

SJB Planning



Statement of Evidence
Application for Review No.2171/2015

Development Plan
Former Clayton West Primary School Site

10 Alvina Street
Oakleigh South

prepared for

Spire Group Pty Ltd

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21 August 2017

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Executive Summary

This Statement of Evidence relates to a proposed Development Plan for the former Clayton West Primary School in Oakleigh South.

In about 2008, the review site was declared surplus to government needs. In advance of a planned sale of the land, the site was rezoned to facilitate an integrated infill residential development but with an overlay control that requires a future prospective developer of the land to prepare a Development Plan which, in summary, is expected to explain to the responsible authority and interested members of the community how the land will be developed in the years ahead.

This report considers the merits of a Development Plan prepared by the Spire Group, the owner of the land. The plan has been prepared by Rothe Lowman Architects and John Patrick Landscape Architects and is the culmination of a long process which the applicant, and the City of Monash, have been navigating since early 2015.

1.0 Introductory Remarks

1.1 Name, qualifications and experience

1. My name is Amanda Ring and I am a Director of SJB Planning, which conducts business from premises located at 80 Dorcas Street, Southbank.
2. I hold a Bachelor of Town and Regional Planning obtained from the University of Melbourne and have been practising as a Town Planner since 1986.
3. I have an employment history that includes positions with the former Shire of Melton, the City of Melbourne, the former Ministry of Planning and the Historic Buildings Council. I have been a practising planning consultant since 1991, advising public sector and private clients on a wide range of planning and development matters.
4. My area of expertise is urban and regional planning and heritage planning.

1.2 Instructions and background

5. Minter Ellison Lawyers first approached me in relation to this planning matter, in late 2016.
6. Planning and Property Partners had for some time been pursuing approval of a Development Plan (DP- Version 1) for the former Clayton West Primary School, in Oakleigh South, and the matter was the subject of a review under section 149 of the *Planning and Environment Act 1987*.
7. Council had refused to approve the submitted Development Plan (DP1) in September 2015 and this first application became the subject of Supreme Court proceedings (relating to tree retention provisions) which were finally decided by the Court in December 2016.
8. I provided my preliminary thoughts on a revised Development Plan which, at this time, was a work in progress. I attended two meetings (one at Minter Ellison and one at Rothe Lowman) to explain my thoughts about the direction of the revised Development Plan and how it might be improved. Soon after, the project, at least from my perspective, went into hiatus.
9. In early February 2017, I was approached again by Minter Ellison, wherein it was explained to me that a further Development Plan (DP2) had been submitted to Council for approval and that this plan, too, had been rejected on 31 January 2017.
10. In June of this year, I was invited to provide my comments on the plan rejected by Council at its 29 September 2015 meeting and to consider whether, and on what terms, I would be able to prepare a report for the Tribunal.
11. My comments were conveyed to the proponent's project team and amendments were made to the Development Plan (DP1) to respond to my areas of interest and concern. I subsequently reviewed some further changes that were made to the Development Plan because of discussions between the parties at a recent Compulsory Conference.

12. By letter from Minter Ellison Lawyers dated 02 August 2017, I was instructed to prepare evidence relating to planning matters raised in the proceeding including an assessment of the updated Development Plan against the requirements of:
- Clause 55 of the Monash Planning Scheme; and
 - Clause 56 of the Scheme.
13. In that same letter, I was also advised that Council was to give notice of the Development Plan (as required by the Planning Scheme) with a view to deciding its position on the Development Plan at a scheduled meeting on 29 August 2017. Consequently, the Council's position on this most recent version of the Development Plan is not known at the time of writing.

1.3 Facts, matters and assumptions

14. In preparing this statement I have:
- Reviewed the Development Plan prepared by Rothe Lowman Architects and the accompanying submission material that is the subject of notice and which is expected to be the subject of Council's decision on 29 August 2017;
 - Reviewed the preceding version of the Development Plan (DP1) considered by Council;
 - Reviewed relevant planning controls and policies set out in the *Monash Planning Scheme* and relevant related documents;
 - Investigated and considered proposed changes to the Monash Planning Scheme, to the extent that they have some relevance to the proposal;
 - Visited the site and the surrounding area and considered urban context matters, including site planning opportunities and constraints;
 - Reviewed and considered the submissions about the first Development Plan (DP1) - which was not approved by Council - as a means of gaining a sense of the local community's concerns about a future infill development on this land; and
 - Familiarised myself with the Council Report in respect the Development Plan (DP1) dated 29 September 2015 and the basis for the recommendation that it not be approved; a recommendation which the Council voted to carry.
15. In preparing this report, I have relied on and otherwise had regard for:
- The relevant Certificate of Titles which are each affected by a quarrying covenant but which do not prevent the approval of a Development Plan that contemplates subdivision of the land and, thereafter, the construction of dwellings;
 - The architectural material prepared by Rothe Lowman Architects and a landscape Plan prepared by John Patrick Landscape Architects;
 - An arboricultural assessment prepared by Tree Logic dated 19 March 2013 and other assessments completed by Rob Galbraith dated 21 November 2014 and 21 July 2017;

- An *Environmental Due Diligence Report* prepared by Golder Associates dated 06 April 2009;
 - A *Landfill and Gas Risk Assessment* also prepared by Golder Associates dated 17 May 2016;
 - A report to Council dated 29 September 2015 upon which the Council voted not to approve Development Plan (DP1);
 - The *Monash Housing Strategy* of 2004;
 - Amendment C125 to the Monash Planning Scheme, including the *Monash Housing Strategy* 2014;
 - *Advisory Committee Report, DEECD Surplus Land Rezoning Project* Standing Advisory Committee, Tranche 1 dated 22 November 2013;
 - Plan of a permitted two dwelling development at 8 Alvina Street, Oakleigh South; and
 - My own observations of the site and its surrounds observed on the occasions of my site visits and my inspections of the surrounding neighbourhood.
16. Ms Anna Thang, a Senior Planner in my office, has assisted in the preparation of this report. While Ms Thang has assisted, except where stated, the views expressed in my report are my own opinions and are not provisional opinions.

1.4 Summary of opinions

17. My opinions about the proposal are mostly set out in Section 7.0 of this report and these form the basis of the conclusions at Section 8.0.
18. In summary, I am satisfied that:
- The applicant's Development Plan satisfies all of the requirements in respect of a Development Plan and all of the required components have been provided.
 - The proposed Development Plan is a planning outcome that is soundly based in policy and suitable for residential development.
 - This very large site can support a higher housing yield without unreasonable impacts on its near neighbours or the neighbourhood generally.
 - The site should be allowed to express a new and contemporary character without slavish deference to the character of the surrounding neighbourhood of rather typical suburban typology.
 - When an application or applications for the housing contemplated in the Development Plan are submitted to the Council in due course, the responsible authority will have a further opportunity to assess what I would expect to be an even more refined version of an already high quality housing proposition.
19. In conclusion, I am satisfied that the Development Plan being considered by the Tribunal is worthy of approval.

2.0 The Site and Context

2.1 Location

20. The review site is known as the former Clayton West Primary School.
21. It is generally positioned to north of Centre Road, east of the Huntingdale Golf Course and the old Huntingdale Quarry and south-west of the Pakenham Railway Line.
22. The location is well-described in Rothe Lowman's DPO Submission at pages 3-6.

2.2 Brief history of site

23. I understand that The Clayton West Primary School closed in late 2006. It was part of a large portfolio of surplus education sites which were planned for sale as part of a program to reinvest in and renew Victoria's education facilities.
24. Before its sale, this site and three other former school sites in the City of Monash were rezoned from Public Use, in 2014, on the recommendation of a Ministerial Advisory Committee.¹

2.3 Title information

25. The review site comprises two titles being:
 - Certificate of Title Vol 08271 Fol 535 being Lot 1 on TP 232531K; and
 - Certificate of Title Vol 08271 Fol 519 being Lot 1 of TP 2325530M.
26. Each of the titles is encumbered by a covenant (which prevents quarrying and noxious trade) and drainage easements of 1.8 metres width variously at site boundaries.

2.4 Dimensions and area

27. The review site is of almost square proportions (approximately 137m x 144m) with an area of just over 2 hectares.
28. Most the site's boundaries interface with established, conventional residential properties but the northern half (approx.) of the western boundary has a generous frontage to the east side of Alvina Street of just under 90 metres length. The balance of the western boundary is adjacent to the former Huntingdale Quarry site – now a landfill.

¹ Advisory Committee Report, DEECD Surplus Land Rezoning Project Standing Advisory Committee, Tranche 1 dated 22 November 2013

29. A second, and much narrower frontage of just over 3 metres width is at Scotsburn Grove; traditionally associated with a narrow “arm” of land that historically provided convenient pedestrian access to the former school from neighbourhoods located to the east.
30. The Bosco Jonson survey in the Rothe Lowman DPO Submission explains that the site is generally level with a shallow and mostly steady cross-fall from the north-east corner to the south-west corner. It is free of buildings and scattered with a combination of native and exotic trees of different height, spread, maturity and significance. Mostly the trees are in small groups and growing into nearby canopies.
31. There are many trees at the site and these are described in the Arboricultural Assessment for the Former Clayton West Primary School prepared by Tree Logic and dated 19/04/2013 and, also, in a later assessment prepared by Rob Galbraith and dated 21 November 2015 and updated on 21 July 2017. Both arborists identify only a small number of trees of high retention value.
32. I note that there is a common view about the value four of the site’s highest value trees (and others at the site); one on the northern boundary behind 9 Coombs Avenue, two near the Alvina Street frontage coincident with Sinclair Street, and one at the southern boundary behind 9 Ashbrook Court and differences of opinion in relation to a Red Ironbark on the western boundary with the quarry site.

2.5 Observations about neighbouring land

33. Most of the established housing flanking the site’s eastern and southern boundaries comprises conventional single dwellings of either one or two storeys with a rear yard, some landscaping, various outbuildings and, in some instances, swimming pools. A second dwelling (comprising two storeys) has recently been constructed at the rear of the existing dwelling at 19 Scotsburn Grove.
34. The northern boundary interface is different and includes a single dwelling at the western end², multiple dwellings comprising a single storey villa unit development at 7 Coombs Avenue, a remnant market gardening use (including glasshouses) behind the dwelling at 9 Coombs Avenue and more single storey villa units at 11 Coombs Avenue.
35. More than half the site’s western boundary interfaces about the southern end of Alvina Street (which is only partially constructed) and the balance of this boundary interfaces with the old Huntingdale Quarry (referred to in the Golder Associates report as the Talbot Avenue Quarry) which is now a landfill site which the City of Monash anticipates may one day host infill residential development.
36. The neighbourhood has a modest and understated suburban character and ambience. Houses are in various states of repair; as with most neighbourhoods some dwellings are maintained in better condition than others.
37. There is the occasional evidence of more recent infill development including, some dual occupancies and a more substantial neighbourhood-style development to the north-east, in and around Coombs Avenue and Scotsburn Avenue. In most cases, this is in the form of contemporary two storey dwellings.

² I understand that there is a current planning permit which allows the redevelopment of 8 Alvina Street (abutting the northwest corner of the site) with a pair of two storey dwellings in a side-by-side configuration.

38. Gardens in the area are not especially leafy. Sparser, older, modest, suburban-style gardens are more characteristic of the area. There is the occasional large canopy tree in the neighbourhood and inconsistent and underwhelming street tree plantings.



Figure 1: The review site and its immediate interfaces

2.6 Locational characteristics

39. The Council correctly identifies that the site is not in, or close to, a centre of community activity. While this is the case, the site is nevertheless very well located for access to higher order activity centres, other centres of community activity and public transport. For example:
- Clayton Activity Centre (including Clayton Railway Station) is located approximately 1 kilometre to the east and a short distance north is the Monash Medical Centre precinct.
 - Oakleigh Activity Centre (including Oakleigh Station) is located approximately 3 kilometres to the northwest.
 - Chadstone Shopping Centre is about 5 kilometres to the north-east
 - Southland Shopping Centre is 6 kilometres to the south-west.
 - Monash University is about 3 kilometres to the north-east.
40. The site is also well located to access a range of public open spaces, community facilities and several primary and secondary schools. On the day of my most recent site visit, the nearby Davies Reserve (to the west) was hosting a primary school athletics carnival.
41. Each of these destinations is readily accessible by car using local and higher order roads or by public transport services which pass the site in Scotsburn Grove. The 704 bus service in Scotsburn Avenue, for example, connects with the Clayton and Huntingdale Railway Stations and numerous other regular bus services travelling along higher order roads such as Centre Road, North Road and the Princes Highway. Bus stops are located within walking distance of the review site.

3.0 Applicable Statutory Planning Framework

3.1 Zoning

42. The review site is in the General Residential Zone and Schedule 1 is applicable. All nearby residential land is in a General Residential Zone where Schedule 2 is applicable.
43. Schedule 1 does not vary any of the requirements at Clauses 54 or 55 and is to be distinguished from Schedule 2 which does vary requirements. In the absence of a specified height control in Schedule 1, the height of any new dwelling or residential building must not exceed 11 metres nor contain more than 3 storeys.
44. A permit is typically required for subdivision of the land and while use of the land for dwellings is as-of-right, a permit is required for buildings and works.
45. In this case, however, the provisions of the General Residential Zone are not strictly relevant, as no permit application is before the Tribunal.
46. The zone provisions anticipate that a permit application, or applications, is expected to follow the approval of a Development Plan and be generally in accordance with it.

3.2 Overlays

3.2.1 Development Plan Overlay

47. The review site is affected by the Development Plan Overlay and Schedule 5 is applicable.
48. Schedule 5 relates to Surplus Education Land and, more particularly, four former public primary school sites.
49. The overlay requires the preparation of a Development Plan to enable the future use and development of the land in an integrated manner. The Development Plan must be prepared for the whole of the relevant former school site before a permit or permits are issued for any substantive development or subdivision. A Development Plan must be to the satisfaction of the responsible authority.
50. Clause 3 of the Schedule sets out *Requirements for a development plan* and *Development Plan Components* as well as notice requirements. To assist decision-making in respect of the Development Plan, Clause 5 of the Schedule includes decision guidelines. I address these matters in more detail in a later section of my report.

3.2.2 Environmental Audit Overlay

51. The review site is also affected by the Environmental Audit Overlay, an overlay designed to ensure that it is suitable for a sensitive use.
52. I note that the former school was a sensitive use.

53. Clause 45.03-1 requires:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

54. In most cases, and depending on particular circumstances, a responsible authority would give effect to the requirements of Clause 45.03-1 by including an environmental audit condition on a planning permit being granted for use and development the land.

3.3 Particular Provisions

55. Particular Provisions in the scheme will have greater applicability when permit applications for subdivision and development of the land are pursued at a later date.

56. Notwithstanding, it is evident from a review of the Development Plan that some Particular Provisions in the Planning Scheme have influenced its formulation. For example:

- Clause 52.06 has influenced the supply of parking, the design of parking areas and the width and design of access ways and including provision for emergency and service vehicles.
- Clause 55 and 56 have influenced the layout and planning of dwellings and the way the proposed dwelling types relate to each other and neighbouring dwellings, other properties and streets.

57. Clause 52.17 will also be relevant at a point in the future as the Development Plan contemplates the removal of native vegetation. Vegetation offsets may be required but consistent with current Government policy, it is likely that any offsets will be preferred off-site.

4.0 Applicable Policy Context

4.1 Overlays

58. The State Planning Policy Framework comprehensively explains community planning directions and initiatives at Clause 9-19 of the Planning Scheme. It reinforces the imperatives for, and benefits of, urban consolidation, support for business and employment, greater housing choice and affordability as well as due and improved regard for the environment.
59. The framework explains that planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
60. The most relevant policies in this case are those at Clause 11.02 (Urban Growth), Clause 15 (Built Environment and Heritage), Clause 16 (Housing), Clause 18 (Transport) and Clause 19 (Infrastructure).
61. I do not recite relevant aspects of State Planning Policy Framework in this report suffice to say that I believe the proposal responds very positively to planning policies which aim to:
 - Maintain and expand housing choices consistent with the changing face of Melbourne's households and the demands of a rapidly growing population.
 - Increase housing yield on underutilised urban land including precincts where urban renewal is envisaged;
 - Locate housing in areas that are well served with community infrastructure;
 - Deliver more affordable housing closer to jobs, transport and services;
 - Produce high quality urban design outcomes that are respectful of neighbourhood character and cultural identity;
 - Promote water and energy efficiencies through good design;
 - Improve community safety; and
 - Minimise impacts on sensitive land uses.

4.2 Municipal Strategic Statement

62. The City of Monash's Municipal Strategic Statement (MSS) provides a summary of Council's strategic directions in relation to land use and development.

63. Relevant clauses from the MSS include those at Clause 21.02 which identify the key planning influences as:
- Moving towards sustainability.
 - Maintaining the garden city character.
 - Changing lifestyle choices and the demands of an ageing population.
 - ...
 - ...
 - The importance of neighbourhood character and heritage.
 - ...
64. Further, Clause 21.04 specifically relates to Residential Development. The policy aims to accommodate new forms of housing to meet housing demands and at the same time ensure that these newer forms of housing make an appropriate contribution to the appearance and feel of the city's neighbourhoods and their treed characteristics.

4.3 Local planning policies

65. The following local policies are of relevance to the proposal:
- Clause 22.01 – Residential Development and Character Policy. This policy applies to all residential land except where affected by a heritage overlay. The policy has characterised the municipality's various residential area types and anticipates that new development be successfully integrated with minimal streetscape or amenity impact and designed to achieve outcomes that will enhance the garden city character of the area.

The subject site, however, is not located in a Residential Character Type area, mostly likely because of its extraordinary size and peculiar planning status. In contrast, the residential areas to the east and west are identified in Character Area B where that area's character is said to derive from development constructed between 1945 and 1965, flat topography and a grid subdivision pattern.

In general, the policy anticipates (inter alia):

- architecture and urban design outcomes that contribute positively and respectfully to residential character type (where this is relevant);
- a variety of housing types that are energy efficient and sustainable;
- that the impacts of bulk and scale be minimised, where possible; and
- that the treed character of areas be complemented and preserved.

The policy sets out design and siting guidance under various headings at Clause 22.01-3.

- Clause 22.04 – Stormwater Management Policy is aimed at managing demands on drainage systems created by more intensive development in the municipality.
- Clause 22.05 – Tree Conservation Policy. This policy encourages the retention of semi-mature and mature trees wherever possible, to retain and protect street trees and to encourage the planting canopy trees in new developments.

4.4 Possible future planning policies

66. Monash Planning Scheme Amendment C125 is well advanced. It is focused around the *Monash Housing Strategy 2014* and a review of Residential Zones.
67. The purpose of the amendment is to make changes to the Monash LPPF and residential zones as the means of implementing the *Monash Housing Strategy 2014*. Since the release of the Planning Panel report, Monash Council has adopted the Planning Scheme Amendment (28 February 2017) and submitted it to the Minister for approval. I note that the Council did not accept/adopt all the Panel's recommendations.
68. Significantly, the Amendment does not seek to rezone the review site.
69. In my assessment of the proposed amendment, there are two main changes to the MSS; updates to reflect changes to the SPPF including but not limited to the inclusion of *Plan Melbourne: Metropolitan Planning Strategy* and changes to Activity Centre and Neighbourhood Character as explained in the *Monash Housing Strategy 2014*, which will be included in the Planning Scheme as a reference document.
70. The most significant change planned is the inclusion of a new 'Residential Character Type' map at Clause 21.04 that is implemented through an amended Residential Development and Character Policy at Clause 22.01. However, the review site continues as an area not attributed a character type and, consequently, there is no guidance in respect of preferred character.
71. For completeness, I note that the surrounding residential land to the north, east and south is proposed to be rezoned from General Residential Zone (Schedule 2) to General Residential Zone (Schedule 3) which includes additional ResCode variations (site coverage, permeability and landscaping) but no change to the height control.
72. The surrounding land to the north, east and west is identified as being within the 'Garden City Suburbs South' character area within the proposed updated Clause 22.01.
73. In my opinion, the change of zone and character statement for areas beyond the perimeter of the site, if approved the form adopted by Council, would not result in a significant change to the preferred character of these areas.

5.0 Description of the Development Plan

5.1 Summary

74. The Development Plan explains a future medium density housing project comprising 96 dwellings.
75. The dwellings comprise either two or three storeys and are proposed in groups to an orthogonal site planning strategy which draws on the historic subdivision pattern of the area and seeks to optimise favourable orientation.
76. The dwellings will be accessible by vehicle from Alvina Street (the only practical option for vehicle access) and thereafter a two-way loop road comprising North, South, East and West Lanes and Central Lane.
77. The plan includes provision for communal space, the principal component of which is a centrally located park-style space of approximately 1200 sqm. When subdivision of the land occurs, these communal spaces will be areas owned and managed by an Owners Corporation.

5.2 More details about the Development Plan

78. Of the total number of dwellings, 42 comprise two storeys and 54 comprise three storeys.
79. The two storey dwellings are mostly positioned at the site's boundary edges where they have a contextual relationship with existing residential development of either one or two storeys.
80. The three storey dwellings are mostly positioned in the central part of the site and otherwise interspersed with two storey dwellings planned at the Alvina Street frontage.
81. Twelve different attached housing types are contemplated providing different accommodation options across the 2, 3 and 4 bedroom spectrum. The design of houses at the end of rows will need to be finessed on a house-by-house basis to ensure that their exposed end walls engage appropriately with their access way or common area interface.
82. There are some other instances where finessing or adapting a plan for a particular circumstance could be to good effect. These are, however, matters of detail which could be resolved during the subsequent permit application phase of the development.
83. Private open space is provided for all dwellings. In many cases, the principal area of private open space is at ground level where it interfaces with neighbouring private open space. Typically, the dwellings located in the central part of the site and south of the entry at Alvina Street offer reverse living and private open space at the first floor, often with a secluded private open space at the ground level.
84. The attached housing types have accommodation ranging in size from 133 sqm to 235 sqm. They occupy lots ranging in size from 88 sqm to 304 sqm. Lot frontage widths vary

from 4.4 metres to 14.2 metres. Most housing types have a width between 6.6 metres and 7.2 metres.

85. The Rothe Lowman DPO Submission explains at pages 17 and 18 that the two storey houses will be in the order of 6.5 metres high. The three storey houses will be in the order of 9.0 metres high. At these heights, the houses do not offend the mandatory height controls set out in the General Residential Zone (Schedule 1).
86. I am instructed that the site coverage envisaged by the Development Plan is just under 40% and permeable area will be in the order of 34%. The balance of the site will be occupied by the access lanes, crossovers, driveways and footpaths.
87. Each house plan makes provision for on-site parking (all except one two-bedroom dwelling has two spaces) and 22 visitor spaces are dispersed along North, South, East and West Lanes). Information about parking is explained in more detail in the Traffix *Traffic Engineering Report* that is a required component of the Development Plan.
88. None of the house types contemplates front fencing.
89. Four existing trees are retained – an English Oak at the northern boundary, an angophora on the southern boundary, and an angophora and eucalypt at the western boundary. Provision has been made for their roots zones. Otherwise, the Development Plan contemplates that the site will be cleared of vegetation.
90. New landscaping is planned by John Patrick Landscape Architects. It envisages the protection of trees in neighbouring properties and the planting of many new trees, a fair proportion of which will be canopy trees in publicly accessible common areas. Smaller trees and suitable lower canopy landscaping is planned for the private garden environments which are mostly positioned to the rear of dwellings.

6.0 Opposition to the Development Plan

6.1 Council concerns

91. The Council's reasons for not approving the Development Plan are set out in Council Report dated 29 September 2015. They are:
1. The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 to the development plan overlay.
 2. The development plan poorly integrates with the neighbourhood character of the surrounding area.
 3. The scale and density of the submitted development plan is excessive.
 4. The development plan does not provide for appropriate inclusion and retention of existing vegetation.
 5. The development is inconsistent with Council's Residential Development and Character Policy.
 6. No risk assessment has been provided given the proximity of the site to the former Huntingdale Quarry.

6.2 Submitter concerns

92. Submitter concerns are well summarised in the same Council Report (at page 65). These concerns are:
- DPO tree retention requirements not complied with;
 - The safety of the walkway to Scotsburn Avenue;
 - Lack of dwelling diversity – all three bedroom dwellings;
 - Compliance (or not) with Clause 56 of the Planning scheme;
 - Overdevelopment;
 - Traffic and road congestion and Alvina Street access; and
 - The narrow width of internal streets.

7.0 Assessment of the Development Plan

7.1 The requirements of a Development Plan

93. Clause 3.0 of the Schedule 5 to the Development Plan Overlay states that the Development Plan for the site must be prepared for the whole of the site. The Development Plan does this and passes the first planning test, in my opinion.
94. Thereafter, there is a series of further requirements that the Development Plan should address or respond to. To assist the Tribunal's consideration of these matters, I have set out the requirements in the schedule and my assessment of the Development Plan's response to them, in Table 1 below. Aspects of the response comments are drawn from my Clause 55, Clause 56 and Clause 15.01-2 assessments appearing at Attachments 1, 2 and 3 to this report.

Table 1: Requirements of a Development Plan

Requirement	Development Plan Response
<ul style="list-style-type: none"> Where residential uses are proposed, provide a range of dwelling types to cater for a variety of housing needs. 	<p>Residential land use is proposed across the site. Consistent with the requirement, the plan provides a range of dwelling types to cater for a variety of housing needs. This range is summarised at page 11 of the Rothe Lowman DPO Submission and the house types are explained at pages 26-40.</p> <p>I expect the housing will, first and foremost, be attractive to families which are not as attracted to apartment style dwellings but who will be able to access modern new housing with a lower land cost component.</p> <p>The houses could also be attractive to shared households with up to four bedrooms and two living areas. Types J and P offer the opportunity for aging in place and accommodate those with mobility limitations; these types have a bedroom, bathroom and living area at the ground level.</p>
<ul style="list-style-type: none"> Where non-residential uses are proposed, details of the nature of the proposed use, including hours of operation, stall and visitor numbers, and traffic and parking management plan. 	<p>The Development Plan does not contemplate non-residential uses.</p>

- Incorporate sustainable design features to address water and waste management, solar access and energy savings initiatives, to deliver lower living costs for future residents.

An ESD Statement is provided at page 24 of the Rothe Lowman DPO Submission. It outlines passive and active measures in respect of sustainable design.

It is not critical, in my opinion, that this issue be resolved at this stage in the planning process as it is a matter that would be more efficiently and effectively resolved when a more advanced design process would see the design concept evolve to include the higher level of detail that will be required for the necessary planning permit applications.

- Create a composition of varied building forms and heights across the site.

I am completely satisfied that the combination of housing types provides for varied built form outcomes and heights across the site.

This is especially the case at the interfaces with existing residential development where the selection of multiple housing types of just two storeys is creating compositional variation that will ensure the number and groups of dwellings will not be visually bulky in their particular interface settings.

In the less sensitive central and south-western parts of the site, the houses are typically three storeys but interspersed with two storey dwellings.

Three storey dwellings around the central common area will add a greater sense of definition to the space, in my opinion, and give it a sense of intimacy and surveillance.

- Provide for a high quality of internal amenity for future residents.

I am completely satisfied that the house types on offer will provide a very high standard of amenity. The house types:

- Mostly have living spaces with favourable orientation for solar access;
- Separate living and sleeping areas;
- Offer good daylight penetration to all habitable rooms;
- Provide for cross-ventilation;
- Offer functional room size, shape and configuration;
- Include at least two both bathrooms;
- Show at grade entry to the ground level;

- Have an appropriate supply of on-site parking;
- Include usable outdoor private open space directly connected to primary living areas; and
- Propose internal and external storage

- Respect the amenity of adjoining interfaces for (sic) providing a maximum of 2 storey built form adjacent to or opposite any existing single storey residential development.

The Development Plan shows two storey (dwellings) built form where located adjacent to existing single storey development – that is, along the full lengths of the northern, eastern and southern boundaries of the site.

Lots 52 and 53 are the exception to the expectation as these are opposite a single storey dwelling at 13 Alvina Street. These dwellings transition appropriately from the two storey dwellings on Lots 50 and 51 and are set back more than 10 metres from the site frontage and beyond a landscaped common space which enables the retention of two of the site's highest value trees. In this setting, I consider that Lots 52 and 53 are able to sustain three storey built form.

- Any taller buildings across the balance of the site should be carefully graduated with reference to the analysis of shadow, visual amenity impacts and the character of the area.

The maximum height of dwellings is three storeys. The majority of the three storey dwellings are positioned in the central part of the site where they are a least 30 metres and where they will mostly be obscured in views from the private open spaces of neighbouring dwellings by two storey combinations of dwellings in the foreground settings.

Three storey buildings are also proposed to the south of the Alvina Street entrance where the nearest neighbouring dwellings is a two storey form. These dwellings are interspersed with two storey dwellings and have limited presence in the streetscape as for the most part, they do not interface with Alvina Street.

As the equinox shadow diagrams at pages 19 to 23 reveal, the composition of two and three storey dwellings positioned around a new looped access way provides a generally high degree of solar access to both private and communal open spaces.

- Apply appropriate buffer

The only non-residential use interfacing with the

treatments at the interface with any non-residential uses on adjoining properties.	<p>site is the market-gardening activity occurring at the rear of 9 Coombs Avenue. On observation, it seems benign.</p> <p>This interface is managed by limiting the number of dwellings interfacing with it (although I expect they will be little affected by neighbouring activities in any event) and the creation of a communal space created around another of the site's most significant trees.</p> <p>The approach is a 'suitable' buffer to the extent that it might be needed.</p>
<ul style="list-style-type: none"> Create opportunities for improved local permeability through provision of new pedestrian/cycle pathways or new local street networks where appropriate. 	The Development Plan improves local permeability with a new local 'street' network and provision for pedestrian paths – a key one being an extension of the site's walkway from Scotsburn Avenue.
<ul style="list-style-type: none"> Incorporate any significant native vegetation into the design of the development. 	The Development Plan retains the three most significant native trees; the eucalypt and angophora at Alvina Street and another angophora on the site's southern boundary.

95. For the reasons set out in Table 1 above, I am satisfied that the Development Plan meets the requirements set out at Clause 3.0 of Schedule 5 to the Development Plan Overlay.

7.2 The components of a Development Plan

96. Clause 3.0 of Schedule 5 to the Development Plan also sets out the components expected in a Development Plan.

97. As for Section 6.1, I have set out the components and my assessment of the Development Plan's parts, in Table 1 below.

Table 2: Components of a Development Plan

Component	Development Plan Response
<ul style="list-style-type: none"> Existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes, topography, and infrastructure provision. 	This information is <u>provided</u> in Section 2.0 of the Rothe Lowman DPO Submission at page 4-10.

- Concept plans for the site which show:
 - New building orientation and location, indicative uses for each building, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and area and locations of private and public open space.
 - Three-dimensional building envelope plans including maximum building heights and setbacks.
 - The design philosophy of the site and indicative architectural themes including car parking areas and garages so that they do not dominate the street or any public open space.
 - Shadow diagrams of the proposed building envelope conditions at 10.00am, 1.00pm and 3.00pm at 22 September.
 - An indicative development schedule including the minimum number type and density of dwelling and the floor area of any proposed non-residential uses.

This information is principally provided in Section 3.0 of the Rothe Lowman DPO Submission at pages 12-23.

Architectural information including the styling planned for future development is provided at Section 4.0 of the Rothe Lowman DPO Submission at pages 25-40.

- A traffic management report and car parking plan which includes:
 - Identification of roads, pedestrian, cyclist and vehicle access locations, including parking areas, both internal and external to the site.
 - Traffic management measures, where required.
 - Location and linkages to public transport.
 - Car parking rates for all uses, including visitor parking.
 - Provision for bicycle facilities.

Traffix has prepared a Traffic Engineering Assessment that must be read in conjunction with the plans appearing in the Rothe Lowman DPO Submission. It has been provided to Council.

Together, the submitted material addresses walking, cycling and vehicle movements to, from and around the site and into and through surrounding areas.

The Traffix report also includes a statutory assessment of parking supply and design having regard to the provisions of Clause 52.06 and provides information in respect of traffic generation. Finally, the report deals with the matter of service and emergency vehicle access.

- For the former Clayton West Primary School..., a risk assessment detailing the risk of landfill gas migration from nearby landfills must be undertaken... by a suitably qualified professional... to the satisfaction of the responsible authority.

A Golder Associates Report entitled *Landfill and Gas Risk Assessment* and dated 17 May 2016 has previously been provided to Council and Council's report dated 31 January 2017 (in relation to DPV2) took no issue with it as a component of the Development Plan.

<ul style="list-style-type: none"> ▪ A landscaping plan which: <ul style="list-style-type: none"> - Shows the landscape concept for the site. - Incorporates any significant vegetation including trees rated as 'moderate' or 'high' in the Tree Logic Assessment. 	<p>A Landscape Concept for the site has been prepared by John Patrick Landscape Architects and it has been <u>provided</u> to Council.</p> <p>Against the background of the decision of the Supreme Court of Victoria, the plan incorporates the highest value trees at the site.</p>
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98. For the reasons set out in Table 2 above, I am satisfied that the Development Plan has provided all of the components expected of a Development Plan and listed at Clause 3.0 of Schedule 5 to the Development Plan Overlay.

7.3 Wider Assessment of the Development Plan

99. Clause 5.0 of Schedule 5 to the Development Plan Overlay sets out Decision Guidelines which must be considered before deciding whether, or not, a Development Plan is satisfactory.
100. These guidelines are in addition to, but draw on, the Decision Guidelines set out at Clause 65 of the Planning Scheme.
101. My assessment of the proposed Development Plan takes account of the decision guidelines set out in Schedule 5 and other aspects of the Planning Scheme which I consider of greatest relevance and assistance to the assessment of the plan:

7.3.1 Consistency with planning policy

102. There is an extensive amount of planning policy impacting on this site, much of which is repetitive. I am, however, satisfied that on completion of a balancing exercise, that policy supports a medium density housing proposition at this site as it is a well serviced location despite it not being in or near an activity centre. It is also a large renewal and infill opportunity and, in my opinion, there are no convincing reasons why it can't be developed in a relatively intensive way.
103. From an overarching policy perspective, I am satisfied that the Development Plan:
- Expands housing choices in a still relatively affordable suburb consistent with the changing face of Melbourne's households and the demands of a rapidly growing population;

- Increases housing yield on an irrefutably underutilised parcel of urban land where infill and renewal has long been envisaged by applicable controls;
- Locates housing in an area that is well served with community infrastructure;
- Will deliver more affordable housing closer to jobs, transport and services – this part of Melbourne is well provided with employment land and multiple opportunities in the area are relatively easy and quick to access;
- Envisages high quality urban design outcomes that are respectful of adjacent neighbourhood character and cultural identity;
- Can facilitate water and energy efficiencies through good design;
- Has reconciled tree removal and retention and delivered new landscape opportunities;
- Improves community amenity and safety by ensuring a suitable degree of permeability through the site; and
- Minimises impacts on the neighbouring sensitive land uses.

104. In this case, more than others in which I been involved in recent times, I am reminded of Member Liston’s observations, almost 10 years ago, in *NJJJKT Pty Ltd v Whitehorse CC* [2008] wherein he stated:

12. *Informed participants in the planning approval process recognise that strategies in relation to urban consolidation, diversity and affordability are equally important to strategies in relation to neighbourhood character. However, it is my concern that because neighbourhood character is inherently site specific and local in its application then neighbourhood character considerations dominate the debate about particular projects while consolidation diversity and affordability are reduced to a background hum in our thinking.*

13. ...

14. *I think there needs to be a greater emphasis on the importance of metropolitan policies in relation to urban consolidation, housing diversity, and affordability. I do not say that neighbourhood character is of less importance, rather I say that in each decision consolidation diversity and affordability need to be at the forefront of our thinking, and not merely a background hum.*

105. I am reminded of this decision as, for the most part, the opposition to the proposed Development Plan synthesises to the concerns about the loss of vegetation from the site and, thereafter, the impact of a considerable number of contemporary, attached two and three storey houses and the resultant contrast with the character of the established surrounding neighbourhood.

106. As in the *NJJJKT* case, this review site is not an ordinary residential block in a uniform residential subdivision. It is distinguishable from land in the surrounding area by virtue of its size and relatively obscured location at the end of street which is effectively a cul de sac. In

reality, it has quite limited exposure to the wider public realm. Fortuitously, the land is also relatively flat and most of the trees at the site are of only low or moderate retention value.

107. In my view, it is an obvious opportunity to meaningfully diversify the municipality's housing stock and the smaller nature of lots on which this stock will sit will make them an affordable new housing choice. It is an increasingly rare opportunity which should not be squandered.

7.3.2 Consistency with the objectives set out in Clause 55

108. My assessment of the proposal against Clause 55 of the Planning Scheme is at Attachment 1 to this report. Schedule 1 to the General Residential Zone has no varied standards.

109. The assessment confirms that the Development Plan has taken account of and, in many cases, adopted the nominated design standards as the means of meeting design objectives.

110. To the extent that some variations from Clause 55 standards would be required when the housing concept set out in the Development Plan advances to the planning permit application process, I am satisfied that the variations could be approved or, if the responsible authority prefers, the dwelling plans finessed to comply. For example:

- **Front Setback**

The Development Plan contemplates a variation to **Standard B6** relating to the front setback from Alvina Street. The variation is not required for Lots 50-56 which will host dwelling types that have a frontage setback that is deeper than the only neighbouring house at 8 Alvina Street. Rather, the variation is required for Lots 1, 2, 3 and 4 to the south of the main access drive. These houses have their front walls set back 6 metres from Alvina Street and a terrace at the first floor with a setback of 3.6 metres.

These setbacks are shallower than the front setback at 8 Alvina Street but are so far south of this existing dwelling that a setback comparison serves no useful purpose. The southern end of Alvina Street, in my view, has no sensitivities which suggest that the shallower front setback planned at the southern end of Alvina Street cannot be considered acceptable.

- **Overlooking**

The Development Plan has not comprehensively resolved the matter of internal or external overlooking. Notwithstanding, it is not unexpected that screening measures will be required when the plans are more resolved in the lead-up to lodging a planning application for the new buildings and works. In my experience, this is the case for almost all medium density housing applications, as variations from **Standard B22** are rarely approved.

- **Private Open Space**

All but one of the house types complies with **Standard B28**. House Type K requires a variation as the ground level area falls short of

expectation. Despite this, the space connected with the family living area is of good size and dimension and, accordingly, functional.

- **Solar access to open space**

As the Tribunal will observe, Rothe Lowman has been able to limit houses with south-facing living areas by using a combination of conventional and reverse living floor plans. As a result, variations from **Standard B29** are only required for the dwellings facing South Lane.

The Type G house should have a ground level rear setback of 4.7 metres instead of 4.5 metres and the first floor should be set back 7.4 metres instead of 6.6 metres. Solar access could be improved with a variation to the Type G plan in this location only – as its utilisation in other parts of the site is appropriate in those locations, as designed.

Type L houses also require a variation and this could be approved on the basis that this house type offers reverse living with a north-facing terrace at the first floor that is directly accessible from the house's primary living area.

7.3.3 Garden area requirements

111. Amendment VC110 introduced a garden area requirement.
112. One purpose of the Development Plan is to explain how the land might be subdivided.
113. The subdivision provisions at Clause 32.0-3 of the General Residential Zone explain that where lots of less than 400 square metres are being created they must contain at least 25% of the lot as a garden area but, significantly, this does not apply to land where an approved precinct structure plan or an equivalent strategic plan applies.
114. In my opinion, the Development Plan is an equivalent strategic plan; it is designed to formulate a more strategic response to a site with particular planning opportunities that can be distinguished from the surrounding area. In this case, those opportunities have been recognised with a specific planning control regime.
115. In my opinion, the exemption in the subdivision provision is intended to offer flexibility in relation to future subdivision so that the potential of a site or area of some strategic importance is optimised.
116. Notwithstanding, the extent of the review site that is set aside for gardens / landscaping is almost 31%. More than half (55%) houses will have a garden area of 25 or more percent and almost 70% (69%) have a garden area equal to or greater than 20%.

7.3.4 Consistency with the objectives set out in Clause 56

117. My assessment of the proposal against Clause 56 of the Planning Scheme is at Attachment 2 to this report, noting that this Clause is more widely used for outer suburban greenfield residential subdivision where there is substantially less information provided to the responsible authority in the relation to the likely form and appearance of dwellings.

118. This assessment, too, confirms that the Development Plan has taken account of and, in many cases, adopted the nominated design standards as the means of meeting design objectives.
119. The only matter of substance to emerge from the assessment is the site's location in relation to activity centres. The site is not within walking distance of a neighbourhood or major activity centre, yet new residents will nevertheless be able to access multiple activity centres in the same way that existing residents of the neighbourhood access them. The fact that residents will most likely have to use their cars to access these centres is not an outcome fatal to the Development Plan and, further, for the reasons set out above should not, in my opinion, be a reason to modify the proposed Development Plan.

7.3.5 Orderly planning and development of the area

120. The Development Plan Overlay sets out requirements for and components expected of a development plan. These cover a wide range of now typical and contemporary planning considerations which are aimed at delivering orderly planning and development of the development plan area.
121. The proponent's response to these requirements and components demonstrates, in my opinion, that the proposed Development Plan is orderly and proper for the area.
122. Much of the Development Plan has, in fact, been prepared with more detail than would ordinarily be expected and to the extent that it will be used as a basis for a future planning application it provides a solid and transparent basis for future Council considerations.

7.3.6 High quality integrated medium density housing

123. Rothe Lowman is a well-regarded and experienced firm which has completed any number of high quality, medium density housing proposals across Melbourne.
124. In my opinion, the firm has brought a styling sensibility to this Development Plan which is unashamedly modern and contemporary. It diversifies housing choice in the neighbourhood and will meet the expectations of a new generation of home owners which is looking for "move-in and enjoy" housing at an affordable price.
125. The Development Plan does explain an integrated medium density residential project that is knitted into the neighbourhood with pedestrian permeability. It offers choice and diversity of housing opportunities. Housing types are different to what was provided some fifty years and are appropriately representative of their time. They will fit in a mostly concealed setting and deliver a high quality of amenity and urban design. The site planning, architectural, landscape and traffic engineering responses capably demonstrate this point.

8.0 Summary and Conclusions

126. I am satisfied that all of the requirements in respect of a Development Plan have been met and that all of the required components of a Development Plan have been provided to the responsible authority.
127. Further, I am satisfied that the proposed Development Plan is a planning outcome that is soundly based in policy. This site has been underutilised for close to a decade and is an urban renewal opportunity that should not be squandered.
128. The size and dimensions of the review site are unusual in this middle suburban setting and, as such, present a planning opportunity that is increasingly rare within established residential areas. It can support a higher housing yield, in my view; there is no convincing reason for it not to, and my assessment of the Development Plan demonstrates that it can be supported without unreasonable impacts on its near neighbours or the neighbourhood generally.
129. The type and extent of housing envisaged by the plan has been sited, planned and designed to respect the amenity of the neighbourhood and has been suitably supported and integrated with landscape design inputs from John Patrick Landscape Architects and Traffix. The site's continued exclusion from character type analysis lends support to the notion that housing on it should be allowed to express a new and contemporary character without slavish deference to a neighbourhood of rather typical and underwhelming suburban typology.
130. I also expect that there will be no unreasonable impacts on neighbours adjacent to or otherwise near the site. The juxtaposition of smaller groups of two storey dwellings types suitably set back from interface boundaries to allow landscaping, will deliver well-considered interface conditions which are not visually bulky.
131. When an application or applications for the housing contemplated in the Development Plan are submitted to the Council, the responsible authority will have a further opportunity to assess what I would expect to be an even more refined version of an already high quality housing proposition. In this regard, the potential for future development at the site to contribute positively to, and lift the residential quality of, the area should not be underestimated.
132. In summary, I am satisfied that the Development Plan being considered by the Tribunal has considerable merit and is worthy of approval.

Declaration

In coming to these conclusions, I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Tribunal.



Amanda Ring
BTRP MVPELA
21 August 2017

DESIGN ELEMENT	ASSESSMENT
Neighbourhood Character and Infrastructure	
Clause 55.01-1 Neighbourhood and Site Description	A site description of existing conditions has been prepared by Rothelowman in Section 2.0 of the DPO Submission.
Clause 55.01-2 Design Response	A Design Response Plan has been prepared by Rothelowman in Section 3.0 of the DPO Submission.
Clause 55.02-1 Neighbourhood Character Objectives	<p>The design responds appropriately to the opportunities and constraints of the site. Specifically:</p> <ul style="list-style-type: none"> ▪ All three storey dwellings have been located centrally, away from existing adjoining properties, to minimise unreasonable amenity impacts. All dwellings with an interface with an existing adjoining dwelling will have a maximum two storey height. ▪ The proposed front setback to Alvina Street is 7.3 metres (at the northwestern corner), consistent with the front setback of 8 Alvina Street (7 metres). Towards the southern end of the site, the front setback reduces to 6.0 metres (and then down to 3.6 metres for a projecting terrace) which provides a transition to the abutting southern properties fronting onto Ashbrook Court. ▪ No front fencing is proposed, consistent with the open character of the surrounding area.
Clause 55.02-2 Residential Policy Objectives	An assessment against the relevant planning controls and the broader policy context applicable to the development is provided in the main body of this report.
Clause 55.02-3 Dwelling Diversity Objective	<p>The proposal meets the standard and the dwelling diversity objective.</p> <p>A range of dwelling sizes and types will be provided within the proposed development, with a total of 16 different product types and lot sizes. Specially, the proposal will comprise:</p> <ul style="list-style-type: none"> ▪ 2 x two bedroom townhouses with a net saleable area of 132.9 square metres; ▪ 77 x three bedroom townhouses with a net saleable area ranging between 136.3 squares metres to 191.1 square metres; and ▪ 18 x four bedroom townhouses with a net saleable area ranging between 163.5 square metres to 258.9 square metres.

Townhouse Types J and P will contain a kitchen, bath or shower, toilet and wash basin and bedroom at ground level.

Clause 55.02-4
Infrastructure Objectives

The proposal meets the standard and the infrastructure objective.

The proposed development will be connected to existing services and infrastructure in line with the relevant authority's requirements.

It is not anticipated that the development will unreasonably exceed the capacity of utility services and infrastructure.

Clause 55.02-5
Integration with the Street Objective
Clause

The proposal meets the standard and the objective.

Alvina Street is the subject site's largest street frontage. Dwellings adjacent to the existing street will be oriented towards it while the balance of dwellings will be oriented to front proposed internal streets.

Vehicular access will continue to be provided from Alvina Street and the existing pedestrian access from both Alvina Street and the laneway from Scotsburn Avenue will be maintained. The pedestrian pathway from Scotsburn Avenue will be enhanced through the extension of the link to provide access to and through the communal open space within the development.

No front fencing is proposed to any of the proposed dwellings, in line with the streetscape character of the surrounding area which comprises either no front fence or low front fencing.

Site Layout and Building Massing

Clause 55.03-1
Street Setback Objective

A variation is required but the proposal meets the street setback objective.

Alvina Street is the subject site's only existing street frontage.

The only existing building facing the same street is the northern adjoining property (8 Alvina Street) which has an approximate front setback of 7 metres. The abutting property to the south does not front on to the same street (fronts on to Ashbrook Court).

The proposed front setback to Alvina Street ranges between 4.5 metres to 10.5 metres. House types north of the Alvina Street crossover will have a front setback of 7.3 metres and 10.5 metres, which meets the Standard.

House types south of the Alvina Street crossover will have a front wall setback 6 metres reducing to 3.6 metres for projecting balconies metres, which requires a variation. It is considered that the variation is acceptable because:

- The reduced setback manages the transition between the more generous front setbacks of adjacent northern properties to Alvina Street and the smaller rear setbacks of adjacent southern properties fronting Ashbrook Court (refer to Figure 1 below) as well at the narrower side setback at 16 Sinclair Street.

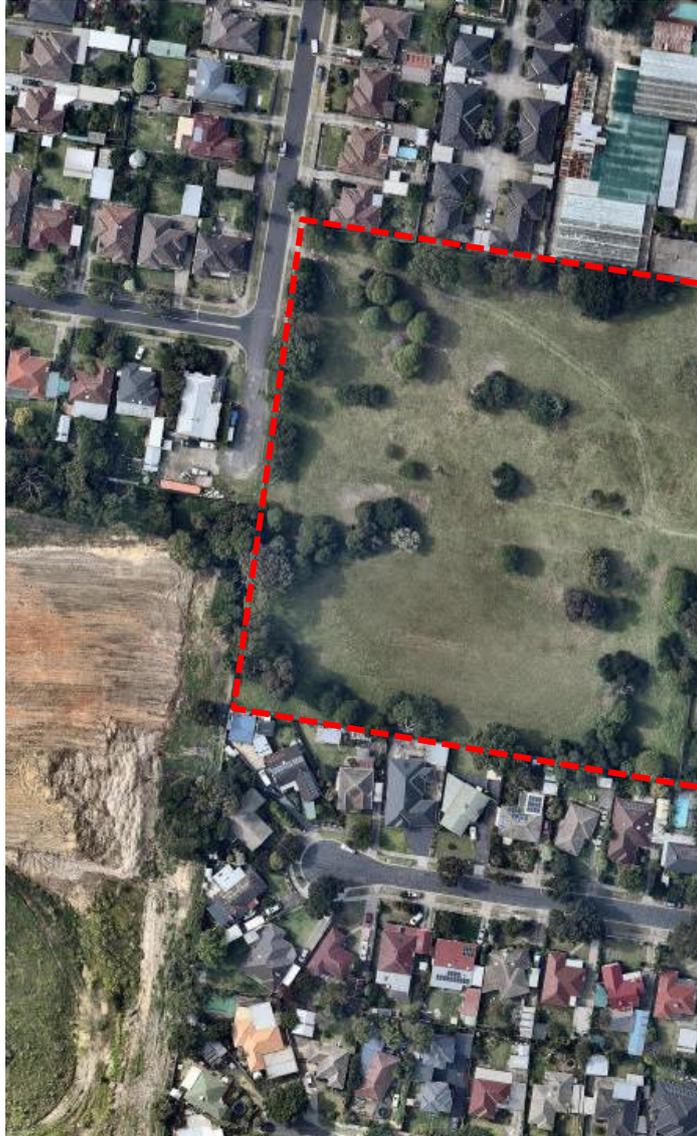


Figure 1: Aerial Photograph of the Subject Site highlighting the differences in setbacks to Alvina Street/western boundary (Source: Nearmap)

- The reduced front setback of properties south of Alvina Street (Lots 1 to 14) is not widely appreciable from the surrounding street network.

Clause 55.03-2
Building Height Objective

The proposal meets the standard and the building height objective.

The proposed dwellings will have the following approximate building heights:

2 storeys – 6.5 metres high
3 storeys – 9 metres high

The buildings heights also sit below the mandatory height control of 11 metres (and 3 storeys) set out in the General Residential Zone.

Clause 55.03-3
Site Coverage Objective

The proposal meets the standard and the site coverage objective.

The site coverage is calculated at 39.6%, well below the recommended 60%.

Clause 55.03-4
Permeability Objective

The proposal meets the standard and the permeability objective.

Site permeability is calculated at 33.6%, well above the recommended 20%.

Clause 55.03-5
Energy Efficiency Objective

The proposal meets the standard and the energy efficiency objective.

Living areas and private open spaces are located on the north side dwellings, where practical. It is not expected that the proposed development will unreasonably reduce the energy efficiency of existing dwellings on adjoining lots.

Clause 55.03-6
Open Space Objective

The proposal meets the standard and open space objective.

A communal (but public) open space area will be provided centrally within the development. It has been designed to be:

- Conveniently accessed from all properties within the development and maintains strong pedestrian links to Alvina Street and Scotsburn Avenue.
- Fronted by dwellings within Lots 65 to 71. Primary pedestrian access to the dwellings will be provided from the open space to maximise its usage and activation.
- Dwellings within Lots 57 to 61 and 72 to 76 will back onto the communal open space however upper level windows will provide opportunities for passive surveillance.

Clause 55.03-7
Safety Objective

The proposal meets the standard and safety objective.

Entrances to dwellings have been located and designed so that they are easily identifiable and not obstructed.

Opportunities for passive surveillance are maximised throughout the site. For example, the dwellings along Centre Lane will front the communal open space and pedestrian access will be through the park.

It is noted that refinements/detailing can be further resolved at planning permit application stage with respect to interfaces between dwellings at the end of the row and adjacent to the pedestrian pathway to Scotsburn Avenue.

Clause 55.03-8
Landscaping Objective

The proposal meets the standard and landscaping objective.

The proposed development has been designed to retain existing high retention value trees (Trees 1, 2, 8, 11).

Trees removed from the site will be replaced with a variety of shrubs and tree planting within all open areas. Notably, a minimum 4.5 metres setback is provided from all boundaries which will comfortably accommodate canopy tree planting. Further detail of the proposed landscaping is provided in the Landscape Plan prepared by John Patrick.

Clause 55.03-9
Access Objective

The proposal meets the standard and access objective.

A 6 metres wide crossover from Alvina Street is proposed to provide access to the development, as well as four (4) single width crossovers providing individual access to Lots 1, 2, 50 and 51. In combination, the width crossovers from Alvina Street is calculated at 18.5 metres which is approximately 22% of the street frontage. This is less than the recommended maximum of 33%.

The design of the proposed access ways and vehicular circulation meets all the required standards and there is ready and convenient access for emergency services – refer Traffic Report.

Clause 55.03-10
Parking Location Objective

The proposal meets the standard and parking location objective.

Resident car parking will be provided within garages at the ground level of each dwelling.

Twenty-two (22) visitor car spaces will be provided within the development – along the loop road ensure convenient access.

Habitable room windows adjacent to internal streets will be set back a minimum of 1.5 metres from the street/accessway.

Amenity Impacts

Clause 55.04-1
Side and Rear Setbacks Objective

The proposal meets the standard and setback objective.

All house types with an interface to existing adjacent residential properties will be double storey in built form (approximately 6.5 metres high).

The standard requires a minimum setback of 1.72 metres for a wall height of 6.5 metres.

All house types will have a minimum setback of 4.5 metres from boundaries, except for the dwelling on Lot 50 which has a side setback of 1.8 metres from the northern boundary. The proposed setbacks meet the standard.

Clause 55.04-2
Walls on Boundaries Objective

This standard is not relevant as no boundary walls are proposed.

Clause 55.04-3
Daylight to Existing Windows Objective

The proposal meets the standard and daylight objective.

Generous setbacks are provided between the proposed dwellings and adjoining residential properties. In most instances, proposed dwellings will be set back 4.5 metres from the boundary. The narrowest setback is 1.8 metres between the dwelling on Lot 51 the northern boundary, however the Standard would still be achieved.

Clause 55.04-4
North-Facing Windows Objective

This standard is not relevant as there are no north-facing windows within 3 metres of the subject site.

Clause 55.04-5
Overshadowing Open Space Objective

The proposal meets the standard and overshadowing objective.

As demonstrated in Section 3.0 of the Rothe Lowman DPO Submission, there will be some additional shadow impacts on the secluded private open spaces of southern adjoining properties (3, 5, 7, 9, 11, 13 and 15 Ashbrook Court) at 9am.

The shadows recede throughout the morning and by 12pm, additional shadow impacts are limited to the rear of the shed at 5 Ashbrook Court. There are no additional shadow impacts on other adjoining properties.

At least 75% of the SPOS of southern adjoining properties will not be affected by shadow between 9am to 3pm.

Clause 55.04-6
Overlooking Objective

The proposal can meet the standard and overlooking objective.

This can be further resolved/detailed as part of any planning permit application.

Clause 55.04-7
Internal Views Objective

The proposal can meet the standard and internal views objective.

A privacy screen and/or wing walls is shown on the upper levels of Townhouse Types D1, D2, F, L which will mitigate internal views.

This can be further resolved/detailed as part of any planning permit application.

Clause 55.04-8
Noise Impacts Objective

The proposal meets the standard and noise impact objective.

It is not anticipated that there will be any unreasonable noise impacts on the proposed dwellings. The subject site is not

adjacent to busy roads, railway lines or industry.

On-Site Amenity and Facilities

Clause 55.05-1
Accessibility Objective

The proposal meets the standard and accessibility objective.

The ground level of each dwelling will be accessible to people with limited mobility.

Additionally, Townhouse Types J and P offer complete ground level living.

Clause 55.05-2
Dwelling Entry Objective

The proposal meets the standard and dwelling entry objective.

All dwelling entries will be visible and easily identifiable from streets. Entries have been designed to provide a sense of personal address and transitional space from the public realm.

Clause 55.05-3
Daylight to New Windows Objective

The proposal meets the standard and daylight objective.

All proposed habitable room windows will face an outdoor space clear to the sky.

Clause 55.05-4
Private Open Space Objective

The proposal meets the standard and private open space objective.

Townhouse Type	Primary Secluded Private Open Space	Other POS
C1 & C2	9.5sqm balcony at Level 1	8.8sqm front yard at ground level
C3	9.5sqm balcony Level 1	9.3sqm front yard at ground level
D1 & D2	30sqm courtyard at ground level	5sqm front yard at ground level
E1 & E2	8sqm balcony at Level 1	31.1sqm front yard and 24.4sqm courtyard at ground level
F	25.5sqm courtyard at ground level	14.1sqm front yard at ground level
G	86sqm courtyard at ground level	36sqm front yard at ground level
H	23.5sqm courtyard at ground level	22.5sqm front yard at ground level
J	57sqm courtyard at	11sqm front yard

	ground level	at ground level
K	44.2sqm courtyard at ground level	68.3sqm front yard at ground level
L	8.4sqm balcony at level 1	5sqm front yard and 30sqm courtyard at ground level
M	13.8sqm balcony at level 1	14.1sqm courtyard and 9.9sqm front yard at ground level
N	30.9sqm courtyard at ground level	N/A
P	157sqm courtyard at ground level	46sqm front yard at ground level

All rear courtyards (Interfacing with existing residential development) will have a minimum 4.5 metre depth and balconies will have a minimum width of 2 metres.

Clause 55.05-5
Solar Access to Open Space Objective

A variation is required to the southern setback of House Type G however the proposal otherwise meets the standard and solar access objective.

The courtyards of dwellings fronting South Lane (comprising Townhouse Types L and G) will be located on the south side of the dwellings.

The southern boundary of the courtyard for Townhouse Type L is set back 4.5 metres from the northern wall which is less than the 7.4 metres recommended by the Standard (based on a wall height of 6 metres). However, this is considered to be appropriate as the primary secluded private open space area in Type L townhouses (comprising 9 out of 10 of the townhouses fronting South Lane) is provided in the form of a north-facing balcony which will have ample solar access.

The southern boundary setback (4.5 metres at ground level and 6.6 metres at first level) of the secluded private open space associated with Townhouse Type G requires a minor variation to the standard. The standard recommends a setback of 4.7 metres at ground level and 7.85 metres at first level (based on a wall height of 3 metres and 6.5 metres, respectively).

It is considered that the variation to Townhouse Type G is minor and, importantly, applies only to one dwelling within the development.

Clause 55.05-6

The proposal meets the standard and storage objective.

Storage Objective

All townhouses will have the ability to accommodate 6 cubic metres of storage space.

Detailed Design

Clause 55.06-1
Design Detail Objective

The proposal is able to meet the standard and design detail objective.

The detailing and proportions of the proposed dwellings have mostly been resolved but will be further refined as part of a future planning permit application.

Clause 55.06-2
Front Fences Objective

The proposal meets the standard and front fences objective.

No front fencing is proposed, consistent with the streetscape character of the surrounding area, which comprises either low or no front fencing.

Clause 55.06-3
Common Property Objectives

The proposal meets the standard and common property objective.

Common property comprises the internal streets, visitor car parking and the central and publicly accessible open space area. Common, private and public areas are clearly delineated.

Clause 55.06-4
Site Services Objectives

The proposal meets the standard and servicing objective.

The design and layout of the dwellings will provide sufficient space for services to be installed and maintained effectively.

Bins will be stored within the garage of each dwelling and mailboxes can be accommodated at the front of each dwelling.

Provision has also been made for clothes drying facilities on-site.

DESIGN ELEMENT	ASSESSMENT
<p>Clause 56.01-1 Subdivision Site and Context Description</p> <p>Clause 56.01-2 Subdivision Design Response</p>	<p>A site description of existing conditions has been prepared by Rothe Lowman in Section 2.0 of the DPO Submission.</p> <p>A Design Response Plan has been prepared by Rothe Lowman in Section 3.0 of the DPO Submission.</p>
Strategic Implementation Objective	
<p>Clause 56.02-1 Strategic Implementation Objective</p>	<p>The proposal is able to meet the standard and strategic implementation objective.</p> <p>The proposed layout and subdivision design is consistent with planning policy and will not compromise the integrity of surrounding land.</p> <p>A written statement describing how the subdivision is consistent with and implements relevant policy and strategy can be provided as part of a subdivision application.</p>
Liveable and Sustainable Communities	
<p>Clause 56.03-1 Compact and Walkable Neighbourhoods Objective</p>	<p>The proposal meets the standard and neighbourhoods objective.</p> <p>The proposed subdivision will create a community that benefits from its proximity to the surrounding established urban area.</p> <p>Section 2.0 of the Development Plan report prepared by Rothe Lowman includes a site context analysis that shows the proximity of the site to public parks, schools, public transport and road networks.</p>
<p>Clause 56.03-2 Activity Centre Objective</p>	<p>The proposal meets the standard and activity centre objective.</p> <p>The subdivision will benefit from access to established urban areas, including the Clayton Major Activity Centre approximately 1.5 kilometres to the east and the Oakleigh Major Activity Centre approximately 3.5 kilometres to the north-west.</p> <p>The activity centres are easily accessible from the subject site via local streets and higher or roads as well as public transport.</p> <p>There is also a small local centre (in a Mixed Use Zone) located on the corner of Scotsburn Avenue and Caroline Street (approximately 150 metres south-east of the subject site) comprising a small number of offices and shops.</p>
<p>Clause 56.03-3 Planning for Community Facilities</p>	<p>The proposal meets the standard and objective.</p>

Objective

The subdivision will be integrated into the surrounding established urban environment of Oakleigh South. Proximate community facilities include the Davies Reserve (approximately 400 metres to the west), Robinson Street Reserve (approximately north-east), Huntingdale Primary School (approximately 1.3 kilometres to the north-west), Oakleigh South Primary School (approximately 2.4 kilometres to the south-west) and the Monash Medical Centre (approximately 2.5 kilometres to the north-east).

Clause 56.03-4

Built Environment Objective

The proposal meets the standard and objective.

The proposed subdivision layout will ensure a living environment that is functional, safe and attractive. The proposed layout will ensure active frontages towards existing and proposed streets and open spaces. A generous area of communal open space is provided centrally within the site.

The lots will range in size from 88 to 303.9 square metres, with a minimum lot width of 4.4 metres and minimum lot depth of 13.5 metres. The range of lot sizes ensures that the future design and quality of dwellings will be diverse and will not be compromised because of subdivision layout.

Clause 56.03-5

Neighbourhood Character Objective

The proposal meets the standard and objective.

The proposal provides a reasonable and appropriate response/interface with the existing dwellings adjoining the site to the north, east and south. The matter of neighbourhood character/transition to nearby residential land has been discussed in the body of my evidence.

Existing trees with a high retention value will be retained.

Lot Design

Clause 56.04-1

Lot Diversity and Distribution Objectives

The proposal meets the standard and objective in relation to lot diversity but requires a variation to the proximity to an activity centre.

Lot sizes of between 88 to 303.9 square metres, with an average lot size of 143.7 square metres, will allow for varied housing outcomes. A mix of two, three and four bedroom townhouses are proposed.

The subject site is located:

- Within 400 metres of three bus stops (one located on Coombs Avenue and two located on Scotsburn Avenue). The bus stops are serviced by bus number 704 which includes Oakleigh Railway Station and Clayton Station, as well as the Oakleigh and Clayton Activity Centres, on its route.
- The local centre on the corner of Scotsburn Avenue

and Caroline Street (approximately 110 metres to the south-east). The Clayton and Oakleigh Activity Centres are approximately 1.2 kilometres away.

It is considered that the site's distance to the Clayton and Oakleigh Activity Centre is appropriate in this instance as they can be easily accessed by public bus or private vehicle from the subject site. This distance is also short for those choosing to cycle.

Clause 56.04-2
Lot Area and Building Envelopes
Objective

The proposal meets the standard and building envelope objective.

Indicative floor plans associated with each townhouse type have been included as part of the application. The lots will be of dimensions that enable appropriate siting and construction of very functional and liveable dwellings.

Clause 56.04-3
Solar Orientation of Lots Objective

The proposal meets the standard and solar orientation objective.

The subdivision has been carefully designed to allow all dwellings to have appropriate solar orientation. Lots have generally been designed with the long axis in either a north south or east west direction ensuring maximum solar exposure.

Clause 56.04-4
Street Orientation Objective

The proposal meets the standard and street orientation objective.

Each lot has appropriate visibility and surveillance as:

- The subject site will comprise approximately 900 square metres of communal open space which will provide opportunities for community social interaction.
- Lots adjacent to the communal open space area will have frontages/access to the open space and ensure high levels of surveillance. The communal open space is bounded by a pedestrian footpath.
- All lots with a frontage to Alvina Street will have pedestrian access and windows facing the street.
- The areas of passive/active open space are provided with space along parts of their boundaries with the opportunity for side windows to provide passive surveillance.

Clause 56.04-5
Common Area Objective

The proposal meets the standard and common area objective.

Common areas will comprise internal streets and the communal open space areas. The subdivision of the subject land will not impact on public access in the surrounding street network.

A subdivision plan will be prepared to accompany any subdivision application.

Urban Landscape

Clause 56.05-1 Integrated Landscape Objectives

The proposal meets the standard and integrated landscape objective.

The landscape plan prepared by John Patrick Landscape Architects provides an overview of the landscape concept area for the subject site. The proposed landscaping will ensure an attractive landscape that visually emphasises street and communal open spaces.

Clause 56.05-2 Public Open Space Provision Objectives

The proposal meets the standard and public open space provision objective.

The proposed subdivision provides for approximately 900 square metres of publicly accessible communal open space that will be centrally located within the subject land. This calculates at approximately 4.5% of the site area.

The public open space area has been designed to integrate with the east/west pedestrian link between Scotsburn Avenue and Alvina Street.

Access and Mobility Management

Clause 56.06-1 Integrated Mobility Objective

The proposal meets the standard and integrated mobility objective.

The subdivision will effectively integrate with the existing pedestrian and cycling paths surrounding the subject land.

Clause 56.06-2 Walking and Cycling Network Objective

The proposal meets the standard and walking/cycling objective.

The subdivision will effectively integrate with the existing pedestrian and cycling paths surrounding the subject land.

Clause 56.06-3 Public Transport Network Objective

The proposal meets the standard and public transport network objective.

The proposed internal street network will provide a direct connection via Alvina Street to the existing surrounding roads.

Details of public transport is set out in the Rothe Lowman DPO Submission and in the Traffix Report.

Clause 56.06-4 Neighbourhood Street Network Objective

I defer to the traffic evidence/report that has been prepared by Ms Charmaine Dunstan.

Clause 56.06-5
Walking and Cycling Network Detail
Objective

The proposal meets the standard and walking/cycling network objective.

The subject site will benefit from the existing footpath along Alvina Street, new footpaths within the site and retention of the walkway through to Scotsburn Avenue.

The proposed street network within the site will be designed to be continuous, safe and constructed to meet relevant standards.

Clause 56.06-6
Public Transport Network Detail
Objective

I defer to the traffic evidence/report that has been prepared by Ms Charmaine Dunstan.

Clause 56.06-7
Neighbourhood and Street Network
Detail Objective

I defer to the traffic evidence/report that has been prepared by Ms Charmaine Dunstan.

Suffice to say, the proposed subdivision will incorporate appropriately designed street carriageways and verges to provide an accessible and safe neighbourhood street system.

Clause 56.06-8
Lot Access Objective

I defer to the traffic evidence/report that has been prepared by Ms Charmaine Dunstan with respect to the design of the crossovers.

Integrated Water Management

Clause 56.07-1
Drinking Water Supply Objectives

The proposal is able to meet the standard and water supply objective.

The provision and installation of individual water services to all lots will occur in accordance with South East Water requirements and Victorian Planning Regulations.

Clause 56.07-2
Reused and Recycled Water Objective

The proposal is able to meet the standard and reused/recycled water objective.

A planning permit condition can be implemented to investigate the viability and practicality in providing recycled water to the general area.

Clause 56.07-3
Waste Water Management Objective

The proposal is able to meet the standard and waste water management objective.

The provision and installation of sewage services to all lots will occur in accordance with South East Water requirements and Victorian Planning Regulations.

Clause 56.07-4
Urban Run-Off Management Objective

The proposal is able to meet the standard and urban run-off management objective.

A detailed stormwater strategy for the subdivision can be prepared as part of any subdivision permit application.

Site Management

Clause 56.08-1
Site Management Objective

The proposal is able to meet the standard and site management objective.

There is no information to suggest that the requirements cannot be met. A planning permit condition can be implemented to require a site management plan.

Utilities

Clause 56.09-1
Shared Trenching Objective

The proposal is able to meet the standard and shared trenching objective.

Utilities to the site will ultimately be provided in accordance with the requirements of utility companies.

Clause 56.09-2
Electricity, Telecommunications and Gas Objectives

The proposal is able to meet the standard and objective.

Telecommunication, electricity and gas services will be provided in accordance with government legislation and designed in accordance with the requirements of the servicing agencies.

Clause 56.09-3
Fire Hydrants Objective

The proposal is able to meet the standard and objective.

If required by the relevant fire authority, the subdivision layout can accommodate the provision of an additional fire hydrant to enable fire fighters to access water safely, effectively and efficiently.

Clause 56.09-4
Public Lighting Objective

The proposal is able to meet the standard and objective.

Where appropriate, public lighting will be provided to ensure the safety of pedestrians, cyclists and vehicles.

Public lighting will be provided in accordance with relevant Australian standards.

Design Principle

Design Response

Context

The Development Plan has taken account of the natural cultural and strategic context of the site; a very large and vacant former school site sitting at the edge of an established suburban neighbourhood with good accessibility to higher order activity centres and other places of community activity.

There are is no urban design framework or policy for the site.

A comprehensive site analysis has been the starting point for the design process and, in particular, the basis for height, scale and massing of proposed development.

The public realm

To the extent that the Development Plan engages with the public realm, it offers the opportunity for enhancement. Within the site, a new and publicly accessible private realm is enhanced with pedestrian spaces, landscaped access ways and landscaped open space areas.

Safety

The Development Plan contemplates a new urban environment where people and property space can feel safe; at least to the extent possible and enjoyed by others in the surrounding area.

Landmarks, views and vistas

No landmarks, views and vistas are affected or created by the proposal.

Pedestrian spaces

The design of interfaces between buildings and more public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, has been managed to enhance the visual and social experience of the user. There is room for further finessing of the design of townhouses which are typically positioned at the end of a row.

Heritage

Heritage is not an applicable consideration.

Consolidation of site and empty sites

The development which is contemplated will contribute to the complexity and diversity of the built environment. The plan for Alvina Street will result in a new built form element in Alvina. At the southern end of Alvina Street it will not be out of keeping with the rhythm of the streetscape.

Light and shade

The publicly accessible common area of open space has good access to sunshine.

Energy and resource efficiency

Site planning has ensured the opportunity for energy efficient design and the permit application phase will

ensure that energy efficiencies are delivered in the subdivision and the more detailed design of the dwellings.

Architectural quality

I am confident that Rothe Lowman will be able to deliver a new development outcome which achieves high architectural and urban design outcomes.

Landscape architecture

Considerable recognition has been given to the setting in which the buildings are designed and the integrating role of landscape architecture. As a result, there are numerous opportunities for landscaping to support the built form outcome proposed in the development plan – including in the communal and private realms.