YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 16 May 2012 at 6.30 pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Dale Smedley
Councillor Stephen Jolly
Councillor Sam Gaylard

I. ATTENDANCE
James Sutherland (Senior Statutory Planner)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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"Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country.
Today, they are still the custodians of the cultural heritage of this land.

Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra."

Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- ll public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

Governance Branch
2008

1. Committee business reports

Item		Page	Rec. Page
1.1	32 Lucerne Crescent, Alphington – Planning Permit Application No. PLN11/0483 (Development of the land for buildings and works including the construction of two dwellings on the lot and removal of vegetation).	5	36

1.1 32 Lucerne Crescent, Alphington – Planning Permit Application No. PLN11/0483 (Development of the land for buildings and works including the construction of two dwellings on the lot and removal of vegetation).

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application No. PLN11/0483 at 32 Lucerne Crescent, Alphington. The application proposes development of the land for buildings and works including the construction of two dwellings on the lot and removal of vegetation.

Key Planning Considerations

2. Key planning considerations include:

   (a) clause 15.01 – Urban Environment;
   (b) clause 22.10 – Built Form and Design Policy;
   (c) clause 22.13 – Residential Built Form Policy;
   (d) clause 42.01 – Environmental Significance Overlay Schedule 1;
   (e) clause 43.02 – Design and Development Overlay Schedule 1;
   (f) clause 44.04 – Land Subject to Inundation Overlay;
   (g) clause 55 – Rescode; and
   (h) objector concerns.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) neighbourhood character (landscaping and built form);
   (b) environmental values of the site;
   (c) the impact of the development on the Yarra River Corridor; and
   (d) off-site amenity impacts.

Objector Concerns

4. 19 objections were received to the application, these can be summarised as:

   (a) lack of detail/incorrect detail in application plans and report.;
   (b) the built form is not in keeping with the character of the area;
   (c) the amount of landscaping (front, rear and sides) is not in keeping with the character of the neighbourhood and area;
   (d) off-site amenity impacts;
   (e) on-site amenity; and
   (f) unwanted development precedent.

Conclusion

5. Based on the following report, the proposed development is considered to respond appropriately to the relevant planning policies for the following reasons:

   (a) the development achieves significant compliance with the applicable objectives and standards of Clause 55 (ResCode) of the Yarra Planning Scheme, particularly in respect on and off-site amenity impacts;

(b) the development provides an acceptable level of landscaping having regard to the character of the area and the requirements of the ESO1 and DDO1 and is a significant improvement upon existing conditions;
(c) the development appropriately respects the built form character of the area; and
(d) the proposed development is appropriately sited in respect of potential flooding.

CONTACT OFFICER: **James Sutherland**
TITLE: **Senior Statutory Planner**
TEL: **9205 5046**

1.1 32 Lucerne Crescent, Alphington – Planning Permit Application No. PLN11/0483 (Development of the land for buildings and works including the construction of two dwellings on the lot and removal of vegetation).

Trim Record Number: D12/32943
Responsible Officer: Coordinator Statutory Planning

Existing Use:	**Single dwelling**
Applicant:	**Michael Angus Architecture**
Zoning/Overlays:	**Residential 1 Zone (R1Z)** **Land Subject to Inundation Overlay (LSIO)** **Environmental Significance Overlay – Schedule 1 (ESO1)** **Design and Development Overlay – Schedule 1 (DDO1)**
Date of Application:	**21 June 2011**
Application No.:	**PLN11/0483**

Planning History

1. A search of Council records reveals no relevant planning permit history for the site.

Background

2. The application was submitted on 21 June 2011 and was advertised to surrounding owners and occupiers by way of letters and one sign place on site. A total of 19 objections were received and subsequently Council undertook a public consultation meeting on 19 October 2011. The applicant, objectors and a Ward Councillor were present however no resolution was made.

3. On 21 December 2011, the applicant submitted amended plans under Section 57A of the *Planning and Environment Act* 1987 [**the Act**]. These plans contained a number of changes addressing both Council concerns (primarily landscaping and building massing) as well as including a number of voluntary alterations. In summary, the changes are as follows:

   (a) increase side setbacks of Dwelling 2 by 400mm each side, to facilitate additional landscaping along boundaries;
   (b) reduction in east wall height of dwelling 1 by 2.0m, and the introduction of a skillion roof to reduce the visual impact of the wall;
   (c) reduction in height of the east and west walls of dwelling 2 by between 0 and 1.7m as a result of a new skillion roof and lowering the living room floor;
   (d) provision of a new screening device to the southern terrace and southeast corner window of dwelling 2 to prevent overlooking to the east;
   (e) extension of screening to southwest corner of dwelling 2 to prevent overlooking to the west;
   (f) deletion of the cellar;
   (g) inclusion of landscape design, and amendments to site plan to facilitate additional landscape treatment;
   (h) increase setback of trafficable part of Terrace 1 to reduce overlooking to west;
   (i) inclusion of verandah at front of dwelling 1 (encroaches into setback); and
   (j) inclusion of lift in Dwelling 1.

Existing Conditions

Subject Site

4. The subject site is located on the southern side of Lucerne Crescent approximately 32m east of the corner of Como Street in Alphington. The site is generally regular in shape, being a rectangle although the rear boundary is on a slight angle making the southern boundary marginally longer than the north. The land is long and narrow, being some 15.2m wide at the front, 18.2m wide at the rear and approximately 78m in length and has a total area in the order of 1256sqm.

5. The site contains a significant slope from north to south (front to rear) with the front boundary being some 12.5m higher than the rear. The site is developed with a single storey dwelling located approximately half way from front to the rear. The site also contains a swimming pool beyond the dwelling toward the rear and a garage from a crossover in the north-western corner.

6. The site contains 7 trees scattered from front to rear as well as large open spaces in front of the dwelling and behind as well as other shrubs and planted areas. The dwelling occupies only 135sqm of the total site, thus much is left to grassed areas and landscaping.

Surrounding Land

7. The area surrounding the subject site is residential in nature being located in the pocket of dwellings generally located between commercial developments to the west and north along the Chandler Highway and Heidelberg Road and the Darebin Creek and associated parkland and the Latrobe Golf Course (the Golf Course) to the south and east.

8. The area contains a mix of dwellings but can be described as low-density with few unit developments (although they are not completely absent). The majority of dwellings are detached and include side and rear setbacks that contain areas of planting, resulting in the neighbourhood having a 'leafy' character.

9. Clause 21.08-6 (Neighbourhoods – Fairfield-Alphington) of the Yarra Planning Scheme provides the following description of the two suburbs:

10. *To the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of Tafe and the Victorian Institute of Forensic Mental Health lie within the parkland.*

    The Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.

11. To the north of the subject are dwellings on the northern side of Lucerne Crescent. These houses are representative of the area, being detached dwellings with generous side and rear setbacks and planted canopy trees. It is noted that directly opposite the subject site (on the corner of Como Street and Lucerne Cresent) is a modern two lot townhouse development that incorporates little in the way of side and rear setbacks or meaningful planting. The dwellings on the north side of Lucernce Crescent are generally one or two storeys in height and include a crossover to car parking within the front setback or garage.

12. To the east of the subject site is a two storey dwelling set toward the front on Lucerne Crescent. It has a large area of secluded private open space at the rear extending some 42m to the southern boundary and includes landscaped paths and garden beds and one very large gum tree.

13. The dwelling has a crossover to Lucerne Crescent and car parking in the front setback with a side lane leading to the rear. A south facing deck and windows provide the primary aspect to the dwelling which is setback from its western, common boundary with the subject site by between four and six metres.

14. To the west of the subject site is a single storey dwelling again generally set towards the front of the site with a garage in the north western corner leading to living areas behind within the main building. This dwelling is setback from its eastern boundary by between 6.5m and 8.5m and includes numerous trees and shrubs along this boundary. This side of the lot also includes a walkway to a landscaped rear area with grass and garden beds. Further south toward the rear of the site is a swimming pool and pavilion/kabana type structure attached. Below the swimming pool is further planting.

15. To the south of the subject site is the Golf Course and more specifically some large trees beyond which is the tee and fairway associated with the eighth hole. The course contains many large planted trees and open areas and is bounded on its southern and eastern sides by the Yarra River and on its north side by the Darebin Creek.

16. The subject site makes up a row of some 22 lots that abut the Golf Course at their rear and which have similar characteristics in that dwellings are generally located toward the front of the lot with large open areas at the rear often containing large trees and shrubs. The size and configuration of these lots result in what might be termed a ‘landscaped corridor’ along the southern and eastern side of Lucerne Crescent.

17. Notwithstanding the general character of this side of Lucerne Crescent, a number of lots have been either subdivided or built on further down their slope toward the Golf Course including Nos. 24, 38, 50, 52, and 74. The location of built form on these lots prevents an unbroken corridor from being formed.

The Proposal

18. The proposed development is for the demolition of the existing dwelling (no permit required) on the lot and construction of two new dwellings as well as the removal of existing vegetation.

Demolition:

19. The existing dwelling, garage and swimming pool are to be removed to facilitate the construction of the two new dwellings. It is noted that the removal of the existing buildings does not require a planning permit.

Vegetation removal:

20. Removal of all trees (five) and shrubs on the site. The trees to be removed are summarised in the following table and refer to details provided in the applicants arborist report submitted with the application.

Tree No.	Name	Origin	Age	Health	Structure	Amenity Value
12.	Lilly Pilly	Victoria	Semi-mature	Fair	Fair	Medium
14.	Christmas Berry	Exotic	Mature	Fair	Fair	Medium
15.	Jacaranda	Exotic	Semi-mature	Fair	Fair-poor	Low
16.	Weeping	Australian	Mature	Fair	Fair-poor	Low

	Bottlebrush	native				
17.	Cotoneaster	Exotic weed	Mature	Fair	Fair	Very low

New dwellings:

21. Two new dwellings will be constructed on the site, one behind each other and joined at their northern/southern end.

Dwelling 1:

22. Dwelling 1 will be located toward the front of the site with a setback from Lucerne Crescent of 7.5m to the front porch and 9.1m to the front façade providing for a landscaped garden area. A pedestrian bridge/raised path will provide access to the front door and upper ground/first floor.

23. The dwelling will include a laundry, storage area at a lower ground floor level as well as a two car garage. Two bedrooms (both with ensuite), a study, powder room and open plan kitchen/dinning/living room and south facing terrace (34.8sqm in area) will be located at upper ground/first floor level.

24. Dwelling 1 will have habitable room windows facing south from the bedrooms and facing east and south from the living/dining room.

25. Dwelling 1 will have access from the laundry to a service lane on the eastern side of the lot which will provide for a clothes line and passage to the rear garden.

Dwelling 2:

26 Dwelling 2 will be located immediately south of Dwelling 1 and will be accessed via the driveway on the western side of the lot. This dwelling is set lower than Dwelling 1 given the slope of the land and is generally over one level. A two car garage will be located beneath the living/dining room of Dwelling 1 and will have access to a central corridor off which is a study beneath the terrace of Dwelling 1. The study will have an outlook to an internal courtyard. Further south are two bedrooms and a bathroom with a further bedroom with ensuite located toward the rear of the building on the western side. The dwelling also includes a powder room, laundry and open plan kitchen/dining and living room beyond which is a terrace (23.8sqm in area). Beyond the terrace to the south is a landscaped garden to the southern boundary.

Building heights, setbacks and dimensions:

27 The proposed development will sit over three main levels, stepping down from north to south with the slope of the land. In general terms, Dwelling 1 will be two storeys and Dwelling 2 one storey.

<u>Setbacks</u>

28. The building envelope is setback in the following manner:

(a) from the street by 7.5m to the front porch and 9.1m to the front façade;
(b) the rear wall of the building (Dwelling 2) will be setback from the rear boundary by between 19.8m and 24.8m;
(c) dwelling 1 will be setback from the boundary on the eastern side, at ground floor level by between 1.4m and 2.2m;
(d) dwelling 2 will be setback 1.4m and 1.9m from the eastern boundary;
(e) at first floor/upper ground floor level, Dwelling 1 will be setback from the eastern boundary by between 1.4m at the front and 2m at the rear;

(f) on the western side, the garages of both dwellings will be setback 5.2m from the boundary;
(g) the western wall of Dwelling 2 will be setback 1.5m from the boundary; and
(h) at first floor level/upper ground floor, the Dwelling 1 is setback from the western boundary by between 3.1m and 7.2m.

Heights

29. The building will vary greatly in height from different points due to the slope of the land, the roof form but is generally of a one and two storey scale.

(a) the overall maximum building height to the top of the roof ridge above the Dwelling 1 will be 9.7m; and
(b) dwelling 2 will be between 3.5m and 4.4m in height. The top of the facia overhanging the terrace will be 5.5m high.

Dimensions

(a) the total building length at lower ground floor level will be 52.4m;
(b) the total length of the upper ground floor/first floor level will be 29m including the terrace screening;
(c) the width of the lower ground floor will be 9.0m at the front and 13.6m at the rear (not including the driveway and paths);
(d) the maximum width of the building including driveways and paths will be 16.2m at the rear of Dwelling 2; and
(e) The site coverage will increase from 10 per cent to 30 per cent of the site.

Car parking:

30. Each dwelling will be provided with two car spaces in separate garages. The garages will be accessed via the existing crossover from Lucerne Crescent and a new driveway along the western side of the site.

Landscaping:

31. The applicant proposes to extensively landscape the site around the proposed built form including the following:

(a) the planting of 19 new trees ranging in mature height from 4.0m to 10m within the front and rear setbacks (eight in the front setback and 11 in the rear setback generally along the side and rear boundaries). The trees are summarised in the table below:

Species	**Height at maturity (m)**	**Quantity**
Black She-ok	6	2
Blackwood	10	1
Golden Wattle	5	3
Eastern Redbud	5	3
Dwarf Brittle Gum	8	4
Native Frangipani	6	3
Sioux Crepe Myrtle	4	3

(b) the planting of 11 different species of shrubs within the front, side and rear setbacks;
(c) the planting of 15 different groundcovers in the front side and rear setbacks;
(d) exposed aggregate driveway treatment;
(e) semi-permeable stone paving for walkways and stone pavers for terraces and an area of lawn within the rear setback; and

(f) a stepped walkway will also provide access to the rear of the lot on the western side.

Planning Scheme Provisions

Residential 1 Zone

32. Pursuant to clause 32.01-3, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

Design and Development Overlay – Schedule 1, Yarra River Corridor - Inclusive of Merri and Darebin Creeks (DDO1)

33 Pursuant to clause 43.02-2, a planning permit is required to construct a building or construct or carry out works (no exemption is provided in the schedule to the overlay).

Environmental Significance Overlay – Schedule, Yarra River Environs *(ESO1)*

34. Pursuant to clause 42.01-2, a planning permit is required to construct a building or construct or carry out works. This does not apply to the buildings and works in a residential zone if 6m or less above ground level.

35. Given the overall height of the proposed development is 9.7m, this exemption does not apply. (no exemption is provided in the schedule to the overlay for the proposed works).

36. The purposes of the ESO are:

(a) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
(b) To identify areas where the development of land may be affected by environmental constraints.
(c) To ensure that development is compatible with identified environmental values.

37. Pursuant Schedule 1 of the ESO and clause 66.04 of the Yarra Planning Scheme an application for an application for buildings and works and removal of vegetation must be referred to Melbourne Water in accordance with Section 55 of the Planning and Environment Act

Land Subject to Inundation Overlay (LSIO)

38. Pursuant to clause 44.04-1 a permit is required to construct a building or construct or carry out works.

29. The purposes of the LSIO are as follows:

(a) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
(b) To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
(c) To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
(d) To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
(e) To protect water quality in accordance with the provisions of relevant State Environment

(f) Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

(g) To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

40. Pursuant to clause 44.04-5 an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

41. Accordingly, the application was referred to Melbourne Water as the floodplain management authority.

Particular Provisions

42. The provisions of Clause 55 apply. A development should meet all the standards and must meet all the objectives.

General Provisions

Clause 65 – Decision Guidelines

43. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider, amongst other things, the relevant State Planning Policy Frameworks and Local Planning Policy Framework, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework

Clause 12.01-1 (Protection of Habitat)

44. The objective of this clause is:

(a) To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 12.04-1 (Environmentally sensitive areas)

45. The objective of this clause is:

(a) To protect and conserve environmentally sensitive areas.

Clause 15.01-1 – Urban design

46. The objective of this clause is:

(a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

47. The relevant strategy is:

(a) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-4 – Design for safety

48. The objective of this clause is:

    (a) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural identity and neighbourhood character

49. The objective of this clause is:

    (a) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 – Energy and resource efficiency

50. The objective of this clause is:

    (a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 18.02-1 – Sustainable personal transport

51. The objective of this clause is:

    (a) *To promote the use of sustainable personal transport.*

Clause 18.02-5 – Car parking

52. The objective of this clause is:

    (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

<u>Local Planning Policy Framework (LPPF)</u>

Clause 21.05-2 – Urban design

53. The relevant objective of this clause is:

    (a) *Objective 16 To reinforce the existing urban framework of Yarra.*

Clause 21.07-1 Ecologically sustainable development

54. The relevant objective of this clause is:

    (a) *Objective 34 To promote ecologically sustainable development.*

55. The relevant strategy is:

    (a) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08-6 – Fairfield-Alphington

56. *Clause 21.08-6 (Neighbourhoods)* places the subject site is within the *'Fairfield-Alphington'* neighbourhood, and is included in the 'garden-suburban residential' built form character area at Figure 16. The aims of the 'garden-suburban residential area' area are to:

    (a) maintain the existing pattern of front setbacks;
    (b) reinforce the garden character of the streetscape; and
    (c) accommodate second storey extensions, or second storeys of new dwellings buildings, within an envelope that maintains the low, horizontal form of existing dwellings.

Local Planning Policies

Clause 22.10 – Built Form and Design Policy

57. This clause requires assessment of the development against four criteria relating to the following:

    (a) Urban Form and Character;
    (b) Setbacks and Building Heights;
    (c) Street and Public Space Quality; and
    (d) Environmental Sustainability.

58. Each criteria contains a set of design objectives and design guidelines that a development should seek to achieve.

59. The overriding objectives of this clause are to:

    (a) Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character;
    (b) Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design;
    (c) Limit the impact of new development on the amenity of surrounding land, particularly residential land;
    (d) Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces;
    (e) Create a positive interface between the private domain and public spaces; and
    (f) Encourage environmentally sustainable development.

Clause 22.13 – Residential Built Form Policy

60. This policy applies to the Residential 1 Zone in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08.

61. The objectives of this clause are to:

    (a) To limit the impact of new development on surrounding land, particularly on low rise residential areas.
    (b) To respond to and strengthen the distinct character of different parts of Yarra.

62. It is policy at this clause that that development within each of the character types responds positively to the matters set out in Clauses 22.12-3.1 to 22.12-3.4 referable to the location of the development

63. Figure 16 at Clause 22.08-6 identifies the subject site as being in the 'garden-suburban residential' character area. Clause 22.13.3.1 notes the character of these areas as being… *residential areas with spacious garden settings and generous setbacks and spaces between buildings.* This clause encourages the following design response for new development:

    (a) maintain the existing pattern of front setbacks.
    (b) landscape the front setback in a style that reinforces the garden character of the streetscape.
    (c) provide a setback on at least one side of the building.
    (d) where the general pattern of development includes side setbacks on both sides of buildings, replicate this characteristic.
    (e) orient buildings at right angles to the street frontage, unless the pattern of development is to site buildings at an angle.
    (f) provide front fencing that matches the character of the fencing in the street (e.g. with an open fence or a very low, solid fence).
    (g) maintain the existing scale of development, which is generally one or two storeys.
    (h) on single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.
    (i) accommodate second storey extensions, or second storeys of new buildings, within an envelope that maintains the low, horizontal form of existing dwellings.
    (j) retain sufficient open space in the backyard to plant a tree with a high and spreading canopy.

Advertising

64. The application has been advertised twice under the provisions of Section 52 of the *Planning and Environment Act* (1987. The first round of advertising included nine letters being sent to surrounding owners and occupiers, and by one sign displayed on site.

65. The second round of advertising was conducted subsequent to the submission of a Section 57A amendment to the plans. 23 letters were sent to surrounding owners and occupiers as well as objectors. No sign was displayed on site.

66. 19 objections have been received, and the grounds are summarised as:

    (a) Lack of detail/incorrect detail in application plans and report.
    (b) The built form is not in keeping with the character of the neighbourhood including:
        (i) height
        (ii) setbacks
        (iii) streetscape presentation
        (iv) scale
        (v) site coverage
    (c) The amount of landscaping (front, rear and sides) is not in keeping with the character of the neighbourhood and area.
    (d) Off-site amenity impacts:
        (i) overshadowing
        (ii) visual bulk
        (iii) impact on flora and fauna
        (iv) impact on views of the river corridor
        (v) impact of proposed buildings on trees on adjoining lots
        (vi) overlooking.
    (e) On-site amenity:
        (i) private open space;
        (ii) driveway and car space accessibility;
        (iii) impact of stray golf balls on the proposal; and
        (iv) impact of potential flooding
    (f) Unwanted development precedent.

67. A consultation meeting was held on 19 October 2011 attended by planning officers, a Ward Councillor and objectors.

68. The meeting resulted in the applicant formally amending the proposal as described earlier in this report.

Referrals

External Referrals

69. The application was referred to Melbourne Water in accordance with Section 55 of the Act and the ESO and LSIO. Two referrals were undertaken because of the formal amendment to the application.

70. Melbourne Water stated that it does not object to the proposal subject to the following conditions and footnotes being placed on any permit issued:

Conditions:

(a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
(b) The new dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable flood level.
(c) The new garages must be constructed with finished surface levels a minimum of 300mm above the applicable flood level.
(d) All doors, windows, vents and openings to the proposed cellar must be a minimum of 600mm above the applicable flood level.
(e) Dwelling number two must not be constructed below the 17.20metres to Australian Height Datum (AHD) natural surface level contour.
(f) Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling. Prior to the commencement of works, volume calculation must be submitted to Melbourne Water demonstrating that the volume of filling does not exceed the volume of cutting.
(g) At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.
(f) Prior to the issue of a Certificate of Occupancy for the dwellings, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Footnotes:

(a) The applicable flood level for the property is 18.20 metres to Australian Height Datum (AHD).
(b) If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference197444.

71. Melbourne Water also provided the following general advice:

(a) Please note that as the Responsible Authority under Section 66 of the Planning and Environment Act 1987 you must give Melbourne Water a copy of any permit which you decide to grant and a copy of any notice given under Section 64 or 65. Please forward a copy of any Notice of Decision, Planning Permit or Refusal to Melbourne Water for our records.

Flood Level Information

(b) Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from the Lower Yarra River (4000). For a storm event with a 1% chance of occurrence in any one year, the flood level for the property is 18.22 metres to Australian Height Datum (AHD).

Freeboard

(c) Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level.

Construction and Site Management

(d) Melbourne Water recommends that a Site Management Plan (SMP) be developed prior to construction. The SMP should ensure that the generation and exportation of sediment and other pollutants resulting from construction activities are minimised.

Internal Referrals

72. Council's Open Space Unit made the following comments in regards to the original application:

(a) There is nothing on the block as far as vegetation that is worth keeping.
(b) The proposed dwelling is setback from the boundary next to thetrees on neighbouring properties so there should be no impact on trees within those lots.
(c) The plan shows a large Quercus robur – English Oak in the rear corner on the neighbours property. This is in fact a mature pine tree.
(d) The ground covers and climbers within the plan at the rear of the property are acceptable. The Eucalyptus mannifera 'Little Spotty' is not indigenous to the area and should be replaced with eucalyptus leucoxylon variety.
(e) The front garden there is an emphasis on deciduous exotic trees and plants e.g. Cercis Forest Pansy and Lagerstroemia. Think one of these species should be replaced with evergreen native.

73. In regards to the amended plans, the following comments were made:

(f) There is nothing on the block as far as vegetation that is worth keeping.
(g) Also the plan shows a large Quercus robur – English Oak in the rear corner on the neighbours property. This is in fact a mature pine tree.
(h) The ground covers and climbers within the plan at the rear of the property are acceptable.
(i) The Eucalyptus mannifera 'Little Spotty' is not indigenous to the area and should be replaced with eucalyptus leucoxylon variety.
(j) In the front garden there is an emphasis on deciduous exotic trees and plants e.g. Cercis Forest Pansy and Lagerstroemia. One of these species should be replaced with evergreen native.

74. Council's Engineering Services Unit made the following comments in regards to the first advertised plans:

Access Arrangements - Lucerne Street Frontage

(a) A site inspection of the property's Lucerne Street frontage revealed that the exiting concrete vehicle crossing is in a serviceable condition. There is no objection to the crossing's continual use.

Access into Individual Garages

(b) A check of the submitted drawings indicates that vehicular access into the garages of the two proposed dwellings is via a common driveway. The width of the driveway at the garage doorways is 4.0 metres. Each garage double garage doorway is 5.4 metres in width.

(c) Vehicle turning movements into and out of each garage are adequate.

Internal Layout

(d) the internal dimensions of the garages comply with the requirements of the Australian/New Zealand standard AS/NZS 2890.1:2004.

Drainage – Legal Point of Discharge

(e) The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Council's Building Services unit.

(f) Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

(g) Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

(h) The topography of the land slopes from north to south, and has a drop of over 6.0 metres between the north boundary and the south boundary. The designer must ensure that any rainfall run-off or surface water does not enter the dwellings, particularly dwelling 2, during storm events.

75. In regards to the amended plans, the following comments were made:

(a) The access arrangements and internal dimensions of the two garages area considered satisfactory. The driveway provides adequate maneuverability into and out of the garages.

(b) The developer will need to apply for a Legal Point of Discharge under the provisions of the Building Regulations 2006 from Council's Building Services unit (based at the Richmond Town Hall). As previously advised in our earliest comments, the topography of the land slopes from north to south, and has a drop of over 6.0 metres between the north boundary and the south boundary. The designer must ensure that any rainfall run-off or surface water does not enter the dwellings, particularly dwelling 2, during storm events.

(c) From an engineering perspective, the amended proposal is generally satisfactory.

Planning Considerations

76. The primary considerations for this application are:

(a) State and Local Planning Policy;
(b) Rescode – clause 55 (two dwellings on a lot) including the DDO1;
(c) Whether the proposal fulfils the environmental and landscape objectives of the area (ESO1 and LSIO); and
(d) Objector Concerns.

State and Local Policy Frameworks (SPPF and LPPF)

77. The subject site is located within the Fairfield/Alphington neighbourhood. The site is well serviced by infrastructure, being some 8km from the Melbourne CBD as well as shopping and entertainment precincts in Collingwood, Fitzroy, Richmond and Kew.

78. The construction of two dwellings on the site is supported by the urban consolidation principles of the State and Local Planning Policy Frameworks, including clause 16.01-2 (Location of residential development), as the site is well serviced by infrastructure and services.

79. The purpose of the Residential 1 Zone and objectives of clause 15.01-1 (Urban design), clause 15.01-5 (Cultural identity and neighbourhood character) and clause 21.05-2 (Urban design) require new developments to be of a high standard of urban design, respecting the general character of the surrounding area and the amenity of existing and proposed residents. The subsequent analysis of the landscaping and built form as well as ResCode assessment contained later in this report will address these objectives and will be prefaced by an assessment of the development against the relevant elements of clause.

80. The provision of car parking must also be considered in light of clause 18 and 21.06 of the Scheme, whereby alternatives to private motor vehicles are encouraged to reduce pressure on local traffic networks. The issue of car parking will be addressed in the ResCode assessment contained in this report.

81. Finally, clause 15.02-1 (Energy and resource efficiency) and clause 21.07-1 (Ecologically sustainable development) are also of relevance to this assessment and relate to energy efficiency and will also be addressed within the ResCode assessment.

Rescode

82. This particular provision comprises 34 design objectives and standards to guide the assessment of new residential development. Strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Clause 55.02-1 - Standard B1 - Neighbourhood character

83. On balance, the proposal is considered to achieve a high level of compliance with neighbourhood character and built form requirements of clauses 22.10, 22.13-3.1 and the objective of clause 55.02-1 as well as the objectives of DDO1 and is acceptable.

84. Relevant polices and requirements will be discussed in this section of the report in two broad topics covering neighbourhood character.

Landscaping

85. The discussion here will focus on identifying the existing character of the area to identify whether the proposed development complies with relevant policy, particularly at clause 15.01-5, 22.10-3.6, 22.13-3.1, 55.02-1 and Clause 55.03-8. Assessment of the DDO1 will also be incorporated.

86. Each of these polices requires new development to have regard to the existing character of its surrounding area, particularly in respect of landscaping.

87. The subject site is located in a ‘garden-suburban residential’ pursuant to clause 21.08-6 of the Yarra Planning Scheme which describes the Fairfield – Alphington area as follows:

To the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of TAFE and the Victorian Institute of Forensic Mental Health lie within the parkland.

The Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.

88. The DDO1 provides design objectives that new development should achieve for the whole river corridor and identifies the site as being in the Park Landscape River Edge sub-precinct.

89. Many of these design objectives relate to maintaining views to the Yarra River and Merri and Darebin Creeks and ensuring that the siting, bulk and massing of new development does not adversely impact the landscaped character of the corridor and public open space.

90. In respect of the Park Landscape River Edge sub-precinct, the design objective is *To maintain and strengthen the natural landscape of the river edge and the treed, parkland landscape of the adjoining open space*.

91. In addition to the above, DDO1 requires that within the Park Landscape sub-precinct, new buildings and works be, *setback from the river bank*.

92. Having regard to the above and the specific requirements of the DDO1, the proposed development is considered acceptable for the following reasons:

93. An inspection of the site and surrounding area confirm that an important element of the character of the neighbourhood is the generous amount of landscaping provided around dwellings. This is particularly evident within the 25-26 lots forming the row of that back onto the Golf Course. Beyond the golf course is the Yarra River to the south and east and Darebin Creek to the north east.

94. The location of the golf course directly behind these dwellings contributes to the sense of openness and the landscaped character of the area.

95. Aerial photography clearly demonstrates that there exists a ‘corridor’ of landscaping within lots backing onto the golf course formed by the rear setback of dwellings. This is a character of the subject site also.

96. This ‘backyardscape’ often includes large canopy trees, small shrubs and garden beds, landscaped paths as well as large grassed areas.

97. Although the rear setback and associated landscaping is the dominant character of dwellings in this row of 25-26, other characteristics include front and side setbacks with landscaping.

98. Another important element of the character of these dwellings with an interface with the golf course is that the rear setbacks are not entirely devoid of built form. Built form includes dwellings, swimming pools, and outbuildings.

99. Although these built form elements exist, they are generally low in scale and include planting around them, thus they are integrated into the landscape. However, they do show that the ‘backyardscape’ is not an entirely unbroken corridor and that the setback of built form from the golf course varies from lot-to-lot.

100. These built form elements do not diminish the landscaped character because they are low in scale and include significant areas of planting around them.

101. For dwellings on the southern side of Lucerne Crescent, the primary areas of landscaping are the front and rear setbacks. These are the areas that define these dwellings as the boarder of the Yarra River Corridor.

Rear setback

102. The landscape plan submitted by the permit applicant includes a setback from the rear boundary between 15.2m and 24.9m and includes a variety of trees and shrubs (comprising 18 different species). The rear setback will also include lawn area, paving, pathways and three different species of ground covers.

103. The rear area will encompass approximately 350sqm (excluding the paved terrace) with most of the vegetation located at the rear or side of the site.

104. Given the existing setback of the swimming pool from the rear boundary is 21m, the proposed area for planting is commensurate with the existing conditions. Importantly, the site currently contains only a small number of trees within the rear setback, the majority of the area being taken up by lawn.

105. In respect of the proposed canopy trees, there are a total of 11 that will grow to a height of between five and ten metres. These trees will be interspersed with shrubs between 1.5m and 2.5m in height.

104. The applicant has provided images demonstrating the impact of the proposed planting on the visibility of the rear of the dwelling when viewed from the south.

106. Having regard to the identified landscape character of the area, it is considered that the proposed landscaping within the rear of the lot satisfactorily fulfils the objectives and requirements of the relevant elements of the planning scheme in that:

(a) the proposed planting responds and open area appropriately to the identified ‘backyardscape’ and landscaped corridor within dwellings backing onto the Golf Course.
(b) the setback of the buildings will be similar to the setbacks of other dwellings backing onto the La Trobe Golf Course and will enable a significant and meaningful amount of planting to be achieved which accords with type and layout of other dwellings within the row.
(c) the proposed landscaping will significantly increase the number of canopy trees and shrubs within the subject site, thus enhancing them habitat for animals.
(d) the subject site is located approximately 350m north of the Yarra River and 575m south west of the Darebin Creek, being separated by the Golf Course. This buffer zone and proposed planting will significantly diminish views of the proposed development from either waterway and ensures that it will not have a detrimental impact on these areas.
(e) the Golf Course is a private club, thus the view of the built form from the rear is not from public open space and will only impact the relatively small number of people who use the course rather than the large number of people who use the Corridor more widely in public areas.
(f) the siting of the development with taller built forms toward the street and single storey form at the rear that steps down with the fall of the land ensure that the development minimises its impact of the landscaped character of the area and long range visibility and bulk.
(g) car parking areas will not be visible from the Corridor as they are well contained, internally to the site.
(h) the front fence is low (1.2m) and permeable (steel) and will allow views beyond the built form to the Corridor beyond. There is no rear fence proposed, thus no obstruction of views to planting within the site from the Corridor.

107. Having regard to the above, the proposed development is considered to contribute to the landscaped character of the Corridor. The siting, massing and setbacks of the building combined with the significant level of planting ensure that the built form is integrated with the landscape and is unobtrusive when viewed from within the Corridor.

108. The locating of the site beyond the Golf Course is also considered to ensure that the proposed development will not have an adverse impact on the landscaped character of the river bank(s) and long range views within, from or to the Corridor.

Front setback

109. Landscaping within the front setback of dwellings fronting Lucerne Crescent and within the surrounding area generally comprises one or more canopy trees and shrubs and other planting is generally evident.

110. This amount of planting is achieved because dwellings generally include a setback of 3m or more, thus allowing this characteristic to develop.

111. In terms of the proposed development, a front setback of between 7.5m and 9.1m is proposed, thus allowing significant landscaping and planting to be included.

112. The front setback will contain eight canopy trees of two species growing to a height of between 4m and 5m. These trees will be located directly in front of the façade and between the driveway and southern boundary.

113. The canopy trees will be supplemented by a variety of shrubs and ground covers providing edging to paths and the driveway and will be up to 4m in height.

114. On balance, the proposed landscaping within the front setback is considered to accord with the character of the local area and is acceptable.

Side setbacks

115. The landscaped character of the area is also derived from the planting within side setbacks of dwellings although this is of less prominence as rear or front setback planting.

116. Dwellings within the area and those in the row backing onto the golf course, often include side setbacks of a few metres and with planting of a much reduced scale and intensity compared to the rear or front setbacks.

117. The proposed setback of the development varies between 1.5m and 2.2m on the eastern side and 1.5m and 5m on the western side (including the driveway).

118. The proposed development incorporates shrubs along the northern and southern boundaries varying in height between 0.6m and 4m in height as well as three canopy trees within the front setback on the southern boundary to a height of 4m.

119. Additionally, an internal courtyard associated with the rear dwelling on the northern side will incorporate shrubs and ground covers up to two metres in height.

120. On balance, the proposed side setbacks are considered to provide adequate opportunities for planting that are responsive to the character of the area.

Built form

130. The appropriateness of the proposed built form will be discussed in the context of the requirements of clauses 55.02-1 (Rescode -Neighbourhood Character objective), 22.10-3.2 (Urban form and character), 22.10-3.3 (Setbacks and building height), 22.10-3.4 (Street and public space) and the decision guidelines of clause 22.13-3.1 (Garden suburban residential).

131. In respect of the built form character of the area, it is generally described as low in scale (one – two storeys) with dwellings having generally sloped roofs.

132. The prevailing pattern of is of single detached dwellings although examples of multi-unit development do exist, primarily in the form of dual occupancy townhouses or villa units.

133. Dwellings exhibit varying architectural styles from Victorian and Edwardian era to houses constructed from the 1960s onwards.

134. Building materials vary from brick to timber weatherboard and cement render on newer buildings and roofs are clad in predominantly tile or corrugated iron.

134. In respect of rear setbacks, dwellings backing onto the Golf Course have been discussed earlier and are not representative of the wider Alphington area in that they are setback on average 29m. Rear setbacks within the residential precinct to the north east are far more modest, varying between approximately 5m and 10m. This difference demonstrates the sub-character of the dwellings backing onto the Golf Course.

135 Similar to rear setbacks, front setbacks for dwellings backing onto the golf course are generally greater that other dwellings to the north east, 5m-20m+, compared to 5m-9m.

136. The side setbacks of dwellings in the area vary, with the most evident character being that buildings are setback from at least one side boundary and often both. It is noted that clause 22.13-3.1 requires that at least one side setback be provided and where two side setbacks are common, this should be replicated.

137. In respect of height, dwellings are generally one and two storeys with pitched roofs. The combination of some older building stock with increased floor to ceiling heights (2.7m or more) and pitched roofs generates general buildings heights of up to three modern storeys and in the order of nine to ten metres.

138. For dwellings backing on to the Golf Course, dwellings generally appear one or two storey as there is a significant slope away from the street to the south.

139. The dwellings in Lucerne Crescent and the surrounding area predominantly face the street and often include driveways and garages or carports within the front setback.

140. Fences within the area vary in height and material but are generally low (1m-1.5m) and open (timber pickets, iron in-fill between brick piers or a low brick plinth). These fence types are noted and encouraged by clause 22.13-3.1.

141. In respect of the relevant policy requirements regarding built form and neighbourhood character the proposed development is considered to be appropriate and the following key points are noted:

    (a) The proposed building is one and two storeys in height thus maintaining the identified scale and the height variation between the two adjoining dwellings is one storey.
    (b) the proposed front, rear and side setbacks are characteristic of those for dwellings backing onto the Golf Course as well as those within the residential precinct to the north east.

(c) the form of the building is such that it maintains a one storey appearance to the street and steps down with the slope of the site and presents a low horizontal, single storey scale to the Golf Course at the rear.
(d) the tallest part of the proposed development (the rear of Dwelling 1) is located toward the front of the site and follows the siting of other dwellings backing onto the Golf Course.
(e) whilst the proposed development extends further in to the lot than the two adjoining dwellings, its siting is not out of character with the wider area, nor within the row of dwellings backing onto the Golf Course.
(f) the front and side setbacks proposed are considered to accord with those of the area and provide adequate opportunities for meaningful landscaping.
(g) the dwelling appropriately fronts Lucerne Crescent and provides and attractive and identifiable entrance points.
(h) the front of the dwelling provides a landscaped frontage generally in accordance with the prevailing and preferred neighbourhood character and allows views through to the open space behind via side setbacks.
(j) the modern building design will provide a visually interesting built form on each elevation with varying materials and setbacks within the front façade.
(k) the proposed development achieves a reasonable level of continuity in respect of the rhythm and spacing of buildings having regard to the distinctive street pattern of this part of the City of Yarra and the proposed setbacks and building heights.
(l) the proposed sloping roof form at the front of the dwelling is representative of other sloping forms within Lucerne Crescent and the surrounding area.
(m) the roof is to be a metal deck, being responsive to the use of corrugated iron in the area.

142. On balance, the proposed siting and design of the proposed development is considered to accord with the existing and preferred neighbourhood character identified at clauses 21.08-6 and 22.13-3.1.

143. The development achieves a one and two storey scale that positions the taller built form toward the front of the site and steps down to a single storey form toward the rear where buildings are less common and particularly low in scale.

Clause 55.02-2 – Standard B2 – Residential policy objectives

144. As already outlined, the construction of two dwellings on the site is supported by the relevant State and Local Planning Policy Frameworks as the site is well serviced by community infrastructure and services. The objectives of this standard are met.

Clause 55.02-3 – Standard B3 – Dwelling diversity objectives

144. N/A – This standard applies to developments of ten or more dwellings.

Clause 55.02-4 – Standard B4 – Infrastructure objectives

145. The site is located in an inner-suburban residential area with access to necessary services. Council has no information to suggest that utility services or infrastructure could not handle an additional dwelling on the site. The objectives of this standard are met.

146. Moreover, the application was referred to Council's Engineering Services Unit who raised no concern with the construction of two dwellings on the lot.

Clause 55.02-5 – Standard B5 – Integration with the street objective

147. The proposed development provides an adequate interface for both dwellings to Lucerne Crescent in a typical dual occupancy configuration with one dwelling set behind the other.

148. Dwelling 1 at the front presents in a common way with a driveway on one side and a pedestrian entrance on the other with a low iron fence and front setback planting. In this respect it is considered to acceptable address the street.

149. Dwelling 2 at the rear will be largely obscured from street view by the front dwelling and is accessed via the driveway on the southern side of the lot.

150. The retention of the existing crossover to access both sites will retain the pattern of one crossover per dwelling within Lucerne Crescent.

151. Having regard to the above, the development is considered to comply with the standard and objective of this clause.

Clause 55.03-1 – Standard B6 – Street setback objective

152. The setback of Dwelling 1 from Lucerne Crescent is generally 9m, this is considered to comply with the standard of the clause and objective and is in accordance with the character of the area.

Clause 55.03-2- Standard B7 – Building height objective

153. The overall maximum building height will be to the top of the roof ridge above the Dwelling 1 terrace where the building is 8.7m when measured at the boundary from natural ground level and 9.7m when measured from the proposed internal ground level below this point.

154. These heights are considered to meet the standard since the slope of the site is more than 2.5 degrees (meaning the maximum height should not exceed 10m).

155. The proposed building heights are also considered to be characteristic of heights within the surrounding area where two storey buildings are common, particularly those that are constructed on sloping land, thus increasing their height, often to three modern storeys at the rear.

Clause 55.03-3 – Standard B8 – Site coverage objective

156. The proposed site coverage of 30 per cent or 451sqm complies with the standard which requires a maximum of 60 per cent. The proposed site coverage is more than the existing 206sqm or 10 per cent of the site.

Clause 55.03-4 – Standard B9 – Permeability objectives

157. Complies with the standard. The proposed level of permeable surfaces is 54 per cent thus meeting minimum specified at this standard.

158. This calculation includes planted areas, paving and the driveway.

Clause 55.03-5 – Standard B10 – Energy efficiency objectives

159. The proposed development is considered meet the standard and objective of this clause and clauses 22.10-3.5 15.01-2 on the following grounds as:

(a) All new habitable rooms will have access to natural light and ventilation. Operable windows will be provided on each side of the upper floor for each dwelling, helping to ensure natural cross ventilation.
(b) Each dwelling will be provided with a gas boosted solar hot water system on the roof, thus reducing reliance on fossil fuel powered water heating.
(c) Living areas will be provided with large areas of glazing, providing for extensive areas of natural light penetration to the main activity areas within each dwelling.

(d) West facing windows are minimised to protect internal areas from hash western sun.
(e) Two rain water tanks will be installed within the front setback and beneath Dwelling 2 totalling 5000lts. These tanks will collect water from roofed areas and should at least be used for irrigation. This will be required by way of permit condition.
(f) The applicant has indicated that solar panels will be used to reduced reliance of fossil fuels. The solar panels are shown on the roof plan.

Clause 55.03-6 – Standard B11 – Open space objective

160. The proposed development includes communal open space within the driveway on the western side of the lot. This area is easily accessible from both dwellings and is open to both dwellings.

170. The communal area is considered to be appropriately designed and sited for its purpose as a driveway.

Clause 55.03-7 – Standard B12 – Safety objective

171. Dwelling 1 complies with the objective and standard as it provides a primary pedestrian entrance from Lucerne that is clearly visible from the Street. This entrance configuration is considered to be typical and provides a safe and convenient entrance to the dwelling.

172. Dwelling 2 has pedestrian and vehicle access from the driveway on the western side of the lot. The pedestrian entrance is identified by a step-up from the driveway and includes a paved courtyard in front of the door.

173. Although the entrance is well setback from the street (35m approximately) it is considered to meet the standard as it will be secured by access gates at the front of the site and will be visible from the street as the driveway is straight and not curved.

174. Although the access to Dwelling 2 is considered to be reasonably secure in its location, additional lighting along the driveway and around the pedestrian entrance to dwelling is considered necessary to ensure the safety of occupants is enhanced. Lighting will be required by way of planning permit condition and should be located and baffled to reduce unreasonable light spill within the dwellings and onto surrounding properties.

Clause 55.03-8 – Standard B13 – Landscaping objectives

175. The applicant has submitted a landscape plan that provides for planting opportunities within the front, rear and side setbacks.

176. The appropriateness of the landscaping has been discussed in detail earlier in this report and is considered satisfactory.

177. Although the proposed planting is important, it is also necessary to consider the impact of development on nearby trees adjoining the site. This is particularly relevant for vegetation within the garden of the dwelling to the west given the driveway and associated retaining wall will be built close to the boundary.

178. In this respect, the permit applicant has provided an arborist report prepared by John Patrick Landscape Architects. This report outlines measures to be undertaken to ensure that trees within the property to the west are protected during construction.

179. Council's Open Space Unit has also considered the impact of the development on the neighbouring trees and has raised no concerns.

180. In light of the above, subject to a planning permit condition requiring the submission of a Tree Management Plan (TMP) the development is considered to be acceptable. The TMP must include a survey of all trees on adjoining lots within three (3) metres of the subject site and specify relevant protection methods before and during construction. Using a distance of three metres will ensure those trees closest to the boundary are protected. The TMP must be submitted to and approved by Council.

Clause 55.03-9 – Standard B14 – Access objectives

181. The car parking spaces can be easily accessed via Lucerne Crescent via the driveway on the western side. It is noted that Council Engineering Services Unit have reviewed the design and have raised no concern regarding the configuration.

182. The driveway will utilise the existing crossover to Lucerne Crescent and thus additional on street car parking will not be lost.

183. On balance, this access to the site is considered to meet the objectives of this clause.

Clause 55.03-10 – Standard B15 – Parking location objectives

184. The car parking spaces are located close and convenient to each of the dwellings, and are secured behind a 1.2m high fence and gate and are designed to allow safe and efficient movements (confirmed by Council's Engineering Services Unit). The objective of this standard is considered to be met.

Clause 55.03-11 – Standard B16 – Parking provision objectives

185. This standard requires two on-site car spaces be provided for each three bedroom dwelling, giving rise to a required rate of two space per dwelling and four overall. The proposal provides the required spaces per dwelling, thus complying with the standard.

186. In respect of the car parking spaces, they are to be provided in garages below Dwelling 1. Council's Engineering Services Unit has reviewed the dimensions of the car space and driveway and commented that they are acceptable.

187. The number of car parking spaces is considered satisfactory for this location and the size of the garages for each dwelling is considered to provide adequate space for bicycle parking and storage.

Clause 55.04-1 – Standard B17 – Side and rear setbacks objective

188. For the purposes of this standard, the building will be considered in two parts, Dwelling 1 (including the study of Dwelling 2 and all garages) and Dwelling 2.

189. The measurement of wall heights will be taken from natural ground level as denoted as the thick black lines on the elevation drawings or where the building meets natural ground level. This measurement will provide the effective wall height and appearance from adjoining lots rather than the absolute wall height created by excavation and retaining walls.

190. The walls considered under this standard for Dwelling 1 are outlined below. All measurements are from the front of the dwelling to the rear (for east and west facing walls) and are for the either front and rear. South facing walls are noted east to west across the site.

Wall	Height (m)	Setback proposed (m)	Standard B17 prescribed minimum setback (m)	Complies?
East facing wall	4.05 , 6.6	1.4, 2.1	1.15, 1.9	Yes
East facing	5.2, 5.7	2, 2.1	1.48, 1.63	Yes

terrace screening				
West facing ground floor wall	1.2, 3.4	5, 5.2	1	Yes
West facing first floor	5.1, 7.2	4.7, 3.1	1.45, 2.29	Yes
West privacy screens	4.3, 5.9	3.1, 2.8	1.21, 1.69	Yes
West facing terrace wall	6, 6.3	5.2	1.72, 1.81	Yes
West facing clerestory windows	6.2, 8.6	7.2	1.78, 3.69	Yes
South facing terrace facade	6.6, 8.6	38.7	1.9, 3.69	Yes
South facing living dining wall	6.6, 7.2	43.8	1.9, 2.29	Yes

191. The built form for Dwelling 2 is outlined below.

Wall	Height (m)	Setback proposed (m)	Standard B17 prescribed minimum setback (m)	Complies?
East facing corridor wall	2.4, 2.7	3.1	1	Yes
East facing wall	3.4, 4.7	1.4, 1.9	1, 1.33	Yes
East facing terrace screening	2.2, 4.3	1.6, 1.8	1, 1.21	Yes
East facing terrace awning	3.9, 6	1.8, 2	1.09, 1.72	Yes
West facing corridor wall	2.3, 2.6	5.1	1	Yes
West facing wall (bedrooms and living room)	3.4, 4.2	1.5, 5.5	1, 1.18	Yes
Screening to bedroom 1	1.9, 2.3	1.5	1	Yes
South facing terrace wall	2.1, 1.9	15.1	1	Yes
South facing living room and bedroom wall	5.7, 5.1	19.7, 24.9	1.63, 1.45	Yes
South facing terrace awning	5.9, 5.7	16.3, 18.5	1.69, 1.63	Yes

192. Having regard to the above, all areas of the proposed development comply with the standard setbacks and are considered acceptable.

193. The appropriateness of the siting of the building has been discussed in detail in respect of neighbourhood character and with reference to the requirements of clause 22.10 and 22.13-3.1.

Clause 55.04-2 – Standard B18 – Walls on boundaries objective

194. N/A - No walls are proposed to be built on the boundary.

195. A privacy screen is proposed on the western boundary opposite bedroom 1 and on the eastern boundary opposite the dining room window of Dwelling 1. The screen will be 1.7m in height for a length of 2.9m.
This structure is considered to have a minimal impact on the amenity of the dwelling to the south as it will be opposite a large area of secluded private open space with dense boundary planting.

Clause 55.04-3 – Standard B19 – Daylight to existing windows objective

196. Dwellings on adjoining lots are setback from the boundary by a minimum of 3.8m from the common boundary and at least 5.2m from the proposed buildings.

197. The setbacks of adjoining dwellings from the proposed development would allow a building up to 10.4m in height opposite a habitable room window. Since the maximum height of the development is 8.7m at the rear of the first floor of Dwelling 2, the building complies with the standard.

198. In respect of providing a minimum 3sqm lightcourt to habitable room windows opposite, the minimum setback to adjoining dwellings of 3.8m from the common boundary will provide required daylight access.

Clause 55.04-4 – Standard B20 – North facing windows objective

199. N/A – The proposed development is not opposite any north facing habitable room windows.

Clause 55.04-5 – Standard B21 – Overshadowing open space objective

West:

200. At 9.00 am, the proposed development will increase overshadowing to the walkway and garden on the eastern side of the dwelling to the west. Although overshadowing will be increased to this area of secluded private open space, the dwelling will receive more than the minimum 40sqms of direct sunlight within the rear yard for five hours between 9.00 am and 3.00 pm, thus the development will comply with the standard.

East

201. The proposal will create additional overshadowing within the western side of the dwelling to the east from between 1.00 pm and 3.00 pm for the remainder of the afternoon. The additional overshadowing will be to the side pathway and garden area.

202. Although overshadowing will be increased to this area of secluded private open space, the dwelling will receive more than the minimum 40sqms of direct sunlight between 9.00 am and 5.00 pm within the rear yard, thus the development will comply with the standard.

Clause 55.04-6 – Standard B22 – Overlooking objective

203. This analysis is conducted in the context that all proposed and required screening devices will be required by way of planning permit condition to be a height of at least 1.7m above finished floor level and be either a maximum of 25 per cent for external screens or obscured for glazing.

Dwelling 1

204. The bedrooms at first floor level of Dwelling 1 have south facing windows with views to the secluded private of the dwelling to the west which will be screened by timber battens that extend past the angled wing walls for a length of 1m.

205. These screens limit the direct views to the secluded private open space within the dwelling to the planted garden area along the western boundary. This level of overlooking is considered acceptable as it is not to primary secluded private open space or habitable room windows. These sensitive areas are setback further from the boundary or located toward the rear of the lot and will not be unreasonably overlooked.

206. The living room and terrace of Dwelling 1 will have an outlook to the south and west from first floor level. The overlooking diagrams provided by the applicant show that at a distance of 9.0m measured at ground level, all views are obstructed by 1.8m solid timber boundary fences. However, these fences are not shown on the plans and as such cannot form part of any assessment.

207. As such overlooking from the terrace is considered unreasonable when looking directly west. This aspect should be screened to a height of at least 1.7m above finished floor level with the screen being no more than 25 per cent transparent.

208. This screening will restrict views from the terrace toward the south and ensure that from the south-western edge of the bench seat, views within 9.0m are within the subject site only.

209. Overlooking from the dining room will be restricted to a small area along the eastern boundary of the dwelling to the west and is considered acceptable.

210. The terrace to Dwelling 1 also includes a privacy screen on its eastern side which restricts views directly into the adjoining dwelling. This screen is considered to reasonably limit views to the south of the site to within the garden areas adjacent to the western boundary of the dwelling to the east. This limited opportunity for overlooking is considered acceptable and will not unreasonably diminish the amenity of the adjoining dwelling.

Dwelling 2

211. The outlook to the west from Bedroom 1 will be screened by a 1.7m high solid screen on the boundary fence that is 2.9m long. To effectively limit direct views to the west, the boundary screening should be increased in length to 5.6m directly opposite the window. This will be required by way of planning permit condition.

212. The same condition will be required for the boundary screening opposite the window to the dining room on the eastern side. Again this window will cause unreasonable overlooking to the east if not screened correctly.

213. Both of the above screens must be to a height of at least 1.7m above finished floor level and no more than 25 per cent transparent.

214. The outlook from bedroom 1 to the west will be acceptably limited by a 1.7m high screen extending 2.0m from the edge of the window. Views from the bedroom within 9.0m will be limited to the area adjacent to boundary of the adjoining dwelling. Considering the size of the secluded private open space of this dwelling and the location of the pool house, the overlooking is not considered unreasonable.

215. The view from the west facing window to the living room will also be acceptably limited by the same screen provided for bedroom 1.

216. In respect of the terrace, it is proposed to be raised between 1.9m and 2.1m above ground level and views will be obtainable to the secluded private open space to the east and west.

217. On the eastern side of the terrace, a timber screen is proposed. The screen will be 1.7m in height and will limit direct views into the secluded private open space to the east. Views will only be obtainable toward the rear of the site and within 9.0m will terminate just over the boundary, thus not unreasonably impacting the amenity of the dwelling.

218. To the west views from the terrace will be directly into the secluded private open space and onto the roof of the pool house. To ensure views are restricted to the rear of the lot and obscured by the pool house roof, a screen on the boundary for the full east-west width of the terrace will be required by planning permit condition.

The screen will be 4.6m in width and must be a height of at least 1.7m above the finished floor level of the terrace and no more than 25 per cent transparent.

219. Any views around the screen required above will be limited in accordance with the objective of this clause and are acceptable.

220. On balance, the levels of overlooking to adjoining dwellings are considered to be reasonable and limited.

Clause 55.04-7 – Standard B23 – Internal views objective

221. The new dwellings will not afford unreasonable overlooking to each other.

222. Views from one dwelling to the other are only obtainable from the terrace of Dwelling 1 to Dwelling 2. These views will be more than 9m to private open space and obscured by the roof of Dwelling 1.

Clause 55.04-8 – Standard B24 – Noise impacts objective

223. The proposed development is considered to meet the standard and objective of this clause by locating mechanical services on the roof or at the rear of Dwelling 2. This location is a common outcome and can effectively reduce noise impacts on existing dwellings and the proposed dwellings.

224. It is noted that the proposed dwellings are not located within close proximity to noise from busy roads, railway lines or industries, thus no particular internal noise reduction techniques are considered necessary.

Clause 55.05-1 – Standard B25 – Accessibility objective

225. The new dwellings do not have any steps to access Dwelling 1 from Lucerne Crescent thus are considered to meet the objective of this clause by providing 50 per cent of dwellings with entrances entries that are accessible to people with limited mobility.

Clause 55.05-2 – Standard B26 – Dwelling entry objective

226. The proposed development will retain the primary frontage and orientation to Lucerne Crescent, continuing the existing pattern of development. Dwelling 2 will have its entry from the driveway, however, it will maintain a strong sense address with a clearly defined entry courtyard.

227. The proposal is considered to meet the standard of this clause.

Clause 55.05-3 – Standard B27 – Daylight to new windows objective

228. All of the new windows will have access to a reasonable level of daylight in accordance with the objective of this standard.

Clause 55.05-4 – Standard B28 – Private open space objective

229. Dwelling 1 contains approximately 130sqm of private open space with 30sqm or 20 per cent being secluded private open space within the terrace. These areas meet the standard of this clause.

230. Dwelling 2 contains approximately 387sqm of private open space with all of which can be classified as secluded private open space in the terrace, internal courtyard and rear garden. These areas meet the standard of this clause.

Clause 55.05-5 – Standard B29 – Solar access to open space objective

231. The subjected site has a north-south orientation with the front of the lot at the northern end, thus private open space will typically be located at the rear on the southern side. This is the case with the proposed development.

232. Notwithstanding the above, the southern wall of the terrace to Dwelling has an average wall height of 3.7m, it should therefore be setback from the southern side of the terrace by 5.3m. The proposed setback is 4.8m.

233. Although the terrace does not achieve strict compliance with the standard, it is considered acceptable as the terrace will receive a reasonable amount of sunlight during the day. Moreover, the terrace has an expansive outlook to the south that is unencumbered by walls, thus achieving a high level of amenity.

234. The secluded private open space for Dwelling 2 will receive excellent levels of sunlight throughout the day and will achieve a high level of amenity due to it's large size (354sqm approx at the rear).

Clause 55.05-6 – Standard B30 – Storage objective

235. Each dwelling will have access to a garage 80sqm for Dwelling 1 and 76sqm for Dwelling 2.

236. Assuming each garage will have two average size cars in it (9.1sqm in area according to the standard B85 vehicle lengths and widths), each garage will retain at least 66sqm of area to store other items.

237. The garages are easily accessed from the dwellings and are highly usable.

238. Based on the above, the proposal is considered to achieve the standard and objective of this clause.

Clause 55.06-1 – Standard B31 – Design detail objective

239. Extensive consideration has been given to the merits of the proposal from a neighbourhood character and design perspective in response to the relevant polices of clauses 22.10 – Design and Built Form Policy and 22.13 – Residential Built Form Policy.

240. In summary, the proposed development is considered to appropriately respond to the identified landscaped character of the area as well as siting and design of dwellings.

241. The significant landscaping and stepping down of the buildings result in the integration of the building form into the landscape whilst achieving setbacks from boundaries that are reflective of the character of the area and respond to the requirements of the DDO1, ESO1 and LSIO.

242. Moreover, the modern design will introduce a visually interesting building to this non-heritage area whist maintaining a low single storey presentation to the street.

243. The sloping roof form of the front façade picks up on identifiable built form features in the area but interprets it in a modern form.

244. On balance, the proposed design is considered to sit comfortably within its surrounds.

Clause 55.06-2 – Standard B32 – Front fences objective

245. The proposed development incorporates an open steel fence to a height of 1.2m. This design is considered to be appropriate in the context of the streetscape and allows views to and front the front dwelling.

Clause 55.06-3 – Standard B33 – Common property objective

246. The only common property associated with the development is the driveway and associated landscaping on the western side of the lot. '

247. This area is clearly defined by the buildings and the boundary line and is easily maintainable.

248. The area is accessible and has been provided with attractive landscaping that will be enhanced with lighting as discussed earlier in this report.

249. On balance, the common property is considered to be appropriate and meets the standard of this clause.

Clause 55.06-4 – Standard B34 – Site services objective

250. Each dwelling is provided with an area to store bins within the garage or within the front setback for Dwelling 1. Bins can easily be moved to the street via the driveway or front entrance to Dwelling 1.

251 Mail boxes are located on Lucerne Crescent within the front fence and are easily accessible for residents and Australia Post alike.

252. Pits and meters are not shown on the plans and will be required by planning permit condition to be shown in an accessible location to Council's satisfaction.

253. Having regard to the above, the proposed development is considered to meet the standard of this clause.

<u>Does the proposal fulfil the environmental and landscape objectives of the area (ESO1 and LSIO)?</u>

Environmental Significance Overlay Schedule 1 – Yarra River Environs

254. The ESO1 includes the following Statement of Significance for the area:

The Yarra River and surrounding environment is a major conservation, ecological and recreational resource in close proximity to the State capital. The corridor comprises a wide range of significant features inclusive of flood plain, escarpment, river rapids, grassland, woodland, open pasture, active and passive recreation facilities, habitats for flora and fauna, and conservation elements of pre and post European settlement.

255. Within the ESO1 the Environmental Objectives to be achieved and Decision Guidelines focus on a number of key relevant themes including:

(a) Retention of significant and valued vegetation to provide habitat for flora and fauna.
(b) The impact of the proposed removal and proposed planting on the landscaped character of the Corridor.
(c) The impact of proposed development on waterways.

256. Pursuant to the ESO1 the applicant was referred to Melbourne Water under Section 55 of the Act. Melbourne Water's comments have been outlined earlier in this report. In summary, they did not object to the proposed vegetation removal, subject to conditions

257. The application was also referred to Council's Open Space Unit. The relevant comments have been outlined earlier in the report. In summary, no objection to the proposed vegetation removal was raised but it was recommended that the Eucalytus mannifera 'Little Spotty' trees to be replaced within a Eucalyptus leucoxylon 'Yellow Gum'.

258. It was also recommended that the one of the species of trees within the front setback be replaced with an evergreen native rather than the exotic proposed.

259. These comments accord with the broad purpose of the ESO1 to encourage indigenous vegetation and a planning permit condition will require the plant varieties to be altered.

260. Having regard to the Statement of Significance and the themes outlined above, the proposed development is considered acceptable for the following reasons:

    (a) Melbourne Water and Council's Open Space Unit have not objected to either the removal of vegetation or the proposed landscape treatment.
    (b) The proposed planting within the rear setback has been discussed in detail above and is considered to appropriately respond to the landscape character of the Corridor.
    (c) The proposed built form including setbacks, height and massing has been discussed in detail above and is considered to be responsive to the character of the area and will have a minimal impact on the views to, from and within the Corridor.
    (d) The proposed planting within the rear setback consists of native and indigenous vegetation and will provide an appropriate addition to the Corridor, enhancing its environmental values and encouraging the restoration and revegetation of a continuous corridor of indigenous plants.
    (e) The proposed planting will provide a reasonable habitat for local fauna, over and above that of the existing conditions as the amount of trees and shrubs on the site will be significantly increased.
    (f) Melbourne Water have raised no concerns with the impact of the proposal on nearby waterways subject to conditions being placed on any permit issued. These conditions must be included on any permit as Melbourne Water is a Referral Authority under Section 55 of the Act.

261. Having regard to the above, the proposed development is considered to achieve the objectives of the ESO1 subject to the conditions set out by Melbourne Water and the replacement of the Eucalytus mannifera 'Little Spotty' trees with Eucalyptus leucoxylon 'Yellow Gum' trees as recommended by Council's Open Space Unit.

262. In terms of the replacement trees, they are considered to be indigenous and will provide the same level of screening as the currently proposed tree (up to 4m in height compared to 8m-12m in height for the replacement tree).

Land Subject to Inundation Overlay

263. The subject site is also affected by the LSIO which requires new buildings and works to have regard to the predicted level of overland flow in 1 in 100 year floor events.

264. Pursuant to the LSIO the applicant was referred to Melbourne Water in accordance with Section 55 of the Act. Melbourne Water is the floodplain management authority for the area.

265. Melbourne Water have not objected to the proposed development subject to conditions outlined earlier in this report. These conditions related to the level above which buildings must be built as well as discharge of site waste and construction management practices. The conditions must be placed on any permit issued given Melbourne Water are a referral authority.

266. Subject to Melbourne Water's conditions, the proposed development is considered to meet the decision guidelines of the LSIO and will result in a building that will be appropriately protected from predicted flood waters and take reasonable steps to mitigate construction impacts on nearby waterways.

Objector Concerns

267. Objector concerns are addressed below, where they have been discussed within the report, the relevant paragraph number is referred to.

268. The application plans are considered to have provided an appropriate level of detail to allow an assessment in accordance with the relevant provisions of the Yarra Planning Scheme.

269. The applicant has provided floor plans, elevations, a landscape plan, coloured streetscape elevations, coloured elevations from adjacent open space, overlooking and overshadowing diagrams as well as section drawings.

270. Council considers the accuracy of the plans to be at a reasonable level to allow an assessment of the proposal.

271. An assessment of the proposal against relevant neighbourhood character policies including landscaping and built form has been undertaken between paragraphs 85 and 143. The development is considered to appropriately respond to the established character of the area.

272. On and off-site amenity impacts have been considered within the assessment against Clause 55 above and the development is considered to comply with all Standards and Objectives this clause.

273. The application has been referred to Melbourne Water who have raised no concern with the proposal subject to conditions which will be placed on any permit issued. Melbourne Waters comments are listed at paragraphs 70 to 71.

274. The proposed development is considered on its own merits and its approval will not set a ‘precedent’ by which all other proposals can be approved. Any future applications will be assessed against relevant planning policies.

RECOMMENDATION

1. That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN11/0483 for the development of the land at 32 Lucerne Crescent, for development of the land for buildings and works including the construction of two dwellings on the lot and removal of vegetation, subject to the following conditions:

    1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the re-advertised plans Council date stamped 16 and 21 December 2011 and 16 January 2012, but modified to show:

        (a) Confirmation and a notation on the ground floor plan indicating that the rainwater tanks will be used for on-site irrigation.
        (b) Lighting within the driveway area and entrance to Dwelling 2, designed, baffled and located so as to prevent any adverse effect on adjoining land.

        (c) A screen on the western boundary opposite the full east-west width of the terrace being 4.6m in width, at least 1.7m in height above the finished floor level of the terrace and no more than 25 per cent transparent.

(d) The screening on the western boundary to bedroom 1 of Dwelling 2 increased to a total width of 5.6m directly opposite the window. The screen must be a height of at least 1.7m above the finished floor level of the bedroom and no more than 25 per cent transparent.
(e) The screening on the eastern boundary to the dining room of Dwelling 2 increased to a total width of 5.6m directly opposite the window. The screen must be a height of at least 1.7m above the finished floor level of the dining room and no more than 25 per cent transparent.
(f) The Eucalytus mannifera 'Little Spotty' trees shown on the landscape plan replaced within a Eucalyptus leucoxylon 'Yellow Gum' trees.
(g) One of the species of trees within the front setback replaced with an indigenous variety of a comparable height and width at maturity.
(h) Areas set aside on-site to accommodate pits and meters.
(i) All privacy screens noted as being no more than 25 per cent transparent and dimensioned as being no less than 1.7m above finished floor level.

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

<u>Landscaping</u>

4. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

5. Prior to the commencement of works a Tree Management Plan (TMP) prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the TMP will be endorsed and will then form part of the permit. The TMP must make recommendations for the protection of trees within 3m of the eastern and western boundaries of the site before construction, during construction and post construction including the provision of any barriers, any pruning necessary, as well as watering and maintenance regimes all to the satisfaction of the Responsible Authority. Works must be undertaken in accordance with the endorsed Arborist report.

<u>Melbourne Water Conditions (6 to 13)</u>

6. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

7. The new dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable flood level.

8. The new garages must be constructed with finished surface levels a minimum of 300mm above the applicable flood level.

9. All doors, windows, vents and openings to the proposed cellar must be a minimum of 600mm above the applicable flood level.

10. Dwelling number two must not be constructed below the 17.20m to Australian Height Datum (AHD) natural surface level contour.

11. Any earthworks must be done such that the volume of cutting within the floodplain is equivalent or greater than the volume of filling. Prior to the commencement of works, volume calculation must be submitted to Melbourne Water demonstrating that the volume of filling does not exceed the volume of cutting.

12. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.

13. Prior to the issue of a Certificate of Occupancy for the dwellings, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

14. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority

13. This permit will expire if one of the following circumstances applies:

    (a) The development is not started within two years of the date of this permit.
    (b) The development is not completed within four years of the date of this permit.

    The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: The applicable flood level for the property is 18.20m to Australian Height Datum (AHD).

NOTE: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 197444.

NOTE The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Council's Building Services unit.

NOTE Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: All future residents residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

CONTACT OFFICER: **James Sutherland**
TITLE: **Senior Statutory Planner**
TEL: **9205 5046**

Attachments
1 PLN11/0483 - 32 Lucerne Crescent Alphington - Locality Map
2 PLN11/0483 - 32 Lucerne Crescent Alphington - IDAC Plans 1 - 7
3 PLN11/0483 - 32 Lucerne Crescent Alphington - IDAC Plans 8 - 12