

SJB Planning



Statement of Evidence
Application for Review No.P1707/2019

Request to Approve a Development Plan
Former Oakleigh South Primary School Site

52 Golf Road
Oakleigh South

prepared for

Golf Road Project
Development Pty Ltd

Amanda K Ring
14 February 2020

Table of Contents



Executive Summary	6	
<hr/>		
1.0	Introductory Remarks	7
	Name, qualifications and experience	7
	Instructions and background	7
	Facts, matters and assumptions	8
	Summary of opinions	9
<hr/>		
2.0	The Site and Context	11
	Location	11
	Brief history of site	12
	Title information	12
	Dimensions and area	12
	Site conditions	13
	Observations about neighbouring land	13
	Locational characteristics	14
<hr/>		
3.0	Applicable Statutory Planning Framework	16
	Zoning	16
	Overlays	16
	Particular Provisions	17
<hr/>		
4.0	Applicable Policy Context	18
	Planning Policy Framework	18
	Municipal Strategic Statement	19
	Local planning policies	19
<hr/>		
5.0	Description of the Development Plan	21
	The Development Plan Summarised	21
	More details about the Development Plan	21
<hr/>		
6.0	Opposition to the Development Plan	25
	Council concerns	25
	Submitter concerns	25

Table of Contents

7.0	Assessment of the Development Plan	26
	The requirements of a Development Plan	26
	The components of a Development Plan	31
	Wider Assessment of the Development Plan	33
	Consistency with higher order planning policy	33
	Consistency with the objectives set out in Clause 55	35
	Consistency with the objectives set out in Clause 56	37
	Orderly planning and development of the area	37
	High quality integrated medium density housing	38

8.0	Summary and Conclusions	40
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List of Figures

Figure 1: Location of the review site

Figure 2: The review site and its immediate interfaces

Tables

Table 1: Requirements of a Development Plan

Table 2: Components of a Development Plan

List of Attachments

Attachment 1 – Clause 55 Assessment

Attachement 2 – Clause 56 Assessment

Executive Summary

This Statement of Evidence relates to a proposed Development Plan prepared for the former Oakleigh South Primary School site in Oakleigh South and addresses planning matters.

The review site was declared surplus to government needs and subsequently rezoned in 2014 to facilitate infill residential development. In addition to a change of zone, Amendment GC5 introduced a Development Plan Overlay (DPO) that requires a prospective developer of the land to prepare a Development Plan to the satisfaction of the responsible authority.

A Development Plan for the land is expected to explain to the responsible authority and others in the community how it can expect the land to be used and developed in the years ahead.

This report considers the merits of a Development Plan prepared by Golf Road Project Development Pty Ltd (GRPD), the owner of the land. The preparation of the plan was coordinated by Tract Consultants, with input from, amongst others, Plus Architecture.

1.0 Introductory Remarks

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.

Instructions and background

5. Minter Ellison Lawyers first approached me in relation to this matter in November 2018, explaining that its client, Golf Road Project Development Pty Ltd, was preparing a Development Plan for the former Oakleigh South Primary School, in Oakleigh South, for consideration by the City of Monash.
6. I understood that a previous Development Plan proposal was refused by the Council in 2015. It was the subject of an Application for Review to VCAT which was subsequently withdrawn.
7. I had no involvement with the previous request to approve a Development Plan (for a preceding owner of the land).
8. Minter Ellison Lawyers contacted me again in October 2019 and advised that Golf Road Project Development Pty Ltd had been actively pursuing approval of its Development Plan (DP) and the matter had progressed to VCAT by way of a review lodged pursuant to section 149 of the *Planning and Environment Act 1987*.
9. I was instructed that Council resolved to not to approve the GRPD Development Plan in September 2019 and soon after provided with a range of briefing materials expected to inform me about the proposed Development Plan and Council's consideration of it.
10. I attended two meetings (one at Minter Ellison and one at Plus Architecture) to explain my thoughts about the proposed Development Plan and how it might be amended to improve the response to relevant objectives and requirements of the DPO. My attendance at these meetings was also part of my consideration as to whether, and on what terms, I would be able to speak to the merit of the Development Plan at a scheduled VCAT hearing.
11. The amended Development Plan filed and circulated on 3 February 2020, and proposed for substitution, has addressed my areas of interest and concern and, having done so, I

confirmed that I would be able to prepare evidence relating to planning matters, including an assessment of the amended Development Plan against the requirements of:

- Schedule 5 of the Development Plan Overlay;
- Clause 55 of the Monash Planning Scheme; and
- Clause 56 of the Scheme.

12. At the time of settling this report for filing, the Council's position on the Development Plan proposed for substitution was not known.

Facts, matters and assumptions

13. In preparing this statement I have:

- Reviewed the submitted Development Plan prepared by Plus Architecture and others and the accompanying submission material that was the subject of the Council's consideration during 2019.
- Familiarised myself with the 24 September 2019 Council Report in respect of the submitted Development Plan and the basis for Council's decision to refuse to approve it.
- Reviewed relevant planning controls and policies set out in the *Monash Planning Scheme* and relevant related documents.
- Visited the site and the surrounding area and considered urban context matters, including site planning opportunities and constraints.

14. In preparing this report, I have relied on and otherwise had regard for:

- The relevant Certificate of Titles, which are each affected by a drainage and sewerage easement but which does not prevent the approval of a Development Plan that contemplates subdivision of the land and, in due course, the construction of attached dwellings.
- Volumes 1 and 2 of the 52 Golf Road, Oakleigh South Development Plan Revision 3 (February 2020) which includes architectural material prepared by Plus Architecture.
- Arborist reports prepared by Tree Logic in 2013 and by Landscape DEPT in late 2018, Rob Galbraith in May 2019 and a subsequent *Arboricultural Report* prepared by Landscape DEPT dated June 2019.
- A *Desktop Review of Environmental Assessment Reports* prepared by Prensa dated 17 December 2018.
- A *Memorandum* relating to the Ultimate (Mitigated) Development Conditions at the site, prepared by Water Technology dated 17 May 2019.
- A *Stormwater Management Plan* prepared by FMG Engineering dated 30 January 2020.

- *A Desktop Landfill Gas Investigation*, dated March 2014, and subsequent review, dated 7 December 2018, prepared by Prensa.
 - *A Property Servicing Report* prepared by FMG Engineering dated 24 May 2019.
 - *A Site Development Management Plan* prepared by Prensa dated December 2018.
 - *A Sustainable Management Plan* prepared by Sustainability House (SUHO) dated 3 February 2020.
 - *A Traffic Engineering Assessment* prepared by Traffix Group dated February 2020.
 - *A Waste Management Plan* prepared by Sustainability House (SUHO) dated 3 February 2020.
 - *A Draft Plan of Subdivision* prepared by Veris dated 23 May 2019¹.
 - *Advisory Committee Report of the DEECD Surplus Land Rezoning Project Standing Advisory Committee*, Tranche 1 dated 22 November 2013.
 - My own observations of the site and its surrounds observed on the occasions of my site visits and my inspections of the surrounding neighbourhood.
15. Ms Danniella Persaud, a Senior Planner in my office, has assisted with the preparation of this report. While Ms Persaud has assisted, except where stated, the views expressed in my report are my own opinions and not provisional opinions.

Summary of opinions

16. My opinions about the Development Plan are expressed throughout this report, but mostly at Section 7.0 and in Attachments 1 and 2. These opinions form the basis of the conclusions at Section 8.0.
17. In summary, I am satisfied that:
- The GRPD Development Plan satisfies all the *requirements* in respect of a Development Plan and all the required components have been provided.
 - The proposed Development Plan is a planning outcome that is soundly based in policy and a suitable basis for permit applications for future residential development of the site.
 - This almost 2.0 hectares site can support a higher housing yield without unreasonable impacts on its nearest neighbours or the neighbourhood generally.
 - The site should legitimately be allowed to express a new and contemporary character without replicating the character of the surrounding neighbourhood of rather typical, post WWII suburban typology.

¹ This plan relates to the Development Plan considered by Council in September 2019 and not the Development Plan proposed for substitution.

- When a permit 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, contemporary housing proposition.

18. In conclusion, I explain that I am satisfied that the Development Plan being considered by the Tribunal is worthy of approval.

2.0 The Site and Context

Location

19. The review site is known as the site of the former Oakleigh South Primary School.
20. It is generally positioned to the north of Beryl Avenue, east of Golf Road and south of the Metropolitan Golf Club, in Oakleigh South.
21. The location is well described within Section 3.0 of Volume 1 of the February 2020 Development Plan.

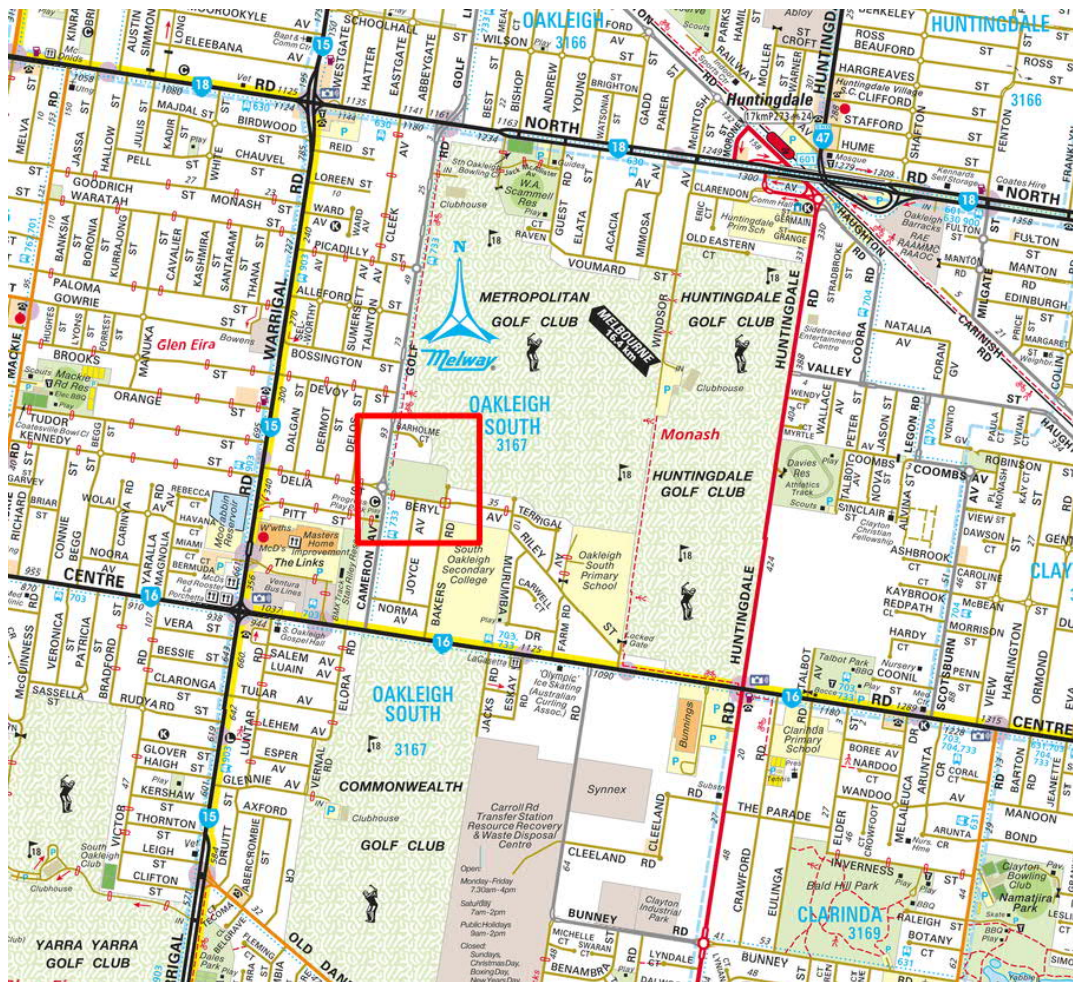


Figure 1: Location of the review site

Brief history of site

22. I understand that the former Oakleigh South Primary School ceased operating at the site at the end of 2001. A new Oakleigh South Primary School is now well established on Riley Street, approximately 800 metres south east of the review site.
23. The review site was identified within a large portfolio of surplus education sites which were planned for sale as part of a government program to reinvest in and renew the State's education facilities almost two decades ago.
24. In 2014, and before its sale, the review site, along with three other former school sites in the City of Monash, was rezoned from Public Use on the recommendation of a Ministerial Advisory Committee.²
25. In addition to attributing a residential zone to the land, the amendment introduced an overlay to the site requiring a development plan *which would explain the form and conditions of future use and development to be shown... before a permit can be granted to use or develop the land.*³

Title information

26. The review site comprises 13 parcels being:
 - Lots 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 on LP013217 in Certificate of Title Vol 05975 Fol 996; and
 - Certificate of Title Vol 11375 Fol 080 Crown Allotment 2030 Parish of Mordialloc of TP949150A.
27. The site survey explains that each of the titles is encumbered by drainage and sewerage easements at lot boundaries.

Dimensions and area

28. The review site is of irregular proportions with an area of 1.83 hectares.
29. Most of the site's boundaries front residential streets (Beryl Avenue to the south, Golf Road to the west and Bakers Road to the east) with established (mostly post-war) dwellings opposite. The northern part of the site is directly adjacent to dwellings fronting Golf Road and Barholme Court. The north-eastern boundary is adjacent to the Metropolitan Golf Course.
30. The DPO submission explains that the site has a shallow cross-fall from the south to the north-west.

² Advisory Committee Report, DEECD Surplus Land Rezoning Project Standing Advisory Committee, Tranche 1 dated 22 November 2013

³ Refer to the purpose of Development Plan Overlay at Clause 43.04

Site conditions

31. The site has a shallow fall; the site is typically higher at the Beryl Avenue boundary and lower at the northern boundary.
32. The site is free of buildings but there are some remnant hard-paved areas observable when visiting the site and which can be observed in the aerial photograph provided at Figure 1.
33. There is a number of existing trees scattered throughout the site. These are described in the review of the arborist reports, prepared by Tree Logic in 2013 and by Landscape DEPT in late 2018, undertaken by Rob Galbraith dated 24 May 2019 and the subsequent Arboricultural Report prepared by Landscape DEPT dated June 2019. The majority of the trees have been planted and are located along the perimeter of the site, with small groups of self-sown trees located within the middle of the site.
34. There are no trees considered to be of high arboricultural value but 13 trees are considered to have moderate retention value.

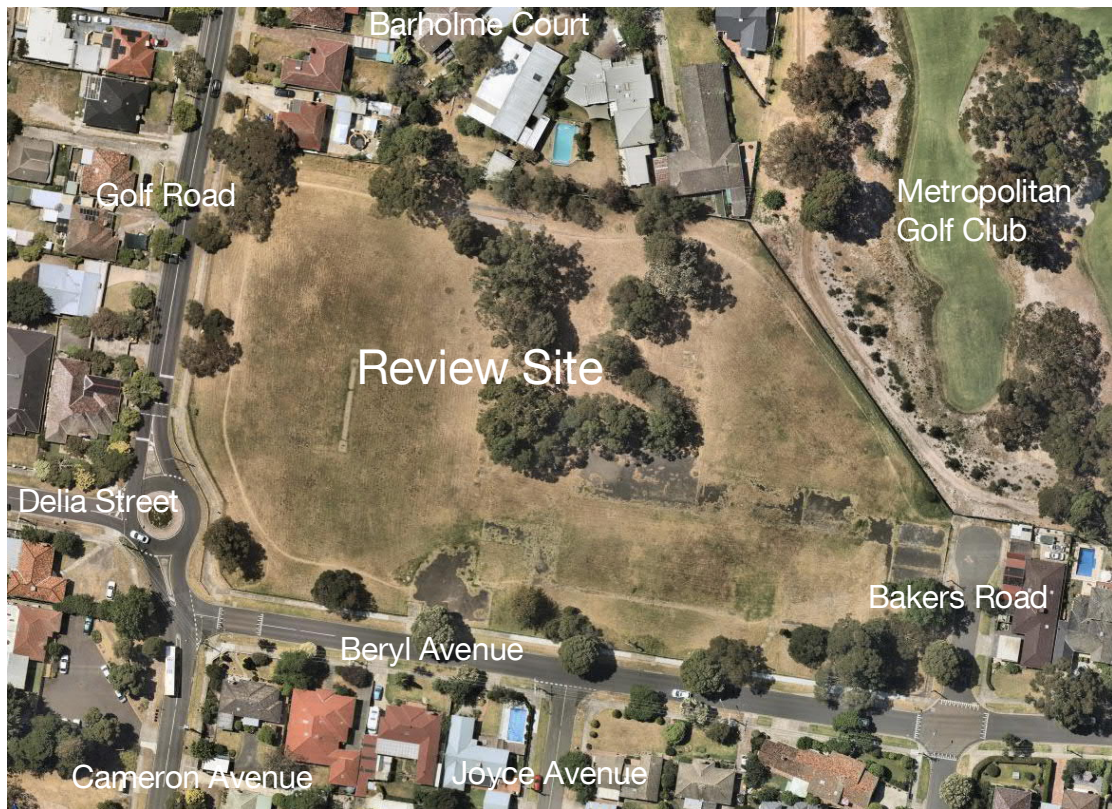


Figure 2: The review site and its immediate interfaces

Observations about neighbouring land

35. The areas flanking the site's northern, western and southern boundaries comprise established housing, of varying type and architectural styles but, overall, of modest and understated post war suburban character.

36. Most of the surrounding residential development comprises single dwellings, however there are examples of dual occupancy, including at 1A Bakers Road to the southeast of the site and at 103 and 105 Golf Road to the north-west.
37. The siting of dwellings varies. Most dwellings to the south of the site fronting Beryl Avenue, are set 'square' to side boundaries and have landscaped setbacks from the street. Some have vehicle access from Beryl Avenue and others take access from neighbouring side streets.
38. Along Golf Road to the west of the site, some dwellings are set back with areas of hard landscaping for car parking provided to the front of the dwelling, whereas the property at 27 Delia Street extends much closer to the street.
39. In Barholme Court, to the north, siting patterns are irregular.
40. Most of the development closest to the site comprises single storey development with pitched roofs, however two storey dwellings can also be found within the surrounding area, including at 14 and 16 Beryl Avenue to the southeast of the site, at 1A Bakers Road, along Delia Street and at 103 Golf Road.
41. Many properties include rear gardens, landscaping, a garage or car port, and in some instances, a swimming pool. The neighbourhood properties are in various states of repair; as in most neighbourhoods, some dwellings and their gardens are maintained in better condition than others.
42. The surrounding streets of Beryl Avenue, Golf Road and Delia Street are characterised by a range of small, medium and large canopy trees and, whilst there is a general feel of greenery and landscaped front gardens, this is not the case for all lots.
43. While the majority of the site boundaries engage with neighbouring residential development, the northeast boundary interfaces with the 16th and 17th holes of Metropolitan Golf Course.
44. More detailed information about the review site's interfaces with its immediate context are set out in Section 3.3 of Volume 1 of the February 2020 Development Plan.

Locational characteristics

45. The site is close to Oakleigh South Neighbourhood Centre which is located approximately 300 metres southwest. The centre includes a full line supermarket and some specialty shops.
46. In addition, the site is also well located in relation to higher order activity centres, other centres of community activity and public transport. For example:
 - Oakleigh Activity Centre (including Oakleigh Station) is located approximately 2 kilometres to the north.
 - Clayton Activity Centre (including Clayton Railway Station) is located approximately 3 kilometres to the east and a short distance north of it is the Monash Medical Centre precinct.
 - Chadstone Shopping Centre is approximately 4 kilometres to the north.

- Southland Shopping Centre is approximately 5 kilometres to the southwest.
 - Monash University is approximately 4 kilometres to the northeast.
47. The site is also well located in relation to a range of public open spaces, community facilities and several primary and secondary schools, including a public primary and secondary school within walking distance.
48. Each of these destinations is readily accessible by car using local and higher order roads, or by public transport services. The bus stops on Golf Road, to the northwest of the site, and Cameron Avenue, to the southwest of the site, service Route 733 which links to Oakleigh and Clayton, including their rail stations. Bus stops on Warrigal Road, to the west of the site, also within walking distance (an approximately 8-minute walk) service Route 903 which also links to Oakleigh, including the rail station, as well as Chadstone. The Oakleigh and Clayton rail stations provide services on the Cranbourne and Pakenham lines to and from the City.

3.0 Applicable Statutory Planning Framework

Zoning

49. The review site is in the General Residential Zone and Schedule 1 is applicable.
50. Among its purposes, are:
 - *To encourage development that respects neighbourhood character.*
 - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
51. Schedule 1 does not vary any of the requirements at Clauses 54 or 55.
52. In the absence of a specified height control in the Schedule, the height of any new dwelling or residential building must not exceed 11 metres nor contain more than 3 storeys.
53. 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.
54. In this case, however, the provisions of the General Residential Zone are not strictly relevant, as there is no permit application, pursuant to it, before the Tribunal. Rather, a permit application, or applications, is expected to follow the approval of a Development Plan and wherein it will need to be generally in accordance with it.

Overlays

55. The review site is affected by the Development Plan Overlay and Schedule 5 is applicable.
56. Schedule 5 relates to Surplus Education Land and applies to four former public primary school sites; one being *1 Beryl Avenue, Oakleigh South – Oakleigh South Primary School*.
57. The overlay requires the preparation of a Development Plan to enable the future use and development of the land in an integrated manner.
58. The Development Plan must be prepared for the whole of the land *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.
59. Clause 3.0 of the Schedule sets out *Requirements for a development plan* and *Development Plan Components*, with notice requirements set out in Clause 4.0. 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.

Particular Provisions

60. In my opinion, Particular Provisions in the scheme will have greater applicability when a permit application, or applications, for use, development and subdivision of the land is pursued at a later date.
61. Notwithstanding, it is evident from a review of the Development Plan that some Particular Provisions in the Planning Scheme have sensibly 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, including provision for emergency and service vehicles.
 - **Clauses 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.
62. **Clause 52.17** will 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.
63. **Clause 53.01** relating to Public Open Space will be relevant, when an application to subdivide the land is made at some point in the future. The Development Plan leaves open the possibility for the contribution to be approved at the site.
64. **Clause 53.18** relating to Stormwater Management in Urban Development will also be relevant when permit applications are made at a later date. In this regard, FMG Engineering has prepared a *Stormwater Management Plan* (30 January 2020) which provides a basis for future stormwater management at the site.

4.0 Applicable Policy Context

Planning Policy Framework

65. The higher order Planning Policy Framework (PPF) comprehensively explains community planning directions and initiatives at **Clauses 11-19** of the Planning Scheme, including those set out in Plan Melbourne. It reinforces the imperatives for, and benefits of, urban consolidation, support for business and employment, greater housing choice and affordability, as well as due regard for the environment.
66. 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.
67. The most relevant policies in this case are those at **Clause 11.02** (Managing Growth), **Clause 15** (Built Environment and Heritage), **Clause 16** (Housing), **Clause 18** (Transport) and **Clause 19** (Infrastructure).
68. I do not recite relevant aspects of PPF in this report, suffice to say that I believe the Development Plan responds very positively to planning policies which aim to:
 - locate housing in areas close to transport, jobs and community infrastructure;
 - increase housing yield on underutilised urban residential land, especially areas where urban renewal / infill is envisaged;
 - provide housing choices to meet the needs of Melbourne's constantly evolving demographic and rapidly growing population;
 - deliver more affordable housing;
 - produce distinctive, high quality urban design outcomes that are safe, healthy, functional and enjoyable;
 - deliver built form that is respectful of neighbourhood character and cultural identity;
 - provide appropriate and efficient sustainable personal transport;
 - achieve water, energy and waste efficiencies through good design, including minimising risk from natural hazards and the impacts of climate change; and
 - minimise impacts on sensitive land uses and the environment, including native vegetation.

Municipal Strategic Statement

69. The City of Monash's Municipal Strategic Statement (MSS) provides a summary of Council's strategic directions in relation to land use and development.
70. Relevant clauses from the MSS include **Clause 21.01** which identifies 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*
 - ...
71. Further, **Clause 21.04** specifically relates to Residential Development and seeks the provision of a variety of residential typologies, to accommodate the diversity of future housing needs, and a high level of design which enhances the local garden city character, treed environments and landscaped streetscapes.

Local planning policies

72. The following local policies are of relevance to the Development Plan:
- **Clause 22.01 – Residential Development and Character Policy** – seeks new development that is designed respectfully in relation to existing, surrounding residential environments, with minimal streetscape or amenity impact, and to make a positive contribution to enhancing the garden city character of the area.

The policy requires new development to be consistent with the preferred future character statement for the residential area type in which it is located.

As the subject site has some key characteristics which distinguish it from the surrounding residential area and significant scope for infill residential development, it is not located in a neighbourhood character type area informed by the *Monash Urban Character Review 2014*.

The policy addresses many aspects of site planning and design including:

- Street setback
- Site coverage and permeability
- Landscaping
- Side and rear setbacks
- Walls on boundaries
- Private open space
- Fences

- Vehicle crossings
 - Built form and scale of development
 - Car parking
 - Environment
- **Clause 22.04 – Stormwater Management Policy** – aims to minimise the risk of damage from stormwater, minimise pollution of stormwater, and reduce demands on drainage systems by ensuring there is no increased pressure from new development.
 - **Clause 22.05 – Tree Conservation Policy** – encourages the retention of semi-mature and mature trees wherever possible, the retention and protection of street trees, and the planting of new canopy trees as part of new development.
 - **Clause 22.13 – Environmentally Sustainable Development Policy** – anticipates that development achieve best practice in environmental sustainability with regards to energy efficiency, water resources, indoor environment, stormwater management, transport, waste management and ecology. Comprehensive details about how the policy objectives will be achieved will need to be provided with any subsequent planning application or applications. In the interim, I note that Sustainability House (SUHO) has prepared a *Sustainability Management Plan* to accompany the Development Plan which provides a good foundation for future planning applications.

5.0 Description of the Development Plan

The Development Plan Summarised

73. The GRPD Development Plan provides for a new residential community comprising 90 dwellings. The concept shown on the Development Plan comprises a range of attached townhouse types including two and three storey dwellings, offering two, three and four-bedroom accommodation.
74. The design of the concept has been developed in line with the following principles:
- Providing a high quality, architecturally designed built form.
 - Respectfully responding to surrounding interfaces.
 - Providing a range of dwelling types to diversify area housing choice.
 - Retaining a landscaped environment.
 - Providing safe and convenient vehicular access to and through the site.
 - Creating pedestrian and cyclist connections to improve local permeability.
 - Incorporating sustainable design features.
75. The design response, by way of a summary, comprises the following elements:
- Groups of two-storey townhouses along Beryl Avenue, Golf Road and Bakers Road.
 - Two-storey townhouses in the northern part of the site with a landscaped buffer along the site boundary to the residential properties in Barholme Court and Golf Road.
 - Three-storey townhouses along the north-eastern boundary with the Metropolitan Golf Club, including a landscaped edge coincident with shared boundary.
 - An internal, two-way loop road which creates a central parcel hosting, mostly, three storey townhouses.
 - A centrally located landscaped communal open space which is connected to the wider neighbourhood by open space linkages to Beryl Avenue and Bakers Road.

More details about the Development Plan

76. Seven townhouse types are proposed, with variations on each responding to individual lot characteristics. Details for each typology have been prepared by Plus Architecture and form part of the Development Plan. I envisage that typical designs will need to be further finessed on a house-by-house basis in order to ensure they appropriately respond to their individual contexts, however these would be matters of detail which could be resolved during a

subsequent permit application, or applications. For example, it will be important for houses positioned at the 'end of rows' to be refined to ensure appropriate visual interest.

77. The Development Plan shows:
- 20 X two-bedroom dwellings (120 sqm in area);
 - 18 X three-bedroom dwellings (178 sqm in area); and
 - 52 X four-bedroom dwellings (ranging between 168 sqm and 215 sqm in area).
78. Lots sizes and frontage widths vary depending on the dwelling size, townhouse type and location / position within the site.
79. The majority (65) of the dwellings comprise two storeys, and the remainder (25) will comprise three storeys. The location of the taller buildings, centrally with the site and adjacent to Metropolitan Golf Course, has been planned to respect the amenity and character of the surrounding residential areas.
80. Along Beryl Avenue, townhouses have been grouped in smaller numbers to dilute massing, and respect of the siting of buildings exhibited within the surrounding area. Dwellings are sited square to street frontages and have been oriented either to front Beryl Avenue or the loop road internal to the site, creating variation within the streetscapes. Some new crossovers are proposed in Beryl Avenue, with most of these houses gaining vehicle access from within the site.
81. Upper storeys express a range of roof types; incorporating design elements from the architectural forms seen within neighbouring buildings, in a contemporary way.
82. In the southeast corner of the site, at the corner of Bakers Road and Beryl Avenue, a small group of three, two-storey townhouses has been located to respond to the residential interfaces to the east and south. The dwellings face Bakers Road and a generous side setback is provided to Beryl Avenue.
83. Along the western boundary of the site, a small group of four, two-storey townhouses is proposed at the Golf Road interface. These dwellings will take vehicle access from the internal loop road in order to ensure the provision of a landscaped setback in Golf Road, in-keeping with the building siting to the north and west of the site.
84. In the northern part of the site, two storey townhouses have been designed to front the internal loop road. The interface with the residential properties to the north, primarily those in Barholme Court, has been carefully designed to retain privacy and amenity for existing residents; again, composition at upper levels, different materiality, roof forms and landscaping planned for secluded private open space will deliver acceptable visual, built form outcomes.
85. A series of three storey townhouses, with a two-storey dwelling at each end, is proposed along the north-eastern boundary. The upper storey of these dwellings will be significantly set back from the levels below it in order to transition built form with the neighbouring golf course. As for the northern boundary, the immediate interface is a continuous zone of landscaped secluded private open space.
86. Within the central part of the site, there are four groups of townhouses with east-west orientation. The two central groups will comprise three-storey dwellings facing each other and overlooking / surveying the proposed new communal open space at the centre of the

site. The two outer groups in this central part of the site will face the internal loop road and face proposed dwellings at the eastern and western boundaries of the site. These buildings will be more uniform in their appearance than the buildings proposed to the edges of the site, with consistent building lines and roof lines.

87. These centrally located groups of buildings will be served by mews referred to on the plans as Central Lane West and Central Lane East.
88. Private open space is provided for all dwellings. For the majority of dwellings, the principal area of private open space is at ground level but for the townhouses located in the central part of the site, private open space is provided in the form of a balcony at first floor level.
89. In some locations along Beryl Avenue and Golf Road, private open space interfaces with the pedestrian footpaths along the street. In these areas, boundary treatments have been carefully selected to address the need for privacy but without alienating the new dwellings from their streetscape. A number of techniques is used to deliver a high quality and visually engaging street frontage outcome.
90. The landscape strategy for the site, prepared by John Patrick Landscape Architects, envisages the retention of some existing trees where health, suitability and landscape value permit, and the creation of communal open spaces across the site. Eleven existing trees, six of which are attributed moderate value, will be retained (with appropriate protection during construction), following advice from Landscape DEPT (and a review by Rob Galbraith), and incorporated within the proposed landscaped areas across the site.
91. Significant new tree planting is proposed across the site in communal and private open spaces as well as street trees variously along the loop road and noting scope for more trees in Beryl Avenue. Spaces between the groups of dwellings will also be landscaped and some of these spaces can support canopy trees too. Smaller trees and lawn areas are proposed for the private garden environments.
92. Central to the site is a large communal open area of approximately 1,150 sqm. It is mostly a lawn area but will include a barbeque, seating opportunities and a playground. Two landscaped pedestrian connections are proposed; one providing a link between Beryl Avenue and the central open space and, the other, a route from the internal loop road through to Bakers Road. Both links will ensure the site is well integrated with the surrounding area and permeability within the site. In addition, an area adjacent to Golf Road is suggested as a community garden. Whether, or not, the idea advances will be a matter for Council as area is not part of the land which is subject to the Development Plan Overlay.
93. Across the site, permeable areas will comprise 38% of the site area. Site coverage is explained as being 43%. The balance of the site will be occupied by vehicular accesses, crossovers, driveways and footpaths.
94. Vehicular access to the site is provided at a single point on Golf Road in the north-western part of the site. The two-way loop road will provide vehicular access to the majority of dwellings noting, again, that nine dwellings (being 10% of the total dwelling planned at the site) in the southern part of the site will be accessible directly from Beryl Avenue and Bakers Road.
95. Each townhouse type makes provision for on-site car parking. One space is provided for each two-bedroom dwelling and two spaces are provided for each three and four-bedroom dwelling.

96. A further 12 car parking spaces will be provided across the site for visitors (despite the review site being within the Principal Public Transport Network Area) in recognition of some expected demand. Full details of the proposed access and parking strategy is provided within the *Traffic Engineering Assessment* (February 2020) prepared by Traffix Group.

6.0 Opposition to the Development Plan

Council concerns

97. The Council's 24 September 2019 report summarised opposition to the Development Plan (as it was before it at that date) in a Conclusion as follows:

While the proposal provides for reasonable dwelling diversity, the design response fails to suitably meet design requirements relating to density, neighbourhood character, vegetation retention, car parking provisions and integration with streets.

98. More detail in relation to these matters is set out in the body of the report.

Submitter concerns

99. A summary of the submitter concerns is provided in the same report. They include:

- Intensity of the development.
- Setbacks to Beryl Avenue.
- Three storeys not being respectful of the neighbourhood character.
- Appropriateness of secluded private open space facing Beryl Avenue.
- Level of amenity provided to the proposed dwellings.
- Tree removal.
- Landscaping provision.
- Car parking provision, particularly in the form of garages.
- Traffic impact.
- Safety of crossovers and shared road.
- Impact on drainage infrastructure.
- Incompatibility with neighbourhood character.

7.0 Assessment of the Development Plan

The requirements of a Development Plan

100. Clause 3.0 of Schedule 5 to the Development Plan Overlay states that a Development Plan for the site must be prepared for the whole of the site. The amended Development Plan does this and, therefore, in my opinion, passes the first planning 'test'.
101. Thereafter, Schedule 5 sets out a series of 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.

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 use is proposed across the site and the Development Plan provides for a range of dwelling types. Seven broad townhouse types are proposed, full details of which have been prepared by Plus Architecture.</p> <p>I expect the housing will, first and foremost, be attractive to families which are not always attracted to apartment style dwellings but who will be able to access modern new housing with a lower land cost component.</p> <p>In addition, I consider that the houses could be attractive to shared households and the smaller dwellings, in particular, will provide opportunities for young professionals to access the housing market.</p> <p>Further, with a bedroom, bathroom and living area at ground level, two of the types (being 12 dwellings, or 13% of the number of dwellings) will provide the opportunity for aging in place.</p> <p>I consider that Development Plan proposes a sufficient range of dwelling types and will therefore cater for a variety of housing needs.</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>
<ul style="list-style-type: none"> ▪ Incorporate sustainable design features to address water and waste management, solar access and energy savings initiatives, to deliver lower living costs for future residents. 	<p><i>A Sustainable Management Plan</i> has been prepared (SUHO). It outlines sustainable design initiatives that are intended to be incorporated in the proposed development, in accordance with the requirements for the Development Plan as well as with regard to Clause 22.13.</p> <p>It is not critical, in my opinion, that this issue be resolved at this stage in the planning process rather, it is a matter that would be most efficiently and effectively resolved and finalised when the design concept has been advanced to include a higher level of detail.</p> <p>I consider the strategies indicated in the SMP to be sufficient to address the requirements of the Development Plan noting that the matter should be further considered and resolved during a subsequent permit application or applications.</p>
<ul style="list-style-type: none"> ▪ Create a composition of varied building forms and heights across the site. 	<p>The scheme has been carefully designed to create variety in the building forms and building heights across the site.</p> <p>This is observable at the boundaries of the site where, whilst the proposed buildings in these areas are all two storeys, the façade design and roofscape includes significant variations, notably developed in response to architectural forms seen within neighbouring buildings, including:</p> <ul style="list-style-type: none"> - The use of both gable and hip rooflines; - Varied façade profile and expression; - A suite of respectful materials, finishes and colours; and - Spaces between groups of buildings. <p>This compositional approach creates interest and variety within the external and external streetscape.</p> <p>Building heights vary across the site with taller, three storey buildings proposed along the north-eastern boundary with the Golf Club and at the centre of the site.</p>

	<p>In these locations, they will have limited visibility from the external public realm and no direct interface with a neighbouring existing dwelling.</p> <p>Along the north-eastern boundary, variation within the individual building form is again created through setbacks, most significantly with the upper storey set back from the prevailing rear building line. The flat roof form creates further compositional differentiation within the site.</p> <p>The three storey dwellings adjacent to the central communal open space have a more uniform appearance but still contribute to variety across the site. In my opinion, the consistent building lines formed by these groups of buildings will define the open space, give it a sense of intimacy and ensure that it has the benefit surveillance.</p> <p>Overall, I am completely satisfied that the design approach provides for varied built form outcomes and heights across the site.</p>
<ul style="list-style-type: none"> ▪ Provide for a high quality of internal amenity for future residents. 	<p>I am completely satisfied that the house types on offer will provide a very high standard of amenity. All the house types:</p> <ul style="list-style-type: none"> - Offer functional room size, shape and configuration; - Have separate living and sleeping areas; - Include at least two bathrooms; - Have been oriented to maximise solar access and daylight penetration to all habitable rooms; - Have an appropriate supply of on-site parking; and - Include usable outdoor private open space directly connected to primary living areas. <p>They also typically show:</p> <ul style="list-style-type: none"> - The potential for cross-ventilation; - At grade entry and accessibility to the ground level; - Internal and external storage; and - Attention to securing reasonable levels of privacy for future residents.

<ul style="list-style-type: none"> Respect the amenity of adjoining interfaces for providing for a maximum of 2 storey built form adjacent to or opposite any existing single storey residential development. 	<p>The Development Plan shows two-storey built form in all locations adjacent to or opposite existing single storey development – that is, along the full lengths of the northern, western and southern boundaries of the site and at the southeast corner.</p> <p>Despite complying with the maximum height restriction, additional architectural efforts have been made to reduce the visual impact of suitably more intensive development at existing residential interfaces. The variations in the façade design and articulation in the upper floors and roofscape, including setbacks and creation of spaces between buildings, have all been incorporated to respect the character of the neighbourhood but not replicate it.</p> <p>I am satisfied that the design response responds directly to this requirement.</p>
<ul style="list-style-type: none"> 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. 	<p>The maximum height of dwellings shown in the Development Plan is below the mandatory nine metres and no more than three storeys – as expressed in the General Residential Zone.</p> <p>The shadow diagrams illustrate that there will be sunlight penetration throughout the development, including to the areas of communal open space. While the Beryl Avenue secluded spaces are shaded to a greater extent than is contemplated at Clause 55, the Development Plan reconciles competing objectives at this interface to ensure acceptable internal amenity and a visually pleasing streetscape outcome.</p> <p>As explained in preceding parts of this report, the three storey dwellings have been purposefully located in parts of the site where they have limited visibility from the public realm, and no presence within existing streetscapes. In these locations I expect them to have limited impact on the character of the neighbourhood.</p> <p>I consider the incorporation of taller buildings within the site has been carefully planned with reference to the shadow analysis, visual amenity impacts and the character of the area, and ensures the Development Plan is appropriate for the site.</p>

<ul style="list-style-type: none"> ▪ Apply appropriate buffer treatments at the interface with any non-residential uses on adjoining properties. 	<p>The only non-residential use interfacing with the site is the Metropolitan Golf Course to the northeast of the site.</p> <p>This interface is managed through sensitive design of the form and massing of the dwellings proposed along this boundary of the site, as set out above, as well as a continuous landscaping at the common boundary, including trees.</p> <p>I consider this to provide a suitable buffer to the neighbouring golf course.</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. 	<p>The Development Plan enhances local permeability.</p> <p>The primary vehicular connection will be provided in Golf Road at the northwest corner of the site. Pedestrian permeability is provided with two landscaped links to Beryl Avenue and Bakers Road. There is also an obvious opportunity for a third pedestrian link – to Golf Road near the roundabout at the southwest corner of the site.</p>
<ul style="list-style-type: none"> ▪ Incorporate any significant native vegetation into the design of the development. 	<p>By reference to various arboricultural reports, the site does not contain any significant native vegetation.</p> <p>Notwithstanding, the Development Plan seeks to retain 11 of the site’s existing trees, six of which are of moderate value.</p> <p>Most of the moderate value trees are in what is planned as communal open spaces. Two moderate value trees and four low value trees will be in private open spaces.</p> <p>The Development Plan’s approach to existing trees has been developed with regard to Clause 22.05 and takes account of accepted tree protection measures to ensure their longevity.</p>

102. 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.

The components of a Development Plan

103. Clause 3.0 of Schedule 5 to the Development Plan Overlay also sets out the components which must be included in a Development Plan. I have set out the components and my assessment of the various parts of the Development Plan, in Table 2 which follows.

104.

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. 	<p>A detailed Site and Urban Context Analysis is <u>provided</u> at Section 3.0 of Volume 1 of the Development, and is supported by the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan</p>
<ul style="list-style-type: none"> ▪ Concept plans for the site which show: <ul style="list-style-type: none"> - New building orientation and location, indicative uses for each building, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and areas 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 dwellings and the floor area of any proposed non-residential uses. 	<p>Concept plans showing most of the listed details are <u>provided</u> in Section 4.0 of Volume 1 of the Development Plan. This is supported by the drawings prepared by Plus Architecture provided within Volume 2 of the DPO Submission.</p> <p>I do note however, that:</p> <ul style="list-style-type: none"> - The shadow material provided at pages 52 and 53 of the Development Plan (in Volume 1) does not include a 1.00 pm shadow diagram and, instead, includes a diagram at 12 noon. - The development summary at page 45 of the Development Plan (Volume 1) does not include the proposed dwelling density which I calculate at approximately 1 dwelling for every 200 square metres of site area (being 18,257 square metres divided by 90 dwellings). <p>While these are not mandatory requirements, they are oversights which are easily rectified.</p>

<ul style="list-style-type: none"> ▪ A traffic management report and car parking plan which includes: <ul style="list-style-type: none"> - 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. 	<p>A <i>Traffic Engineering Assessment</i> has been prepared by Traffix and is included as part of the Development Plan.</p> <p>Details of the proposed access and parking arrangements are <u>provided</u> in Section 4.0 and Section 6.0 of Volume 1 of the Development Plan, as well as on the drawings prepared by Plus Architecture provided in Volume 2 of the Development Plan.</p> <p>Together, the submitted material provides all of the listed components. In addition, the <i>Traffic Engineering Assessment</i> includes a statutory assessment of parking supply and design, having regard to the provisions of Clause 52.06, provides information in respect of traffic generation, and deals with the matter of service vehicle access.</p>
<ul style="list-style-type: none"> ▪ For the former Oakleigh South Primary School site, plans to implement the Site Development Management Plan developed by Prensa in their report dated August 2013. 	<p>Section 10.3 of Volume 1 of the Development Plan sets out how the <i>Site Development Management Plan</i> will be implemented. This is supported by a <i>Site Development Management Plan</i> prepared by Prensa dated December 2018, included within the Development Plan.</p>
<ul style="list-style-type: none"> ▪ For the ... former Oakleigh South Primary School, where a sensitive use is proposed (residential use, child care centre, pre-school centre or primary school), a risk assessment detailing the risk of landfill gas migration from nearby landfills must be undertaken. The risk assessment must be conducted by a suitably qualified professional, having regard to the EPA Publication 788.1 <i>Landfill Best Practice Environment Management Guidelines, October 2010</i>, to the satisfaction of the responsible authority. 	<p>A <i>Desktop Landfill Gas Investigation</i>, dated March 2014, and subsequent review, dated 7 December 2018, prepared by Prensa are included as part of the Development Plan.</p> <p>These documents have been provided to Council and Council's report dated 24 September 2019 took no issue with them as components of the Development Plan.</p>
<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 2013 Tree Logic 	<p>Section 5.0 of Volume 1 of the Development Plan explains landscaping and communal open space and is supported by drawings prepared by Plus Architecture and John Patrick Landscape Architects that are informed by arborist reports prepared by Tree Logic and Landscape DEPT etc, provided within Volume 2</p>

Assessment.	of the Development Plan.
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105. 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.

Wider Assessment of the Development Plan

106. Clause 5.0 of Schedule 5 to the Development Plan Overlay sets out Decision Guidelines which must be considered before deciding whether, or not, it is satisfactory.
107. These guidelines are in addition to, but draw on, the Decision Guidelines set out at Clause 65 of the Planning Scheme.
108. 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 assistance to the assessment of the plan.

Consistency with higher order planning policy

109. There is an extensive amount of planning policy impacting on this site, much of which is repetitive. I am, however, satisfied that, in the balancing exercise required by the Scheme, policy supports a medium density housing proposition at this site as it is a well serviced location. It is also a large and suitably zoned renewal and infill opportunity and, in my opinion, there are no convincing reasons why it should not be developed in a relatively intensive way.
110. From a high-level planning policy perspective, I am satisfied that the Development Plan:
- Locates housing in an area that is well served by transport, jobs and community infrastructure – this part of Melbourne is well provided with employment land and served by multiple infrastructure networks which are relatively easy and quick to access.
 - Increases housing yield on an irrefutably underutilised parcel of urban land where infill and renewal has long been envisaged by the applicable controls.
 - Expands housing choices in a still relatively affordable suburb, consistent with the diversity of future housing needs and the demands of a rapidly growing population. This area is one that continues to be dominated by free-standing, single level detached dwellings.
 - Envisages high quality urban design and architectural outcomes that are respectful of adjacent neighbourhood character and cultural identity, retain privacy and amenity to existing residents by minimising impacts on these sensitive land uses.
 - Improves community amenity and safety by ensuring a suitable degree of permeability through the site.
 - Can facilitate water, energy and waste efficiencies through good design and this demonstrated in sustainability work completed by SUHO; and

- Has reconciled tree removal and retention and delivers new landscape opportunities.

111. The opposition to the proposed Development Plan primarily relates to the number of dwellings proposed, their contemporary, attached two and three-storey forms and the removal of existing vegetation from the site. There is an assertion that these aspects of the Development Plan result in an undesirable degree of contrast with the existing character of the established surrounding neighbourhood and should not be supported.

112. In Member Liston's observations in *NJJJKT Pty Ltd v Whitehorse CC* [2008] 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.*

113. 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 unusual planning history and status.

114. In *Spire Group Pty Ltd v Monash CC* [2017] wherein Deputy President Gibson and Member Dawson dealt with a Development Plan for another of the school sites the subject of the same DPO (Schedule 5) stated:

15. *There is no doubt the medium density residential development that will result from this development plan will be of a different style, scale and character to the low scale post war residential neighbourhood surrounding the site, which is characterised by detached double fronted brick houses on regular shaped lots. However, this is an outcome which is intended by DPO5. It would be contrary to the overall objective for the land identified in the decision guidelines for DPO5 referred to above to refuse to endorse the development plan on this basis.*

115. The Planning Scheme tells us that the site is an opportunity for medium density development. It is relatively unconstrained and sits in a location where redevelopment and housing diversity is supported by planning controls, in an effort to diversify the municipality's housing stock. It is an opportunity which policy expects not be squandered, and I therefore consider that significant importance needs to be attributed to the benefits that the Development Plan can deliver in this regard.

116. Notwithstanding, the formulation of the Development Plan has had regard for neighbourhood character and, in my opinion, the architectural design responds to the local context. There are many pages in the Development Plan (Volumes 1 and 2) which confirm that its preparation has carefully considered interface conditions and local area characteristics.
117. On balance, I consider the imperative to make the most of the opportunity presented by the site and to provide medium-density housing to respond to the needs of an increasingly diverse and growing population, must outweigh the local community's expectation that the development be more a replication of existing development in the surrounding neighbourhood.

Garden area requirements

118. Amendment VC110 introduced a garden area requirement.
119. One purpose of the Development Plan is to explain how the land might be subdivided.
120. The subdivision provisions at Clause 32.08-3 of the General Residential Zone explain that where vacant 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, or lots which are developed prior to subdivision.
121. 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 control regime.
122. Regardless, it is my view that the exemption in the subdivision provision, including for lots which are not vacant, 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.

Consistency with the objectives set out in Clause 55

123. My assessment of the Development Plan against Clause 55 of the Planning Scheme is at Attachment 1 to this report. Schedule 1 to the General Residential Zone does not vary any of the requirements.
124. 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. However, it is not unexpected that some variations from Clause 55 standards will be required when the housing concept anticipated by the Development Plan advances to the planning permit application process.
125. I am satisfied that the variations could be approved given the overall response to objectives. Some dwelling plans could be finessed to comply with the standards but full compliance is not necessary in my view. I set out the variations and my opinions about them as follows:

- **Street Setback**

The Development Plan contemplates a variation to Standard B6 relating to the setback from Golf Road along the western boundary of the site. The variation is required for a minor encroachment of the facades of two dwellings midway along the Golf Road

frontage, comprising a setback of 7.89 metres (a variation from 9 metres) for a length of 6.6 metres at ground floor level only.

The reduced setback is an architectural design response which will create a desirable variation within the building line and street façade. It is not immediately adjacent to an existing dwelling in the streetscape. A foreground landscaped setback is provided and not compromised, in-keeping with the character of the surrounding area. NP. I consider the encroachment minor in the context of Golf Road and consider the variation acceptable on the basis that it meets the street setback objective.

- **Overlooking**

The Development Plan has not comprehensively resolved the matter of internal or external overlooking. Overlooking beyond the site will only be relevant at the site's northern interface.

It is not unexpected that some screening measures will be required when the housing anticipated by the Development Plan advances to the planning permit stage. In my experience, screening measures are incorporated in almost all medium density housing applications as variations from Standard B22 are rare.

- **Daylight to New Windows**

All but one of the townhouse types complies with Standard B27. The Development Plan contemplates a variation to Standard B27 in relation to the windows to the ground floor bedrooms of Townhouse Type 7, which are situated beneath a balcony at the first floor level.

In considering the proposed variation, I note that:

- The space outside the windows will be open for at least one third of its perimeter and beyond this space are landscaped areas providing an attractive outlook; and
- In the majority of cases (all apart from one) the dwellings are not oriented with this window / space facing south.

At permit application stage, more daylight could be provided by increasing the size of the bedroom window and/or providing another window adjacent to the dwelling entry.

- **Private Open Space**

The Development Plan contemplates variations from Standard B28 other than in relation to Townhouse Types 1a, 1b, 5b and 7. Importantly, each of the townhouses with a ground floor living area have at least 25 square metres of directly accessible open space with a minimum dimension of at least 3.4 metres. Townhouses with first floor living areas have directly accessible balconies of at least 8 square metres with a minimum internal dimension of 2.2 metres.

Having regard to the strategic opportunities presented by the review site, I consider the variations acceptable and that the reasonable recreation needs of residents will be satisfied.

- **Solar Access to Open Space**

Along the southern boundary of the site, at Beryl Avenue, 11 rear-access dwellings have been provided with secluded private open space to the street side of the dwelling. They are south-facing and do not comply with Standard B29 but each of the spaces will have some solar access and there are other attributes which give the spaces amenity and make it useable.

While the southern orientation is not ideal, the non-compliance affects a small percentage of the total number of dwellings and is not an unreasonable degree of non-compliance having regard to the inevitable balancing of numerous and sometimes competing design objectives in the interests of achieving a good overall and acceptable planning outcome.

- **Storage**

The Development Plan contemplates a variation to Standard B30 in relation to two housing typologies (3a and 5b), comprising just six dwellings of the total number of dwellings.

I consider this a minor variation while the storage objective can be considered as met.

Consistency with the objectives set out in Clause 56

126. My assessment of the Development Plan against Clause 56 of the Planning Scheme is at Attachment 2 to this report, noting that this Clause is more typically 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.
127. Where an application proposes subdivision of land into lots each containing a dwelling (which will most likely be case in this instance) it will not be relevant at all.
128. 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.

Orderly planning and development of the area

129. 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.
130. The proponent's response to all of these requirements and components demonstrate, in my opinion, that the proposed Development Plan is orderly and proper for the area.
131. Much of the Development Plan has, in fact, been prepared to a higher degree of detail than would ordinarily be expected and, to the extent that it will be used as a basis for a future permit application or applications, it provides a solid and transparent basis for future Council considerations.

High quality integrated medium density housing

132. The Development Plan provides for an integrated medium density residential project that is inserted into the neighbourhood with pedestrian permeability and extensive new planting and landscaping. It offers choice and diversity of housing opportunities and high-quality residential amenity.
133. Despite assertions to the contrary, and the design flexibility which policy and the DPO attributes to this site, I consider that the design respects the existing neighbourhood character by taking account of and responding positively to a number of the design policy queues set out at **Clause 22.01**. For example:
- Setbacks of buildings from the street are reasonable in the context of existing development.
 - Setback areas allow for garden planting, including trees.
 - Crossovers and hard paving is limited at street frontages to maximise landscaping and limit pedestrian impacts.
 - The dwellings are all designed to human scale.
 - The dwellings are beautifully articulated and composed to ensure that visual impact is reasonable.
 - Materials and colours draw on types evident in the neighbourhood.
 - Roof forms and pitch draw on existing types evident in the neighbourhood
 - Front doors and windows face the streets and entrances are legible, accessible and safe.
 - Garages are not sitting forward of dwellings.
 - There are no dwelling walls on the site's boundaries.
 - Site coverage is moderate and good permeability will maximise on-site stormwater infiltration.
 - No significant trees are affected, and a number of the site's moderate trees are retained.
 - Street trees are not affected, and limited new crossovers provides ample opportunities for more street tree planting.
 - Continuity of private open spaces is consistent with the desire for green corridors of open space in the neighbourhood.
 - Front fences in Golf Road, Beryl Avenue and Bakers Road complement the architecture of the buildings and their height and materiality is varied to retain views of the dwellings, provide sense of address and connection with streets.
 - Visual impacts to neighbouring properties have been minimised by ensuring that development at the residential interfaces is limited to two storeys and which will be viewed behind a landscaped foreground that includes trees.

- The Development Plan will deliver at least best practice environmentally sustainable development.

134. Plus Architecture is an experienced and award-winning firm which has completed a number of high quality housing proposals across Melbourne. The firm's very detailed, considered, and creative approach to interpreting local character has resulted in an efficient response to the strategic development opportunities presented by the site. And, while it will quite obviously be a new, contemporary addition to the local streets there are many aspects of site planning and design which are aimed at integrating it with the neighbourhood.

8.0 Summary and Conclusions

135. 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.
136. 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 almost two decades and is an urban renewal opportunity that planning policies and controls anticipate not be squandered.
137. 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 must 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.
138. The type and extent of housing envisaged by the Development Plan has been sited, planned and designed to respect the amenity of the neighbourhood and is suitability supported and integrated with the proposed John Patrick landscape concept. The site's continued exclusion from character type analysis lends support to the proposition that housing on it should be allowed to express a new and contemporary character without slavish deference to a neighbourhood of rather typical post war detached suburban typology.
139. I also expect that there will be no unreasonable impacts on neighbours adjacent to or otherwise near the site. The juxtaposition and composition of two-storey dwellings types suitably set back from interface boundaries to allow landscaping, will deliver well-considered interface conditions which will not be visually bulky.
140. When a planning permit 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. The potential for future development at the site to contribute positively to, and lift the residential quality of, the area should not be underestimated.
141. 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

14 February 2020

DESIGN ELEMENT	ASSESSMENT
Neighbourhood and Site Description and Design Response	
<p>Clause 55.01-1 Neighbourhood and Site Description</p>	<p>A detailed description of the site and surrounding neighbourhood is provided in Section 3.0 of Volume 1 of the Development Plan, supported by the drawings prepared by Plus Architecture as well as other documents and information, provided within Volume 2 of the Development Plan. Together this documentation provides all the details required by Clause 55.01-1.</p>
<p>Clause 55.01-2 Design Response</p>	<p>A design response is set out at Section 4.0 of Volume 1 of the Development Plan, which is supported by the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan. The design response set out a detailed explanation of the proposed design and addresses the requirements of Clause 55.01-2.</p>
Neighbourhood Character and Infrastructure	
<p>Clause 55.02-1 Neighbourhood Character Objectives</p>	<p>In the first instance, I note that the site itself is not located in a residential character type area. Nevertheless, the Development Plan has been formulated in a way that responds to, respects and contributes to the existing and preferred character and features of the areas surrounding the site, in accordance with the neighbourhood character objectives. Specifically:</p> <ul style="list-style-type: none"> - Adjacent to and opposite existing single storey development, proposed dwellings are a maximum of two storeys. In addition, the architectural design seeks to minimise the visual impact contemplated by the Development Plan through the creation of setbacks, breaks in the massing at both ground and upper floors, articulation within roofscape and landscape buffers. - Adjacent to the Metropolitan Golf Club, three-storey dwellings have been sensitively designed with the extent of the upper storey significantly smaller as a consequence of deeper setback from the common boundary. - The Development Plan includes design elements drawn from the architectural forms seen within the neighbourhood. Further, the proposed materiality takes inspiration from that seen within the surrounding area. - Existing trees will be retained (where health, suitability and landscape value permit) and extensive new planting will be provided, including street trees and canopy trees.

- The Development Plan has been designed to integrate with the surrounding area through landscaped linkages and pedestrian / cycle connections.

Clause 55.02-2
Residential Policy Objectives

An assessment against the relevant planning policy context applicable to the development has been provided in the body of this report, in line with the residential policy objectives.

Clause 55.02-3
Dwelling Diversity Objective

The Development Plan meets Standard B3 and the dwelling diversity objective.

The Development Plan provides for a total of 90 dwellings, comprising a range of dwelling types in the form of 12 different types.

The Development Plan contemplates:

- 20 two-bedroom dwellings (120 sqm in area);
- 18 three-bedroom dwellings (178 sqm in area); and
- 52 four-bedroom dwellings (ranging between 168 sqm and 215 sqm in area).

Lots sizes vary depending on the dwelling size, townhouse typology and location within the site.

Four of the typologies (12 dwellings, 13% of the scheme) provide for a bedroom, bathroom and living area at ground level.

Clause 55.02-4
Infrastructure Objectives

The Development Plan contemplates meeting Standard B4 and the infrastructure objectives.

FMG Engineering has completed a desktop assessment of the servicing availability of the site and does not expect any major constraints to servicing the development envisaged in the Development Plan. Further details are set out in the Property Services Report which is provided as part of the Development Plan.

Clause 55.02-5
Integration with the Street Objective

Vehicular access will be provided from a single point on Golf Road. In my opinion, this will provide sufficient access to the site without creating additional street junctions on other adjacent roads.

The Development Plan include new pedestrian links (from Bakers Road, Beryl Avenue) which will enhance local accessibility and permeability through the site, including to the proposed communal open space within the development.

A good proportion of the dwellings have been oriented to front the existing streets but, in line with the standard, dwellings are also designed to front proposed internal streets.

Where dwellings are proposed to front internal streets, rear

elevations and gardens engage with the adjacent streets.

Fences have been appropriately designed to balance the requirement for integration with the street with the need to provide privacy for residents of the proposed townhouses. Specifically:

- Fences will be set back from the footpath and a landscape interface will be provided at the footpath;
- Fence height is varied to maintain privacy to secluded private open spaces but increase passive surveillance where possible;
- Palisade design will maintain privacy (sufficient to prevent residents installing their own ad-hoc treatments and therefore ensuring a co-ordinated design response) whilst also providing for passive surveillance; and
- Pedestrian entrances will be provided – this will have the added benefit of providing each dwelling with its own sense of identity and presence within the streetscape.

I consider that these aspects of the Development are an appropriate response to the site and the integration with the street objective of themselves but also note that there are various boundary treatments present within the surrounding area such that the planned fences cannot be considered unacceptable in a neighbourhood setting. Examples of different approaches to fencing in the surrounding area include:

- 2 Beryl Avenue which has a high fence along the frontage to Cameron Avenue and a low fence to Beryl Avenue
- 8 Beryl Avenue which has a high fence to Beryl Avenue
- 12 Beryl Avenue which presents a wall of varying heights to Beryl Avenue
- 14 Beryl Avenue which has a tall, dense hedge to Beryl Avenue and Bakers Road
- 19 Beryl Avenue which has a high fence to Bakers Road
- 115 Golf Road has a high fence fronting Delia Street
- 27 Delia Street which has dense planting and a low fence to Golf Road
- 113 & 111 which have high fences to Golf Road
- 107 Golf Road which a mid-height fence to Golf Road
- 50 Golf Road has a high wall to Golf Road

Overall, I consider that Development Plan meets Standard B5 and the integration with the street objective.

Site Layout and Building Massing

Clause 55.03-1 Street Setback Objective

With regards to the Golf Road frontage, I understand the setback on the neighbouring property at 50 Golf Road to be 9.9 metres. The standard allows a setback of 9 metres and mostly the dwellings on Golf Road exceed this.

The dwelling immediately abutting the property at 50 Golf Road

fronts the proposed internal road for the site and therefore has a side interface with Golf Road. In this case, the side set back from Golf Road can be as little as 3 metres. However, in order to continue the established street setback from Golf Road and retain an existing tree, a setback of 9 metres is proposed.

The proposed dwellings located along the western boundary of the site, fronting the new internal loop road and with rear gardens interfacing with Golf Road, are generally set back from Golf Road by at least 9 metres, in line with the design approach as set out above. However, a variation is required to allow for a minor encroachment to the rear of the central two townhouses. I note that this encroachment comprises a reduced setback of 7.89 metres for a length of 6.6 metres at ground floor level only and I therefore consider it to be minor in the context of the Golf Road frontage as a whole.

The encroachment is a result of an architectural design response which will create desirable articulation in the Golf Road façades. A garden setback is still provided, albeit slightly less than the recommended distance, and will be appropriately landscaped, in-keeping with the character of the surrounding area.

In relation to Beryl Avenue, there are no existing abutting building and so new buildings should be set back from the front street by 4 metres. The building line along this frontage varies but is no less than 5.5 metres and therefore exceeds the standard.

The dwelling proposed for the corner of Beryl Avenue and Golf Road, which has been designed to front Beryl Avenue and therefore have a side interface with Golf Road, has a set back from Golf Road of 2.8 metres, which exceeds the standard of 2 metres and, again, ensures that this aspect of the Development Plan is proposals are respectful of the existing context.

In the case of the Bakers Road frontage, again there are no existing abutting buildings and so new buildings facing Bakers Road should be set back from the front street by 4 metres. All the Bakers Road dwellings have setbacks much deeper than 4 metres and so exceed the required setbacks in this part of the site to enable the retention of an existing tree and to be respectful of the surrounding context.

Overall, setbacks have been designed to adhere to the established street pattern of garden setbacks. The Development Plan meets the street setback objective and Standard B6 in all but one location across the site.

Clause 55.03-2
Building Height Objective

The Development Plan meets Standard B7 and the building height objective.

The Development Plan proposes a maximum building height of

three storeys and 10.844 metres high, which is below the maximum building height control set out in the General Residential Zone.

Clause 55.03-3
Site Coverage Objective

The Development Plan meets Standard B8 and the site coverage objective.

The area of the site covered by dwelling is 43%, which is significantly below the maximum site coverage specified in the standard.

Clause 55.03-4
Permeability and Stormwater Management Objectives

The Development Plan meets Standard B9 and the permeability and stormwater management objectives.

The site area covered by pervious surfaces as part of the proposal is 38%, which is significantly above the minimum specified in the standard.

The stormwater management for the development will be consistent with Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 2006). Full details are set out at Section 8.0 of Volume 1 of the Development Plan and within the Stormwater Management Plan dated 30 January 2020 prepared by FMG Engineering provided in Volume 2 of the Development Plan.

Clause 55.03-5
Energy Efficiency Objectives

The Development Plan meets Standard B10 and the energy efficiency objectives.

In developing the proposal, buildings have been oriented to make appropriate use of solar energy. Where townhouses are oriented to the south, they have been designed to ensure they will retain a good level of amenity.

Living areas and private open spaces are located on the north side of dwellings, where practicable.

Solar access to north-facing windows is maximised. The townhouses along the northern boundary have been setback from the boundary which will maximise solar access.

It is not expected that the proposed development will unreasonably reduce the energy efficiency of existing dwellings on adjoining lots. The only adjoining residential lots are located to the north of the review site.

Clause 55.03-6
Open Space Objective

The Development Plan meets Standard B11 and the open space objective.

A communal open space area will be provided centrally within the development:

- It will be substantial fronted by dwellings; the buildings adjacent to the open space have been specifically designed to provide definition to the space, as well as a

sense of intimacy and surveillance.

- Primary pedestrian access to the adjacent dwellings will be provided from the open space to maximise its usage and activation.
- The space will provide an attractive outlook for adjacent dwellings.
- The space has been designed to incorporate and therefore enable the retention of some existing trees.
- The space will be accessible to new and existing residents with convenient access from all properties within the development and new landscaped pedestrian / cycle links provided to the surrounding streets.

The proposed new pedestrian / cycle links to Beryl Avenue and Bakers Road will also provide landscaped communal open space for the enjoyment of existing and future residents. These spaces have also been designed alongside dwellings to provide a high quality outlook and ensure adequate surveillance. Existing trees are again incorporated where possible.

Clause 55.03-7
Safety Objective

The Development Plan meets Standard B12 and the safety objective as follows:

- Entrances to dwellings have been located and designed so that they are easily identifiable and not obstructed.
- Where planting is proposed it is generally of a low level and will be carefully designed to provide privacy whilst ensuring security.
- Movement corridors have been designed to ensure good levels of visibility.
- Opportunities for passive surveillance are maximised throughout the site.
- Public and private spaces are well defined and distinguishable by appropriate boundary treatments.

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 rows and adjacent to access routes and open spaces.

Clause 55.03-8
Landscaping Objectives

Full details of the landscaping strategy are set out at Section 5.0 of Volume 1 of the Development Plan, supported by the drawings prepared by John Patrick Landscape Architects

provided within Volume 2 of the Development Plan.

The Development Plan seeks to retain 11 of the existing trees, six of which have been attributed moderate value (following arboricultural advice from Landscape DEPT). Appropriate protection will be provided during construction.

Significant new tree planting is also proposed across the site, in particular as part of the landscapes private spaces along the northern and eastern boundaries as well as in the form of street trees to the south and west. Breaks in the massing of the proposed new dwellings have been incorporated to enable the provision of canopy trees. Smaller trees and lawn areas are proposed for the private garden environments. New planting has been selected having regard future growth needs.

The large communal open area at the centre of the site will comprise approximately 1,150 sqm and include predominantly lawn area as well as a barbeque, seating opportunities and a playground. Two landscaped pedestrian / cyclist connections are also proposed; one providing a link between Beryl Avenue and the central open space; and the other a route from the internal loop road through to Bakers Road. In addition, an area adjacent to Golf Road is suggested for provision as a community garden.

Overall the network of communal open spaces (representing at least 10% of the site area) will provide attractive surroundings for new and existing residents that contributes to the existing garden character of the area. The Development Plan has been designed to ensure safety and maximise functionality. The Development Plan meets Standard B13 and the landscaping objectives.

Clause 55.03-9
Access Objective

The width of accessways will not exceed 33% of any street frontage, as follows:

- On Golf Road a single access is proposed for the development measuring 5.8 metres wide, equating to 9% of the frontage.
- On Beryl Avenue, eight properties are proposed with crossovers to provide access to each lot, comprising a total of approximately 28 metres, equating to approximately 16.5% of the frontage.
- On Bakers Road, two properties are proposed with crossovers providing access to each lot, comprising a total of approximately 7 metres, equating to approximately 16.5% of the frontage.

In general, the Development Plan minimises the number of vehicle crossovers through the considered use of rear-loaded dwellings accessed via the proposed new internal loop road. Where there are crossovers, they have been carefully located

so as to retain on-street car parking space within the existing surrounding roads and minimise pedestrian disruption.

Most existing properties fronting the local streets are provided with a single-width crossover although this is not always the case. The Development Plan proposes three double width crossovers in Beryl Street and one in Bakers Road but in each case, the crossover is shared.

The Development Plan meets the access objective and Standard B14.

Clause 55.03-10
Parking Location Objectives

The Development Plan meets Standard B15 and the parking location objectives.

Each house plan makes provision for on-site car parking; one space is provided for each two-bedroom dwelling and two spaces are provided for each three and four-bedroom dwelling. Provision is made at ground floor level in the form of single garages, tandem garages and double garages with access from existing streets or the proposed internal road network.

An additional 12 car parking spaces will be provided across the site for visitors albeit not required because of the review's location in PPTN Area.

Habitable room windows adjacent to shared accessways will be set back at least 1.5 metres.

Full details of the proposed parking arrangements are provided in Section 4.0 and Section 6.0 of Volume 1 of the Development Plan, as well as on the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan. In addition, a *Traffic Engineering Assessment* has been prepared by Traffix Group and is also provided within Volume 2 of the Development Plan.

Amenity Impacts

Clause 55.04-1
Side and Rear Setbacks Objective

The Development Plan meets Standard B17 and the side and rear setbacks objective.

The proposed dwellings with an interface to existing adjacent residential properties, along the northern boundary of the site, will be double storey, with a maximum height of 8.112 metres. This height anticipates a setback of 3.2 metres. All dwellings in this part of the site will be set back from the boundary by at least 5.7 metres, far in excess of requirements.

Clause 55.04-2
Walls on Boundaries Objective

This objective and standard are not relevant as no boundary walls are proposed.

Clause 55.04-3
Daylight to Existing Windows Objective

The Development Plan meets Standard B19 and the daylight to existing windows objective.

The proposed dwellings with an interface to existing adjacent residential properties, along the northern boundary of the site, will be set back from the boundary by at least 5.7 metres, far in excess of requirements.

Clause 55.04-4
North-Facing Windows Objective

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

Clause 55.04-5
Overshadowing Open Space Objective

This objective and standard are not relevant as there will be no overshadowing impact upon the secluded private open space of existing dwellings.

Shadow Analysis has been undertaken and is provided as part of the Development Plan (at Section 3.0 of Volume 1) and as part of the drawings prepared by Plus Architecture provided in Volume 2).

Clause 55.04-6
Overlooking Objective

The internal layouts of the proposed dwellings with an interface to existing adjacent residential properties, along the northern boundary of the site, have been carefully designed to minimise overlooking.

Whilst the dwellings are set back from the boundary, additional screening may be required in order to prevent overlooking in line with the standard and objective. The Development Plan already considers the provision of a boundary fence and extensive landscape buffer along the northern boundary. I am satisfied that further details can be resolved as part of any subsequent planning permit application or applications.

Clause 55.04-7
Internal Views Objective

The siting, internal layout, window and balcony locations for all of the proposed dwellings, have been carefully considered and designed to prevent overlooking of neighbouring secluded private open space. I am satisfied that further details can be provided and this matter can be resolved as part of any subsequent planning permit application or applications.

Clause 55.04-8
Noise Impacts Objectives

The Development Plan meets Standard B24 and the noise impact objectives.

The Development Plan does not include any noise sources and the subject site is not adjacent to any problematic noise sources or busy roads, railway lines or industry. It is therefore not anticipated that there will be any unreasonable noise impacts on the proposed dwellings. Nonetheless, at permit stage it can be expected that all dwellings will be designed to ensure acceptable internal noise levels.

On-Site Amenity and Facilities

Clause 55.05-1
Accessibility Objective

The Development Plan meets Standard B25 and the accessibility objective.

The dwelling entries of the ground floor of each dwelling will be

accessible to people with limited mobility.

Furthermore, the internal layouts of dwellings have been designed to maximise flexibility and internal re-arrangement to accommodate any specific needs. Two dwelling types (12 dwellings, 13% of total number of dwellings) have a bedroom, bathroom and living area at ground level.

Clause 55.05-2
Dwelling Entry Objective

The Development Plan meets Standard B26 and the dwelling entry objective.

All dwelling entries will be visible and easily identifiable. At the boundaries of the site, entries to the rear-loaded dwellings will be provided from the surrounding streets which will have the added benefit of providing each dwelling with its own sense of identity and presence within the streetscape. In addition, dwelling entrances are provided from the central communal open space which will maximise its usage and activation.

Entries have been designed to provide shelter, a sense of personal address and transitional space.

Clause 55.05-3
Daylight to New Windows Objective

Almost all of the proposed habitable room windows will face an outdoor space clear to the sky, and therefore meet Standard B27.

There is however an exception which will require a variation to the standard; the windows to the ground floor bedrooms of Type 7 (20 dwellings, 22%) are situated beneath a balcony at the first floor level. However, I note that:

- The space outside the windows will be open for at least one third of its perimeter and beyond this space are landscaped areas providing an attractive outlook; and
- In the majority of cases (all apart from one) the dwellings are not oriented with this window / space facing south.

At permit application stage, more daylight could be provided by increasing the size of the bedroom window and/or providing another window adjacent to the entry.

I consider that a future planning application can meet the daylight to new windows objective.

Clause 55.05-4
Private Open Space Objective

Townhouse Type	Primary Secluded Private Open Space	Other POS
(based on smallest lot size for each type)		
1	54 sqm rear garden, with a minimum dimension of 6.4 metres and directly accessible from the ground floor	3 sqm front garden

	living area	
1a	54 sqm rear garden, with a minimum dimension of 6.4 metres and directly accessible from the ground floor living area	3 sqm front garden
1b	54 sqm rear garden, with a minimum dimension of 6.4 metres and directly accessible from the ground floor living area	3 sqm front garden 5 sqm courtyard
2	34 sqm rear garden, with a minimum dimension of 4.71 metres, accessible from the ground floor living area	5 sqm front garden
2a	25 sqm rear garden, with a minimum dimension of 3.8 metres and directly accessible from the ground floor living area	14 sqm front garden
2b	25 sqm rear garden, with a minimum dimension of 3.8 metres, accessible from the ground floor living area	14 sqm front garden
3	34 sqm rear garden, with a minimum dimension of 5.2 metres and directly accessible from the ground floor living area	4 sqm front garden
3a	26 sqm rear garden, with a minimum dimension of 3.4 metres and directly accessible from the ground floor living area	18 sqm front garden
4	10 sqm balcony with a minimum dimension of width of 2.2 metres and directly accessible from the first floor living area	10 sqm ground floor front courtyard
5b	137 sqm garden to the side and rear. Most of this area has a minimum dimension of at least 5.0 metres and is directly accessible from the	10 sqm front garden

	ground floor living area and bedroom 1	
6	34 sqm rear garden, with a minimum dimension of 4 metres and directly accessible from the ground floor living area	4 sqm front garden
7	8 sqm balcony with a minimum dimension of 2.3 metres and accessible from the first floor living area	12 sqm ground floor front courtyard

For the majority of typologies, Standard B28 is met. However, a variation will be required in relation to some of the dwellings being Types 2, 2a, 2b, 3 and 6 which fall short of the standard but not significantly so.

All secluded private open spaces will have sufficient boundary treatments to ensure privacy. Where secluded private open spaces interface with the surrounding streets, fences have been appropriately designed to balance the requirement for integration with the street with the need to provide privacy for residents; primarily using a minimum fence height of 1.5 metres with planting to provide further separation and delineation between spaces. I consider this a good solution with regard is had to the benefits of rear-loaded dwellings in minimising crossovers on existing streets and ensuring the proposals address both the existing streets and the proposed internal loop road.

In addition, all residents will have access to the communal open spaces across the site, including an extensive central open space comprising approximately 1,150 sqm.

Overall, I am satisfied that future permit applications can meet the private open space objective.

Clause 55.05-5
Solar Access to Open Space Objective

Private open space has been located on the north side of dwellings where possible. This is primarily achieved along the northern boundary of the site, as well as with some of the dwellings in the southern part of the site which front Beryl Avenue. The dwellings within the central, eastern and western parts of the site, have private open spaces with eastern or western aspects. All of these will have good solar access in accordance with Standard B29.

Along the southern boundary of the site, 11 rear-loaded dwellings have been provided with secluded private open space to the street side of the dwelling. Ten of these are south-facing and do not comply with Standard B29. While this is not ideal, the non-compliance affects a small percentage of the total number of dwellings and is an unreasonable degree of non-compliance having regard to the inevitable balancing of

numerous and sometimes competing design objectives.

Clause 55.05-6
Storage Objective

Storage is provided for each dwelling within the proposed garages and under stairs. The majority of the dwellings meet the requirements of Standard B30, however, two typologies (3a and 5b), comprising just six dwellings in total, fall short of the requirements by 1-2 sqm, and therefore a variation to the standard will be required. Overall, the storage objective is considered to be met.

Detailed Design

Clause 55.06-1
Design Detail Objective

The Development Plan meets Standard B31 and the design detail objective.

The Development Plans has been designed to respond, respect and contribute to the existing and preferred character and features of the areas surrounding the site, as set out elsewhere in this assessment and in the main body of the report. The Development Plan includes design elements observed in the existing neighbourhood dwellings, particularly in relation to setbacks and roof forms, as well as materiality. The detailing of the proposed dwellings has mostly been resolved but will be further refined as part of any subsequent planning permit application or applications.

Clause 55.06-2
Front Fences Objective

The Development Plan meets the front fences objective but requires a variation from Standard B32 as some fences facing Golf Road and Beryl Avenue will have height of up to 1.7 metres.

Fences have been appropriately designed to complement the dwellings, serve their purpose and to respect the character of the surrounding area.

The proposed palisade design has been developed to ensure that residents will not feel the need to install their own ad-hoc privacy treatments and will therefore ensure a co-ordinated design response to the site.

Heights of front fences will, in places exceed 1.5 metres for sound planning and urban design reasons.

The detailing of the proposed fencing has mostly been resolved but can be further refined as part of any subsequent planning permit application or applications although I would discourage an approach with meets the standard for reasons explained in this assessment and the body of the report.

Clause 55.06-3
Common Property Objectives

The Development Plan meets Standard B33 and the common property objectives.

Public, communal and private areas are all clearly delineated using appropriate boundary treatments.

Common property, comprising the internal streets, visitor car parking, communal open spaces and landscaped pedestrian / cycle links, have been designed to be functional and easy to manage.

Clause 55.06-4
Site Services Objectives

The Development Plan can meet Standard B34 and the site services objectives.

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 appropriate areas have been provided for the temporary storage of bins on collection days.

Mailboxes can be accommodated at the front of each dwelling.

Many of these matters of detailed can finally be resolved at permit application stage.

DESIGN ELEMENT	ASSESSMENT
Subdivision Site and Context Description and Design Response	
Clause 56.01-1 Subdivision Site and Context Description	A detailed description of the site and surrounding area is provided in Section 3.0 of Volume 1 of the Development Plan, supported by the drawings prepared by Plus Architecture as well as other documents and information, provided within Volume 2 of the Development Plan. Together documents provide all the details required by Clause 56.01-1.
Clause 56.01-2 Subdivision Design Response	A design response is set out at Section 4.0 of Volume 1 of the Development Plan, which is supported by the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan. The design response provides a detailed justification for the proposed design. Further details will be provided and can be further resolved as part of any subsequent subdivision application.
Policy Implementation	
Clause 56.02-1 Strategic Implementation Objective	An assessment against the relevant planning policy context applicable to the development has been provided in the main body of this report. Overall, the Development Plan is considered consistent planning policy objectives for the site. A written statement to comply with Standard C1 could be provided as part of any subsequent subdivision application.
Liveable and Sustainable Communities	
Clause 56.03-1 Compact and Walkable Neighbourhoods Objectives	The Development Plan implement planning policy objectives for the site and any subsequent subdivision application will seek to implement the Development Plan once approved. The Development Plan has been developed with regard to the requirements of Standard C2 and any subsequent subdivision application can be accompanied by the required information as necessary.
Clause 56.03-2 Activity Centre Objective	<p>The Development Plan meets Standard C3 and the activity centre objective.</p> <p>The site is close to Oakleigh South Neighbourhood Centre, which is located approximately 300 metres southwest and accessible by walking or public bus.</p> <p>In addition, the site is well located in relation to higher order activity centres, accessible by cycling, public transport or private motor vehicle, as set out in Section 2 of this report and Section 3.0 of Volume 1 of the Development Plan, supported by the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan.</p>

The Development Plan will implement planning policy objectives which seek to provide new residential development in locations supported by accessible activity centres.

Clause 56.03-3
Planning for Community Facilities
Objective

The Development Plan does not propose the provision of community facilities on the site and therefore this standard does not strictly apply.

Notably, the Development Plan anticipates new residential development in an area well served by existing community facilities.

Clause 56.03-4
Built Environment Objective

The Development Plan meets Standard C5 and the built environment objective.

In line with planning policy objectives for the site relating to urban design, the Development Plan has been designed to respond, respect and contribute to the existing and preferred character and features of the areas surrounding the site.

The proposed subdivision layout will ensure a living environment that is functional, safe and attractive, with active frontages towards existing and proposed streets and significant new landscaped communal open space.

The Development Plan has been designed to integrate with the surrounding neighbourhood through the creation of landscaped setbacks and linages and the provision of new pedestrian / cycle links.

These matters have been discussed in detail in the body of this report as well as in the Clause 55 Assessment at Attachment 1.

Clause 56.03-5
Neighbourhood Character Objective

The Development Plan meets Standard C6 and the neighbourhood character objective.

As set out above, the Development Plan has been designed to respect and contribute to the existing and preferred character and features of the areas surrounding the site, in line with planning policy objectives for the site.

The Development Plan has been designed to respond to and integrate with the surrounding neighbourhood through the landscape and movement networks. In addition, the design of the dwellings at the interfaces of existing streets and development has been carefully considered to provide a contextually appropriate response.

The Development Plan proposes the retention of 11 of the existing trees, six of which are of moderate value (following arboricultural advice from Landscape DEPT).

These matters have been discussed in more detail in the body

of this report as well as in the Clause 55 Assessment at Attachment 1.

Lot Design

Clause 56.04-1

Lot Diversity and Distribution Objectives

The Development Plan propose a range of lot sizes which will allow for varied housing stock comprising two, three and four bedroom townhouses.

Bus stops located on Golf Road and Cameron Avenue will be within 400 metres walking distance of all dwellings and provide access to Oakleigh and Clayton railway stations.

The Development Plan meets Standard C7 in relation to lot diversity but requires a variation to the proximity to an activity centre.

Oakleigh Activity Centre is located approximately 2 kilometres to the northwest of the site, and Clayton Activity Centre (including Clayton Railway Station) approximately 3 kilometres to the east.

It is considered that the site's distance to the Oakleigh and Clayton activity centres 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 moderate for those choosing to cycle.

In addition, it is of importance that Oakleigh South Neighbourhood Centre is located approximately 300 metres southwest and accessible by walking (700-850 metres walking distance, approximately 10 minutes walking time) or public bus.

The Development Plan is considered to meet the lot diversity and distribution objectives.

Clause 56.04-2

Lot Area and Building Envelopes Objective

The Development Plan meets Standard C8 and the lot area and building envelopes objective.

Indicative floorplans for each house typology have been included as part of the Development Plan. The lots will be of dimensions that enable appropriate siting and construction of very functional and liveable dwellings, with appropriate solar access, private open space, vehicle access and parking. In addition, the Development Plan has regard for the retention of vegetation.

Any subsequent subdivision application could be accompanied by the information required by Standard C8.

Clause 56.04-3

Solar Orientation of Lots Objective

The Development Plan meets Standard C9 and the solar orientation of lots objective.

The Development Plan has been carefully designed to allow the

lots 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.

Any subsequent subdivision application can be accompanied by the information required by Standard C9.

Clause 56.04-4
Street Orientation Objective

The Development Plan meets Standard C10 and the street orientation objective, as follows:

- Lots have been oriented to front existing and proposed streets, with a small number of side frontages required where dwellings are proposed on a corner.
- Adjacent to the central communal open space, townhouses have been specifically designed to provide definition to this space, as well as a sense of surveillance. To maximise its activation, pedestrian routes will be provided at the edges of the open space, from which adjacent dwellings can be accessed.
- Fences and boundary treatments have been designed to maximise passive surveillance.

Clause 56.04-5
Common Area Objectives

Common property will comprise the internal streets, visitor car parking, communal open spaces and landscaped pedestrian / cycle links. Any subsequent subdivision application will be accompanied by the information required by Standard C11.

Urban Landscape

Clause 56.05-1
Integrated Landscape Objectives

The Development Plan meets Standard C12 and the integrated landscape objectives, as demonstrated within the main body of this report and the Clause 55 Assessment at Attachment 1, with further details provided within Section 5.0 of Volume 1 of the Development Plan, supported by drawings prepared by Plus Architecture and John Patrick Landscape Architects provided within Volume 2 of the Development Plan.

Clause 56.05-2
Public Open Space Provision Objectives

The Development Plan meets Standard C13 and the public open space provision objectives.

The Development Plan identifies communal open spaces including a central open space comprising approximately 1,150 sqm, as well as two landscaped pedestrian / cyclist linkages. The main area of communal open space exceeds 5% of the site area and could qualify as a public open space contribution.

All of the open spaces have been designed to integrate with the surrounding landscape network.

This matter is discussed with the main body of this report and

the Clause 55 Assessment at Attachment 1, with further details provided at Section 5.0 of Volume 1 of the Development Plan, supported by drawings prepared by Plus Architecture and John Patrick Landscape Architects provided within Volume 2 of the Development Plan.

Access and Mobility Management

Clause 56.06-1 Integrated Mobility Objectives

The Development Plan meets Standard C14 and the integrated mobility objectives.

The Development Plan will contribute to the creation of a compact and walkable neighbourhood, providing for walking, cycling and motor vehicles, and connecting with existing public transport networks.

Any subsequent subdivision application can be accompanied by the information required by Standard C14.

Clause 56.06-2 Walking and Cycling Network Objectives

The Development Plan meets Standard C15 and the walking and cycling network objectives.

The Development Plan will provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

A significant benefit of the Development Plan are the two additional pedestrian / cycle links provided to Beryl Avenue and Bakers Road which will increase the permeability of the site and surrounding area.

This matter is discussed in the main body of this report and the Clause 55 Assessment at Attachment 1, with further details provided at Sections 4.0 and 5.0 of Volume 1 of the Development Plan, supported by drawings prepared by Plus Architecture and John Patrick Landscape Architects provided within Volume 2 of the Development Plan.

Clause 56.06-3 Public Transport Network Objectives

The Development Plan does not include the provision of public transport facilities and therefore this standard does not strictly apply.

However, it is of note that, as set out in Section 2 of this report, the site is well located with regards to existing public transport services and Development Plan has been designed to facilitate use of these, in accordance with the public transport network objectives.

Clause 56.06-4 Neighbourhood Street Network Objective

The Development Plan meets Standard C17 and the neighbourhood street network objectives.

The proposed street network within the site has been designed to provide for direct, safe and easy movement through the site and to the surrounding neighbourhood, by pedestrians, cyclists and motor vehicles.

This matter is discussed with the main body of this report and the Clause 55 Assessment at Attachment 1, with further details provided at Section 4.0 and Section 6.0 of Volume 1 of the Development Plan, as well as on the drawings prepared by Plus Architecture provided within Volume 2 of the Development Plan. In addition, a *Traffic Engineering Assessment* has been prepared by Traffix Group and is also provided within Volume 2 of the Development Plan.

Clause 56.06-5
Walking and Cycling Network Detail Objectives

The Development Plan meets Standard C18 and the walking and cycling network detail objectives.

The Development Plan will provide safe, comfortable, well-constructed and accessible footpaths. Paths through the linkages could be shared.

Sections 4.0 and 5.0 of Volume 1 of the DPO Submission set out details relating to the proposed walking and cycling networks, supported by drawings prepared by Plus Architecture and John Patrick Landscape Architects provided within Volume 2 of the Development Plan.

Subdivision application can be accompanied by the information required by Standard C18.

Clause 56.06-6
Public Transport Network Detail Objectives

The Development Plan does not include the provision of public transport facilities and therefore this standard does not apply.

Clause 56.06-7
Neighbourhood and Street Network Detail Objective

The Development Plan meets Standard C20 and the neighbourhood and street network detail objectives.

The Development Plan envisages well designed and constructed in order to create a safe and accessible neighbourhood street system.

Section 4.0 and Section 6.0 of Volume 1 of the Development Plan sets out details of the proposed access arrangements, supported by the drawings prepared by Plus Architecture and the *Traffic Engineering Assessment* prepared by Traffix Group provided within Volume 2 of the Development Plan.

Any subdivision application can be accompanied by the information required by Standard C20.

Clause 56.06-8
Lot Access Objective

The Development Plan meets Standard C21 and the lot access objective.

It will provide safe vehicle access between roads and lots.

Section 4.0 and Section 6.0 of Volume 1 of the Development Plan set out details of the proposed access arrangements, supported by the drawings prepared by Plus Architecture and the *Traffic Engineering Assessment* prepared by Traffix Group provided within Volume 2 of the Development Plan.

Any subdivision application can be accompanied by all the detailed information required by Standard C21.

Integrated Water Management

Clause 56.07-1
Drinking Water Supply Objectives

The Development Plan anticipates meeting Standard C22 and the drinking water supply objectives.

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

Any subdivision application can be accompanied by the information required by Standard C22.

Clause 56.07-2
Reused and Recycled Water Objective

I am not aware of an area-based water recycling system but stormwater management for the site will include water collection storage and reuse in garden areas.

Clause 56.07-3
Waste Water Management Objective

The Development Plan anticipates meeting Standard C24 and the wastewater management objectives.

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

Any subdivision application will be accompanied by the information required by Standard C24.

Clause 56.07-4
Stormwater Management Objectives

The Development Plan anticipates meeting Standard C25 and the stormwater management objectives.

A stormwater management plan, consistent with the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 2006), has been prepared as part of the DPO submission. Details are set out at Section 8.0 of Volume 1 of the Development Plan and within the Stormwater Management Plan dated 30 January 2020 prepared by FMG Engineering provided within Volume 2 of the Development Plan.

A subdivision application can be accompanied by the information required by Standard C25.

Site Management

Clause 56.08-1
Site Management Objectives

The Development Plan anticipates meeting Standard C26 and the site management objectives.

A subdivision application can be accompanied by the information required by Standard C26.

Utilities

Clause 56.09-1

The Development Plan anticipates meeting Standard C27 and

Shared Trenching Objectives

the shared trenching objectives.

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 Development Plan anticipates meeting Standard C28 and the electricity, telecommunications and gas objectives.

Electricity, telecommunications 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 Development Plan anticipates meeting Standard C29 and the fire hydrants objective.

If required by the relevant fire authority, the development contemplated in the Development Plan can accommodate the provision of additional fire hydrants as required to enable fire fighters to access water safely, effectively and efficiently.

Clause 56.09-4
Public Lighting Objective

The Development Plan anticipates meeting Standard C30 and the public lighting objective.

Public lighting will be provided where required to ensure the safety of pedestrians, cyclists and vehicles.

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