other habitable room windows within 1.50 metres of shared vehicle accessways have sill heights over 1.40 metres in height.

Complies subject to condition

Standard B16: Parking Provision

The standard requires:

- One (1) car parking space is provided for each one (1) or two (2) bedroom dwelling.
- Development of five (5) or more dwellings should provide visitor car parking of one (1) space for every five (5) dwellings.
- Development of five (5) or more dwellings should provide bicycle parking spaces.

The total car parking requirement is therefore 40 resident car parking spaces, plus eight (8) visitor car parking spaces. 41 car parking spaces have been provided in total.

It is considered acceptable for no visitor car parking spaces to be provided for Terrace A, as this part of the development is typical of a four (4) dwelling medium density housing development that fronts a residential street. If considered on its own, this portion of the development would not require visitor car parking as it consists of only four (4) dwellings.

The basement car park provides enough car parking spaces for each dwelling, plus one (1) visitor space. A condition of any approval will require the car parking spaces to be allocated one (1) to each dwelling (three (3) storey building and Terrace T), and the remaining car parking space to be allocated to visitors. It is considered acceptable for the remaining seven (7) visitor car parking spaces to be waived as 18 bicycle parking spaces are located in the basement and eight (8) at ground floor level, the site is located within walking distance of the Miller on Gilbert Secondary Neighbourhood Retail Activity Centre (approximately 600 metres to the north east) and proximate to the following public transport options:

Bus Route 510:	approximately 400 metres to the south
Tram Routes 11 & 112:	approximately 600 metres to the north east

Thornbury Train Station (Epping Line): approximately 1.30km to the east

The car parking spaces and accessways have appropriate dimension to enable efficient use and management.

Access dimensions and car parking spaces are of the adequate width.

Complies

Standard B17: Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – terrace A	3 metres	1 metre	3.80 metres
Northern – 3 storey building	3.32 metres	1 metre	1.64 metres
Eastern – 3 storey building	3 metres	1 metre	3.03 metres
Western – 3 storey building	3.10 metres	1 metre	1.20 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – terrace A dwelling A.3	5.40 metres	1.54 metres	2.99 metres
Northern – terrace A dwelling A.4	5.20 metres	1.48 metres	1.70 metres
Eastern – terrace T	7.15 metres	2.25 metres	1.60 metres
Northern – 3 storey building dwelling L1.7	4.50 metres (screen) 5.60 metres (wall)	1.27 metres (screen) 1.60 metres (wall)	1.20 metres (screen) 3.40 metres (wall)
Northern – 3 storey building dwelling L1.8	4.60 metres (screen) 5.50 metres (wall)	1.30 metres (screen) 1.57 metres (wall)	2 metres (screen) 4.30 metres (wall)
Eastern – 3 storey building dwelling	4.60 metres (screen) 5.50 metres (wall)	1.30 metres (screen) 1.57 metres (wall)	2.10 metres (screen) 4.51 metres (wall)

L1.12			
Western – 3 storey building dwelling L1.6	4 metres (screen) 5.60 metres (wall)	1.12 metres (screen) 1.60 metres (wall)	1.40 metres (screen) 3 metres (wall)
Western – 3 storey building dwelling L1.2	4.60 metres (screen) 5.60 metres (wall)	1.30 metres (screen) 1.60 metres (wall)	2.40 metres (screen) 3.68 metres (wall)
Western – 3 storey building dwelling L1.3	4.60 metres (screen) 5.60 metres (wall)	1.30 metres (screen) 1.60 metres (wall)	2.40 metres (screen) 4.60 metres (wall)

A number of first floor setbacks comply with the standard, but are not considered to comply with the objective to limit the impact of development on the amenity of existing dwellings.

The northern setback of dwelling A.3 is not considered sufficient as it is located opposite secluded private open space on the adjoining property to the north. The paved area of secluded private open space is incorrectly shown on the plans as a driveway, the aerial photographs show that a clothesline prevents this area from being accessed by vehicles. A condition of any approval will require the northern setback of dwelling A.3 to be increased to 4 metres where adjacent to secluded private open space.

The northern setback of the balcony to dwelling L1.8 is not considered sufficient as it is located opposite secluded private open space on the adjoining property to the north. The balcony has a minimal setback of 2 metres and the screen required to prevent overlooking results in a height of 4.60 metres. A condition of any approval will require the balcony to be set back in line with the northern wall of dwelling L1.8.

The eastern setback of the balcony to dwelling L1.12 is not considered sufficient as it is located opposite secluded private open space on the adjoining property to the east. The balcony has a minimal setback of 2.10 metres and the screen required to prevent overlooking results in a height of 4.60 metres. A condition of any approval will require the balcony to be set back a minimum of 3.5 metres where it is not adjacent to the brick garage on the adjoining property to the east.

The setbacks that do not comply with the standard are shown in bold.

The reduced eastern setback of Terrace T is considered acceptable, as the first floor is located directly opposite the boundary wall of the adjoining property to the east.

The reduced northern setback of dwelling L1.7 is considered acceptable as it is located opposite a paved car parking area on the adjoining property to the north.

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – 3 storey building	8.30 metres	3.40 metres	4.40 metres

dwelling L2.5			
Northern – 3 storey building dwelling L2.6	8.30 metres	3.40 metres	6.57 metres
Eastern – 3 storey building dwelling L2.9	7.40 metres (screen) 8.30 metres (wall)	2.50 metres (screen) 3.40 metres (wall)	3.20 metres (screen) 4.51 metres (wall)
Western – 3 storey building dwelling L2.2	7.40 metres (screen) 8.30 metres (wall)	2.50 metres (screen) 3.40 metres (wall)	4.30 metres (screen) 6.17 metres (wall)

The first floor setbacks of L2.9 comply with the standard, but are not considered to comply with the objective to limit the impact of development on the amenity of existing dwellings.

A condition of any approval will require the balcony of L2.9 to be set back 4.50 metres where opposite secluded private open space (pool) to the east.

A condition of any approval will require the eastern wall of dwelling L2.9 to be set back a minimum of 5.50 metres where opposite secluded private open space (pool) to the east.

Complies subject to condition

Standard B18: Walls on Boundaries

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding an average of 3.0 metres.

Boundary	Maximum length allowable	Proposed length
Northern – terrace A	18.78 metres	8.80 metres
Eastern – terrace T	15.88 metres	9.07 metres

The wall heights of 3.0 metres average comply with the standard.

Complies

Standard B19: Daylight to Existing Windows

An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.

The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Standard B20: North Facing Windows

There are no north-facing habitable room windows on adjoining properties which would be affected by the proposed development in accordance with the requirements of this standard.

Not applicable

Standard B21: Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the south and east by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September. The development does not cast any shadows on the secluded private open space of the dwelling to the north.

Complies

Standard B22: Overlooking

There are a number of first and second floor windows, balconies and terraces which possibly allow overlooking to the secluded private open space of adjoining properties to the north and west, which could be addressed via condition requiring compliance with the standard. All balconies within 9 metres of secluded private open space will be required to also have their returns screened in accordance with the standard.

A condition of any approval would require the northern boundary fences to Terrace A and the eastern boundary fence to the three (3) storey building to be a minimum of 1.80 metres in height to prevent overlooking from the ground floors of those dwellings.

Complies subject to condition

Standard B23: Internal Views

Measures outlined under Standard B22 to screen views of adjoining properties also minimise internal views from upper levels.

A condition of any approval would require the internal fences between the secluded private open spaces of proposed dwellings to have a minimum height of 1.80 metres.

Complies subject to condition

Standard B24: Noise Impacts

A condition of any approval will require an acoustic assessment to be included so as to ensure that the noise from plant does not cause detriment to adjoining residential properties.

Complies subject to condition

Standard B25: Accessibility

The proposed dwellings can be made accessible for people with limited mobility by construction of a ramp, if required.

Dwellings A.1 and A.2 and the ground floor of the three (3) storey building can be easily accessed by those with limited mobility. The first and second floors of the three (3) storey building can also be accessed via lift, making the entire building accessible.

Complies

Standard B26: Dwelling Entry

The entries to both Terrace A and Terrace T dwellings are highly visible and create a sense of address and shelter.

A condition of any approval will require an entrance canopy and feature to be included as part of the three (3) storey building.

Complies subject to condition

Standard B27: Daylight to New Windows

Adequate daylight will be available to the windows in the new development.

All new habitable room windows within the development will be located to face an outdoor area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky.

Complies

Standard B28: Private Open Space

The two (2) storey Terrace A building has dwellings with access to ground floor secluded private open space of 25 square metres in area, as well as dwellings with access to first floor secluded private open space in the form of balconies in the range of 12 square metres to 17 square metres in area.

The two (2) storey Terrace T building has dwellings with access to ground floor secluded private open space that ranges from 7.5 square metres to 18 square metres in area as well as secluded private open space in the form of balconies that are 8 square metres in area.

The three (3) storey building has ground floor dwellings with access to secluded private open space in the range of 25 square metres to 56 square metres in area. The first, second and third floor dwellings would have access to secluded private

open space in the form of balconies that range from 8 square metres to 11 square metres in area.

It is considered acceptable for dwellings A.2, G1.2, G1.3, G1.5, G1.9, G1.11 and G1.12 to have 25 square metres of private open space as they are one (1) bedroom dwellings, with direct access to their private open space through internal living areas. The 25 square metre courtyards have minimum dimensions of over 3 metres and are usable spaces appropriate to dwellings of this size.

Ground floor dwellings G1.4, G1.6, G1.8 and G1.10 are two (2) bedroom dwellings and all have private open space areas of under 40 square metres. A condition of any approval will require these dwellings to be reduced in area so that they reach the minimum of 40 square metres of private open space.

A condition of any approval will require all balconies to be a minimum of 8 square metres, with a minimum dimension of 1.60 metres.

Complies with objective subject to condition

Standard B29: Solar Access to Open Space

The secluded private open spaces to Terrace A all have appropriate access to northern sunlight.

The secluded private open spaces to Terrace T are located on the southern side of the dwellings. This is considered acceptable as the balconies are of appropriate dimension and area, are directly accessible from internal living areas and the dwellings have additional secondary private open space areas to the north.

Whilst the secluded private open spaces of all dwellings of the three (3) storey building are orientated to the east and west, they all have some northern aspect, which is considered acceptable due to the north-south location of the building.

Complies with objective subject to condition

Standard B30: Storage

All dwellings within the development have access to storage areas with a minimum volume of 3-6 cubic metres, which is considered acceptable for dwellings of one (1) and two (2) bedrooms within an apartment style development. A condition of any approval will require the storage areas for dwellings A.1 and A.2 to be shown.

Complies with objective subject to condition

Standard B31: Design Detail

The design detail respects the character of the area, as discussed in the assessment against the Neighbourhood Character Guidelines.

Complies subject to condition

Standard B32: Front Fences

The low fencing proposed to the Comas grove and Hill Street frontages is considered acceptable as they allow view of the garden areas and dwellings behind.

Complies

Standard B33: Common Property

The public, communal and private areas within the development are clearly delineated. The common property is functional and capable of efficient management.

Complies

Standard B34: Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services.

A condition of any approval would require rooftop plan and services to be shown.

A condition of any approval will require a communal television antenna for the three (3) storey building.

A condition of any approval will require a Waste Management Plan to be submitted.

Complies subject to condition

CONCLUSION

Subject to conditions listed in the recommendation and detailed throughout this report, the proposal is considered to be in accordance with State Planning Policy Framework, Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

It is submitted that whilst three (3) storey developments are generally discouraged in established residential areas that are characterised by single and double storey dwellings, the common ownership of adjoining land and the context of the site reduce amenity impacts on neighbouring dwellings and increase the development potential of the site.