

12.2

Directorate
Director
Coordinator
Attachment(s)

Planning Application P516/2023 for 52 - 56 Selwyn Street, Albion

City Futures
 Kelvin Walsh
 James Bruscella

1. Zoning Map [**12.2.1** - 1 page]
2. Aerial Photo [**12.2.2** - 1 page]
3. Proposed Plans [**12.2.3** - 22 pages]
4. VCAT Decision and Associated Plans (P 371 2018) [**12.2.4** - 25 pages]
5. VCAT Decision and Associated Plans (P 340 2020) [**12.2.5** - 31 pages]
6. Detailed Assessment [**12.2.6** - 57 pages]
7. Proposed Conditions [**12.2.7** - 8 pages]
8. Indicative Landscape Plan [**12.2.8** - 1 page]
9. Indicative Garden Area Plan [**12.2.9** - 4 pages]

Purpose

For Council to consider planning application P516/2023 for the construction of ten double storey dwellings and a reduction to the standard car parking requirement (visitor spaces) at 52 – 56 Selwyn Street, Albion, against the provisions of the Brimbank Planning Scheme.

Officer Recommendation

That Council issues a Notice of Decision to Grant Planning Permit P516/2023 for the construction of ten double storey dwellings and a reduction to the standard car parking requirement (visitor spaces) at 52 – 56 Selwyn Street, Albion, subject to the conditions at Attachment 7 to this report.

Background

The site is located on the south-western corner of Selwyn Street and Delmont Street in Albion. The site consists of three adjoining lots, is regular in shape and has a gentle slope of under one metre across the site. The site has a frontage of 54.57 metres to Selwyn Street, a secondary frontage of 28.7 metres to Delmont Street and an intersection splay of 3.05 metres, with a total site area of 1,863 square metres (refer to **Attachments 1 and 2**). Each lot is currently developed with a single storey dwelling and a hipped roof that all face east towards Selwyn Street.

The application seeks approval for the construction of ten double storey dwellings and a reduction in the standard car parking requirement (refer to **Attachment 3**). Two previous applications for this site were submitted to Council in 2018 and 2020, both proposing the construction of nine double storey dwellings and a reduction in the standard car parking requirement (refer to **Attachments 4 and 5**). The applications were both refused under delegation from Council and the refusals were upheld by the Victorian Civil and Administrative Tribunal (VCAT) on appeal.

In its determinations, VCAT was critical of the lack of ground floor street activation and habitable room windows facing the street, the extent of garages, car parking and crossovers facing the street, the “reverse living” design concept for the dwellings facing

Delmont Street, the lack of functional external access between the front and rear areas of a number of dwellings and the failure to retain trees on the site.

Matters for Consideration

The site and the surrounding area are located within the General Residential Zone Schedule 1. The predominant housing stock in the area comprises large single storey dwellings on generous sized allotments, or more recently constructed double storey dwellings in the form of medium density housing. Two examples of the more recent developments are located immediately to the south, with three attached double storey contemporary dwellings built on both corners of Selwyn Street and Dalworth Street.

The proposed plans have taken into consideration the failings of the previous applications that were outlined in the VCAT decisions. This includes providing ground floor habitable room windows facing the street for all dwellings, a reverse living concept for the dwellings facing Selwyn Reserve only, retaining the majority of street frontage for landscaping including canopy tree planting and reducing the dominance of car parking, crossovers and hardstand areas by providing rear access to the dwellings.

The application was referred internally to Council's Traffic and Drainage Engineers, Environmentally Sustainable Design (ESD) Officer, Urban Design Officer and Street Tree Coordinator, who all supported the application subject to proposed conditions, which are included at **Attachment 7**. No external referrals were required.

A detailed assessment of the application against the provisions of the Brimbank Planning Scheme is contained at **Attachment 6** to this report. The detailed assessment indicates there is strategic justification and policy support for this application, as well as a high level of compliance with the required objectives and associated standards of Clause 55. It is recommended that the application be approved subject to the conditions at **Attachment 7** to the report.

The recommendation includes references to an indicative landscape plan and garden area plan. These plans were provided by the applicant following the public notification of the application to address some concerns that were raised. These plans are contained at **Attachments 8 and 9** to this report.

Community Engagement

Notice of the application was given in accordance with the notice requirements of section 52(1)(a) and (d) of the *Planning and Environment Act 1987* (the Act). At the end of the notification process, 30 submissions had been received.

The main concerns raised were on the grounds of adverse impact on neighbourhood character, overdevelopment, design issues including failure to address ESD, impacts on adjoining lots including noise, overshadowing, loss of daylight and privacy, lack of landscaping and loss of trees, waste pick up issues, Aboriginal heritage and traffic safety concerns, including lack of adequate car parking on site.

The concerns raised by the objectors are discussed in the Detailed Assessment at **Attachment 7** to this report.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

There are no Community, Environmental, Financial, Regulatory or Safety risks.

Legislation/Council Plan/Policy Context

This report has been prepared under the relevant guiding principles of the Brimbank Planning Scheme and the *Planning and Environment Act 1987*.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.





Scale = 1:759,780
Attachment 12.2.2

PROJECT SUMMARY 153

52-56 SELWYN STREET, ALBION

10x DOUBLE STOREY TOWNHOUSES

D.01 AREA SCHEDULE	
NAME	AREA
D.01 GP	95.21 m ²
D.01 GARAGE	23.41 m ²
D.01 FF	51.99 m ²
	170.71 m ²

D.01 OPEN SPACE SCHEDULE	
NAME	AREA
D.01 FPOS	29.85 m ²
D.01 POS	62.89 m ²
	92.74 m ²

D.06 AREA SCHEDULE	
NAME	AREA
D.06 GP	46.30 m ²
D.06 GARAGE	27.74 m ²
D.06 FF	66.85 m ²
D.06 BALCONY	11.95 m ²
	152.84 m ²

D.06 OPEN SPACE SCHEDULE	
NAME	AREA
D.06 FPOS	34.46 m ²
D.06 POS	34.46 m ²
	34.46 m ²

D.02 AREA SCHEDULE	
NAME	AREA
D.02 GP	32.78 m ²
D.02 GARAGE	28.09 m ²
D.02 FF	65.77 m ²
D.02 BALCONY	11.99 m ²
	134.19 m ²

D.02 OPEN SPACE SCHEDULE	
NAME	AREA
D.02 FPOS	34.21 m ²
D.02 POS	34.21 m ²
	34.21 m ²

D.07 AREA SCHEDULE	
NAME	AREA
D.07 GP	32.78 m ²
D.07 GARAGE	28.09 m ²
D.07 FF	65.77 m ²
D.07 BALCONY	12.33 m ²
	139.04 m ²

D.07 OPEN SPACE SCHEDULE	
NAME	AREA
D.07 FPOS	29.36 m ²
D.07 POS	29.36 m ²
	29.36 m ²

D.03 AREA SCHEDULE	
NAME	AREA
D.03 GP	33.07 m ²
D.03 GARAGE	28.09 m ²
D.03 FF	65.77 m ²
D.03 BALCONY	12.23 m ²
	140.03 m ²

D.03 OPEN SPACE SCHEDULE	
NAME	AREA
D.03 FPOS	34.04 m ²
D.03 POS	34.04 m ²
	34.04 m ²

D.08 AREA SCHEDULE	
NAME	AREA
D.08 GP	33.07 m ²
D.08 GARAGE	28.09 m ²
D.08 FF	65.77 m ²
D.08 BALCONY	12.23 m ²
	139.04 m ²

D.08 OPEN SPACE SCHEDULE	
NAME	AREA
D.08 FPOS	29.15 m ²
D.08 POS	29.15 m ²
	29.15 m ²

D.04 AREA SCHEDULE	
NAME	AREA
D.04 GP	33.07 m ²
D.04 GARAGE	28.09 m ²
D.04 FF	65.77 m ²
D.04 BALCONY	12.23 m ²
	139.04 m ²

D.04 OPEN SPACE SCHEDULE	
NAME	AREA
D.04 FPOS	31.04 m ²
D.04 POS	31.04 m ²
	31.04 m ²

D.09 AREA SCHEDULE	
NAME	AREA
D.09 GARAGE	Not Placed
D.09 GP	84.25 m ²
D.09 FF	22.55 m ²
D.09 FF	76.07 m ²
	176.07 m ²

D.09 OPEN SPACE SCHEDULE	
NAME	AREA
D.09 FPOS	58.04 m ²
D.09 POS	35.34 m ²
D.09 POS	53.38 m ²
	53.38 m ²

D.05 AREA SCHEDULE	
NAME	AREA
D.05 GP	32.78 m ²
D.05 GARAGE	28.09 m ²
D.05 FF	78.19 m ²
D.05 BALCONY	13.26 m ²
	173.91 m ²

D.05 OPEN SPACE SCHEDULE	
NAME	AREA
D.05 FPOS	30.29 m ²
D.05 POS	30.29 m ²
	30.29 m ²

D.10 AREA SCHEDULE	
NAME	AREA
D.10 GP	69.38 m ²
D.10 GARAGE	22.93 m ²
D.10 FF	72.84 m ²
	164.55 m ²

D.10 OPEN SPACE SCHEDULE	
NAME	AREA
D.10 FPOS	56.16 m ²
D.10 POS	31.48 m ²
D.10 POS	67.63 m ²
	67.63 m ²

COMMUNAL OPEN SPACE SCHEDULE	
NAME	AREA
COMMUNAL	61.11 m ²
	61.11 m ²

SHEET LIST				
SHEET NO.	SHEET NAME	REV.	CURRENT REV.	REV. DESCRIPTION

TP.00	PROJECT SUMMARY	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.100	SITE ANALYSIS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.101	DESIGN RESPONSE	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.200	GROUND FLOOR PLAN	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.201	FIRST FLOOR PLAN	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.202	ROOF PLAN	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.300	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.301	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.302	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.303	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.304	FINISHES SCHEDULE	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.400	CATCHMENT PLAN	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.500	GARDEN AREA PLAN	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.600	SHADOWS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.601	SHADOWS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.700	SECTIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.800	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.801	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.802	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.803	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023

DEVELOPMENT SUMMARY	
NAME	AREA
AREA	1892.34 m ²

PERMEABLE AREA		
NAME	AREA	(%) OF SITE
AREA	546.55 m ²	3%

SITE COVERAGE		
NAME	AREA	(%) OF SITE
AREA	860.30 m ²	4%

GARDEN AREA		
NAME	AREA	% OF SITE
AREA	546.55 m ²	3%



info@m3group.au
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M3 GROUP

Project Address 52-56 SELWYN STREET, ALBION
PROJECT SUMMARY
Town Planning
Client KEYWAY

Project Number 231824
Drawing Number TP.00
Issue Date DEC 2023
Revision Issue B
Drawn by DE
Checked by GM
Scale A3 / A1 /

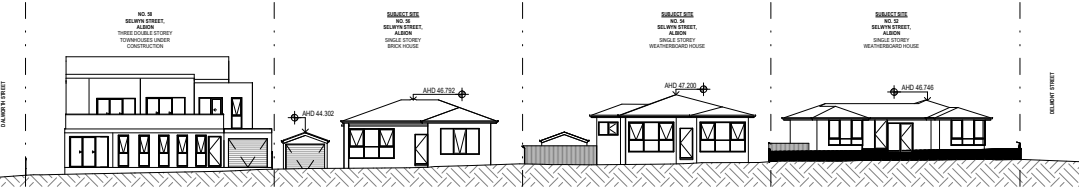
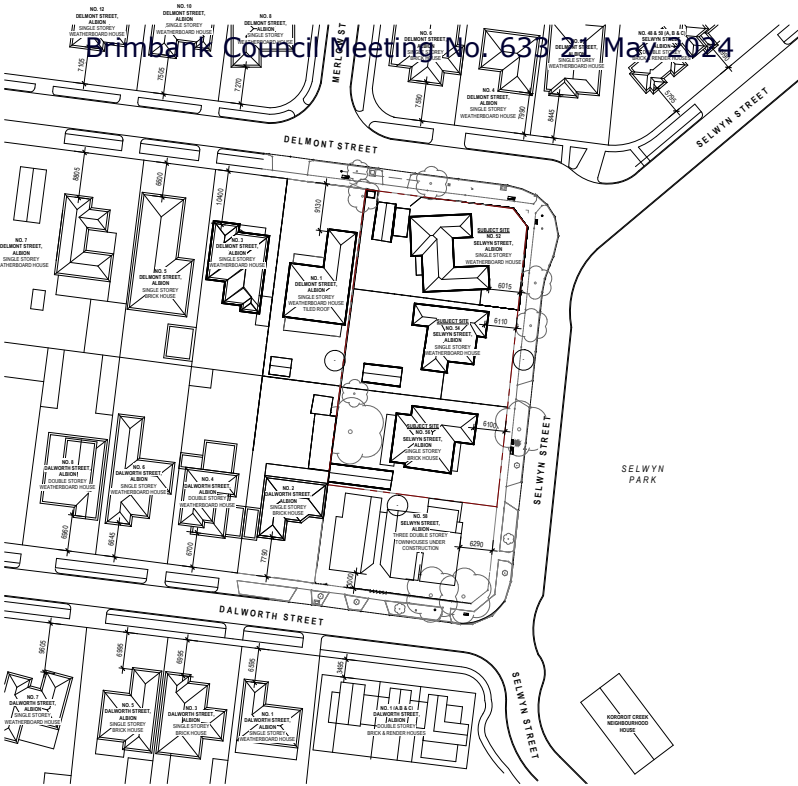
Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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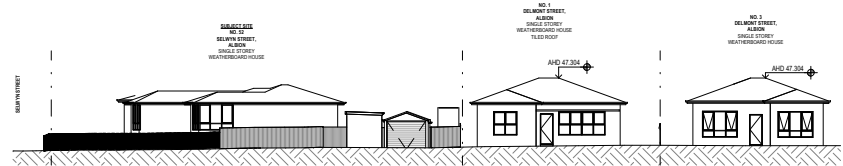
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Brimbank Council Meeting No. 633 21 May 2024



DWG REF: 1
VIEW NAME: Existing Streetscape - Selwyn Street (Facing Selwyn Park)
DWG NUMBER: 1
SCALE: 1 : 200



DWG REF: 2
VIEW NAME: Existing Streetscape - Delmont Street
DWG NUMBER: 2
SCALE: 1 : 200



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Attachment 12.2

Project Address
52-56 SELWYN STREET, ALBION
SITE ANALYSIS
Town Planning
KEYWAY

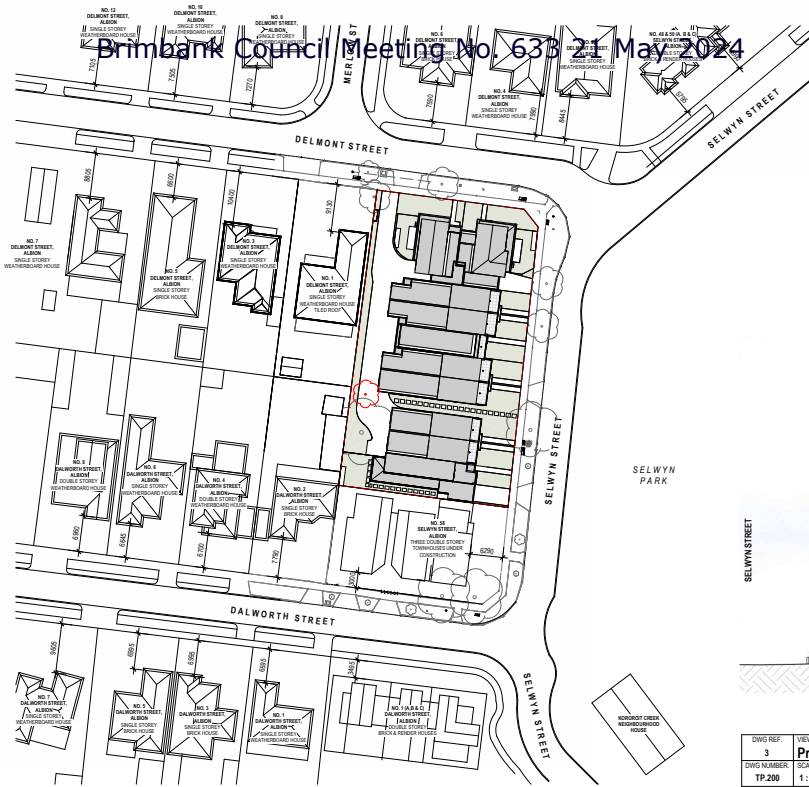


Project Number
231824
Drawing Number
TP-100
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 / As indicated

Rev	Description	Date
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DWG REF.	VIEW NAME
3	Proposed Streetscape - Delmont Street
DWG NUMBER	SCALE
TP-200	1 : 100



DWG REF.	VIEW NAME
2	Proposed Streetscape - Selwyn Street (Facing Selwyn Park)
DWG NUMBER	SCALE
TP-200	1 : 120



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Attachment 12.2.

Project Address
52-56 SELWYN STREET, ALBION
Design Response
Town Planning
Keyway



Project Number
231824
Drawing Number
TP-101
Issue Date
DEC 2023
Revision Issue
B
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GM
Scale
A3 /
A1 /
As Indicated

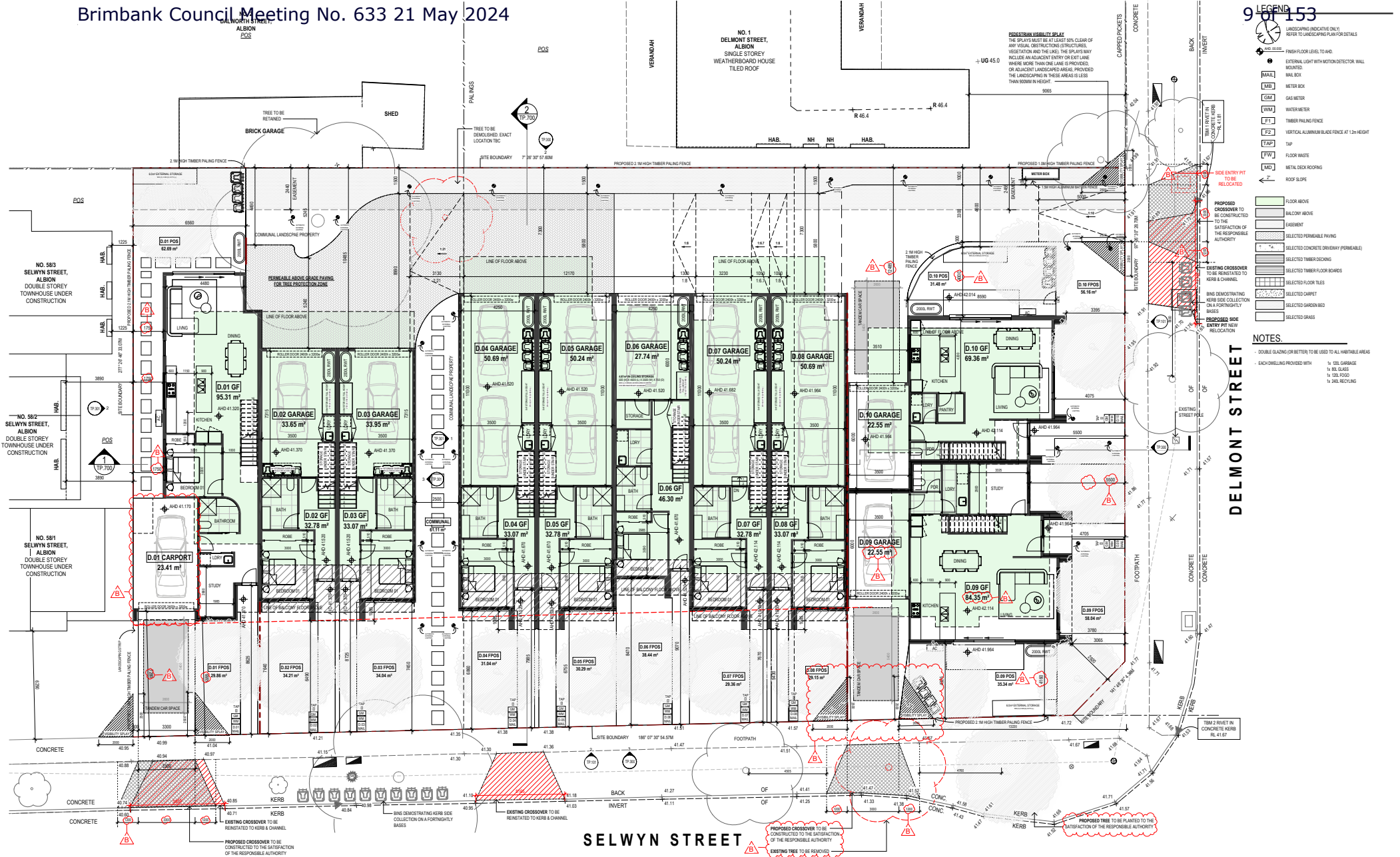
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Attachment 12.2.

Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
GROUND FLOOR PLAN
Drawing Issue
Town Planning
Client
KEYWAY

Project Number
231824
Drawing Number
TP-200
Issue Date
DEC 2023
Revision Issue
B
Drawn by
GM/DE
Checked by
GM
Scale
A1 /
A3 /
1 : 100

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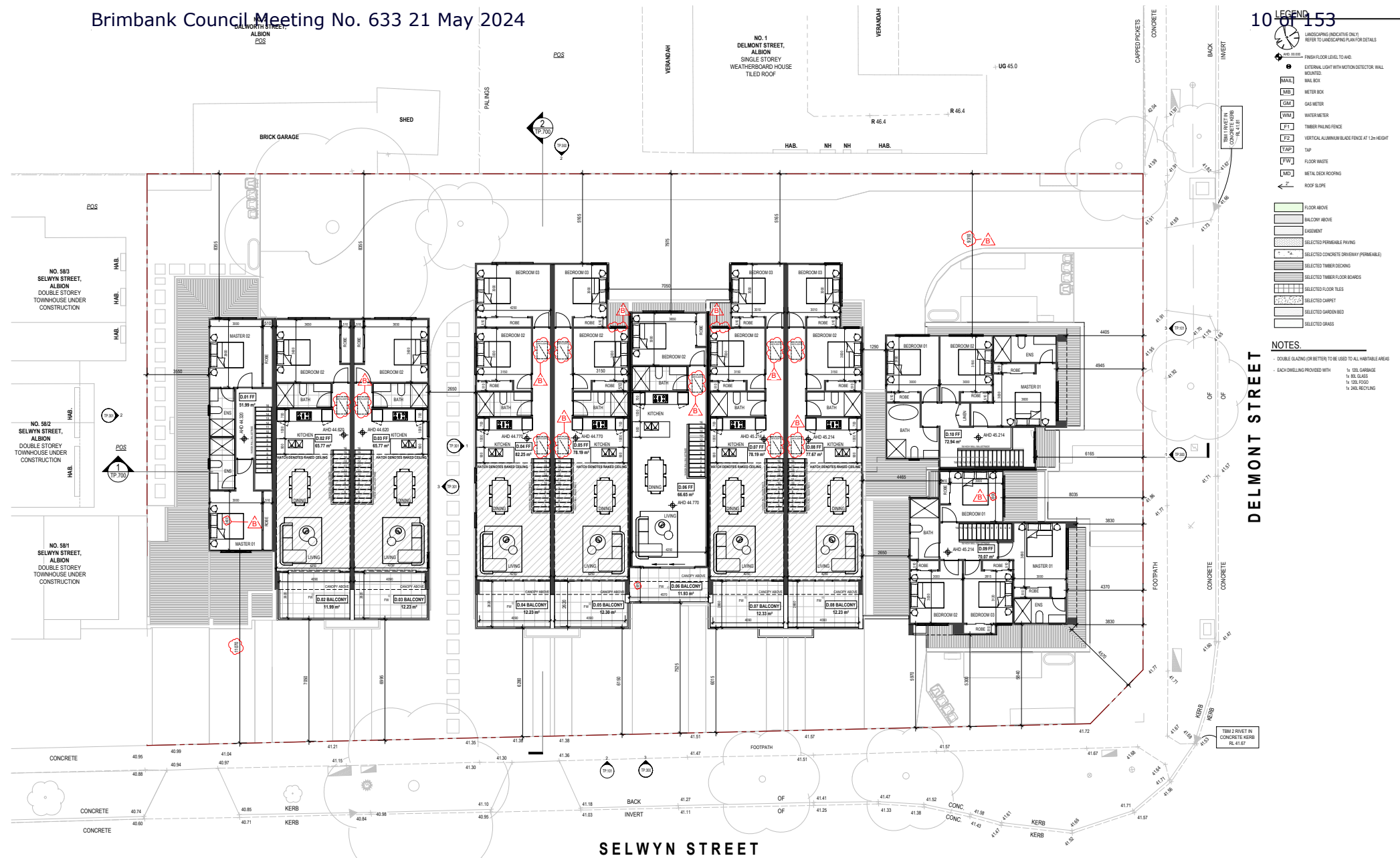
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Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
FIRST FLOOR PLAN
Drawing Issue
Town Planning
Client
KEYWAY

North Point



Project Number
231824
Drawing Number
TP 201
Issue Date
DEC 2023
Revision Issue
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Drawn by
GM/DE
Checked by
A3 /
A1 /

Scale
1 : 100

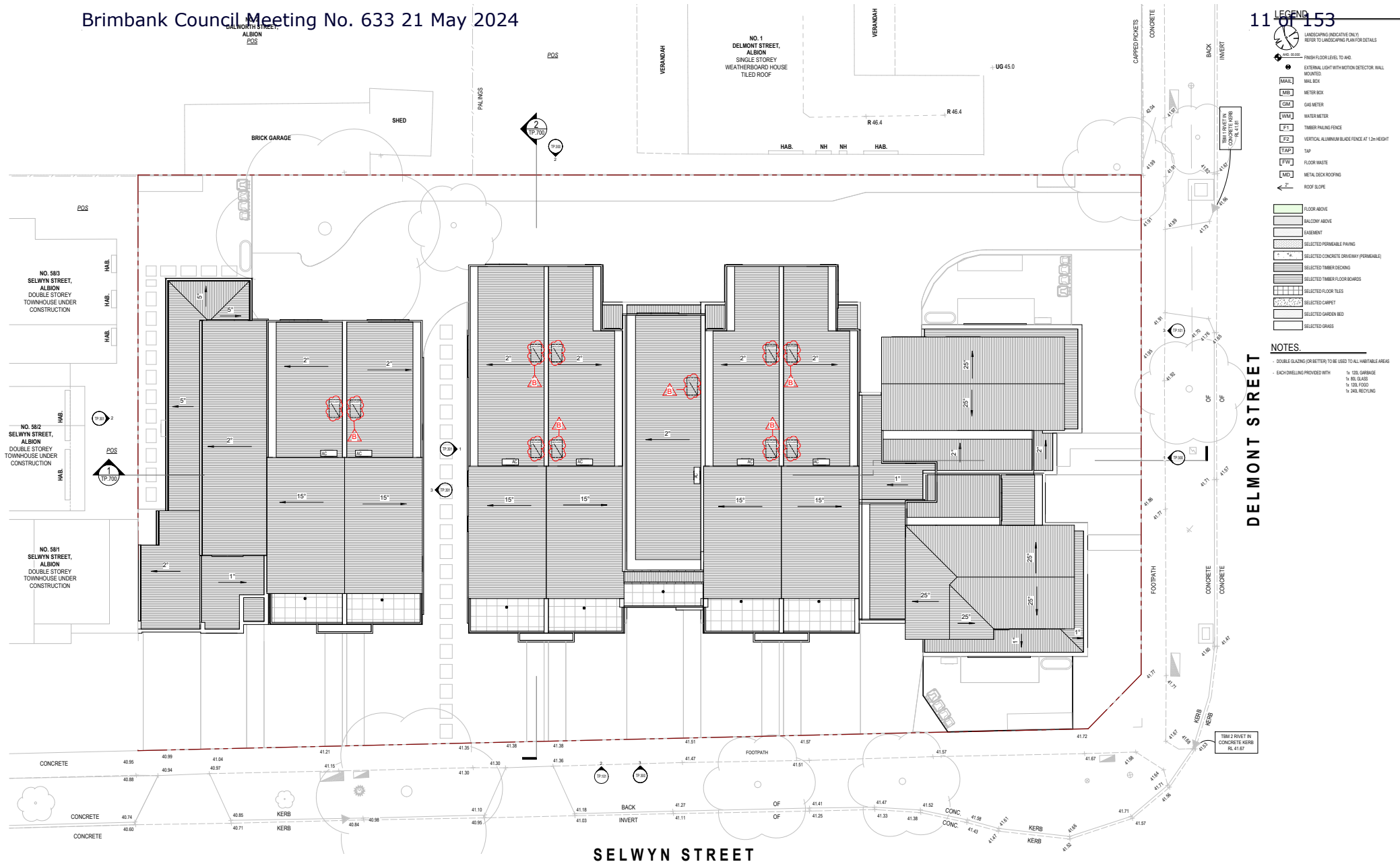
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Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
ROOF PLAN
Drawing Issue
Town Planning
Client
KEYWAY

North Point



Project Number
231824
Drawing Number
TP 202
Issue Date
DEC 2023
Revision Issue
B
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Scale
A3 / A1 / 1 : 100

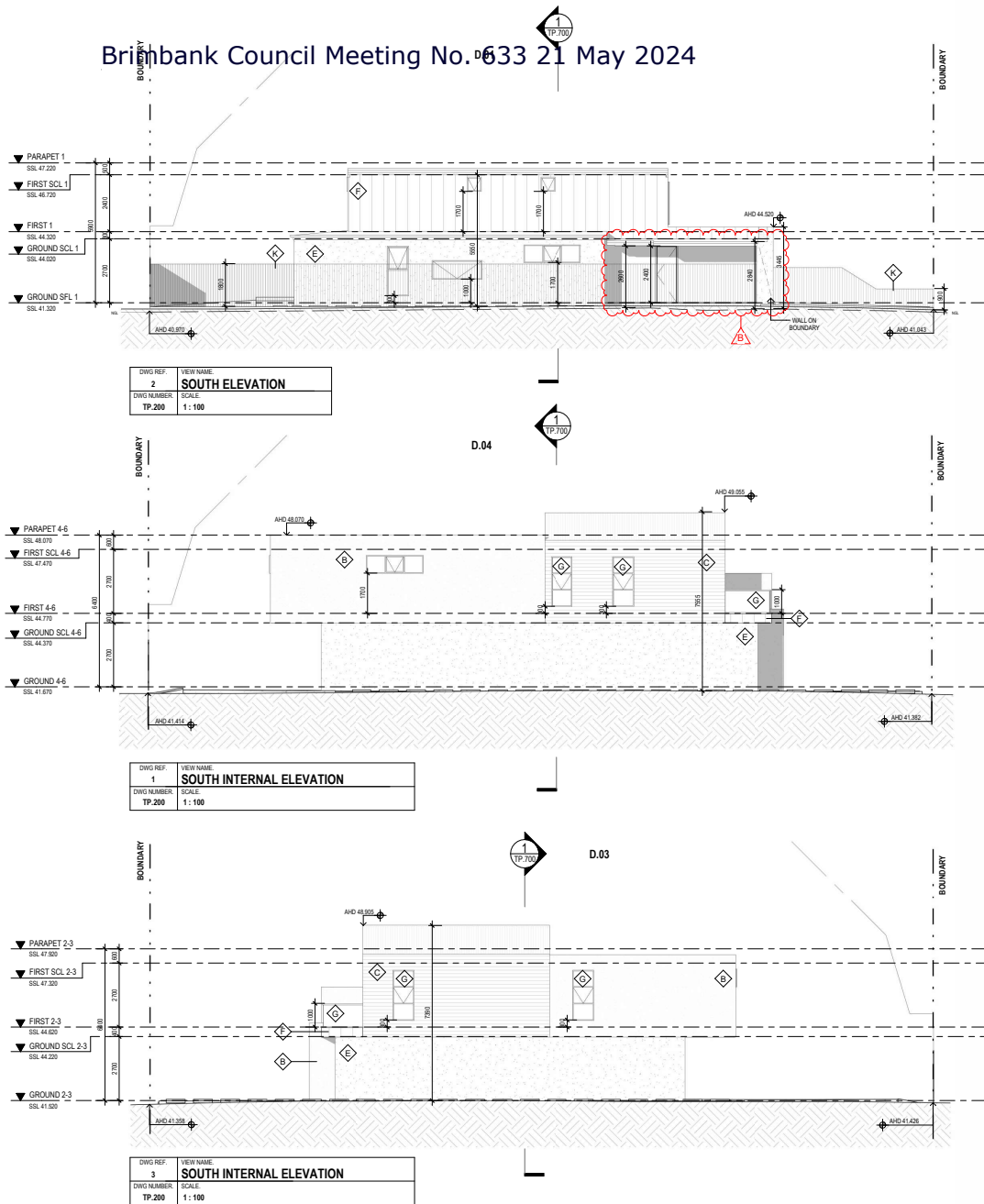
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Brimbank Council Meeting No. 633 21 May 2024



FINISHES LEGEND
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LEGEND	A
MATERIAL	SELECTED BRICK
PRODUCT	SAN BELMO RECLAIMED RED
COLOR	-
FINISH	-
LEGEND	B
MATERIAL	SELECTED RENDER
PRODUCT	-
COLOR	WHITE
FINISH	-
LEGEND	C
MATERIAL	SELECTED HORIZONTAL 15MM LINE PANEL
PRODUCT	WEATHERGROOVE SMOOTH
COLOR	WHITE OR SIMILAR
FINISH	PAINT
LEGEND	D
MATERIAL	SELECTED TIMBER LOOK PANEL
PRODUCT	-
COLOR	BLACKBUTT OR SIMILAR
FINISH	-
LEGEND	E
MATERIAL	SELECTED RENDER
PRODUCT	-
COLOR	COLORBOND MONUMENT OR SIMILAR
FINISH	-
LEGEND	F
MATERIAL	SELECTED VERTICAL 300MM LINE PANEL
PRODUCT	WEATHERGROOVE SMOOTH
COLOR	COLORBOND MONUMENT
FINISH	PAINT
LEGEND	G
MATERIAL	SELECTED ALUMINUM FRAMED GLAZING
FRAME COLOR	COLORBOND MONUMENT
GLAZING	POWDERCOAT
LEGEND	H
MATERIAL	SELECTED ALUMINUM FRAMED GLAZING
FRAME COLOR	COLORBOND MONUMENT
GLAZING	POWDERCOAT
LEGEND	I
MATERIAL	SELECTED ALUMINUM SCREENS, SHROUDS, FASCIAE & GUTTERS
PRODUCT	FENCING & GARAGE DOOR
COLOR	COLORBOND MONUMENT
FINISH	POWDERCOAT
LEGEND	J
MATERIAL	SELECTED ALUMINUM BLADE FENCE
PRODUCT	-
COLOR	COLORBOND MONUMENT OR SIMILAR
FINISH	-
LEGEND	K
MATERIAL	SELECTED TIMBER PALING FENCE
PRODUCT	-
COLOR	NATURAL
FINISH	-

NOTE:
DOUBLE GLAZING (OR BETTER) TO BE USED TO ALL HABITABLE AREAS



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Project Address
52-56 SELWYN STREET, ALBION
ELEVATIONS
Town Planning
Client
KEYWAY

Project Number
231824
Drawing Number
TP.301
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 /
As indicated

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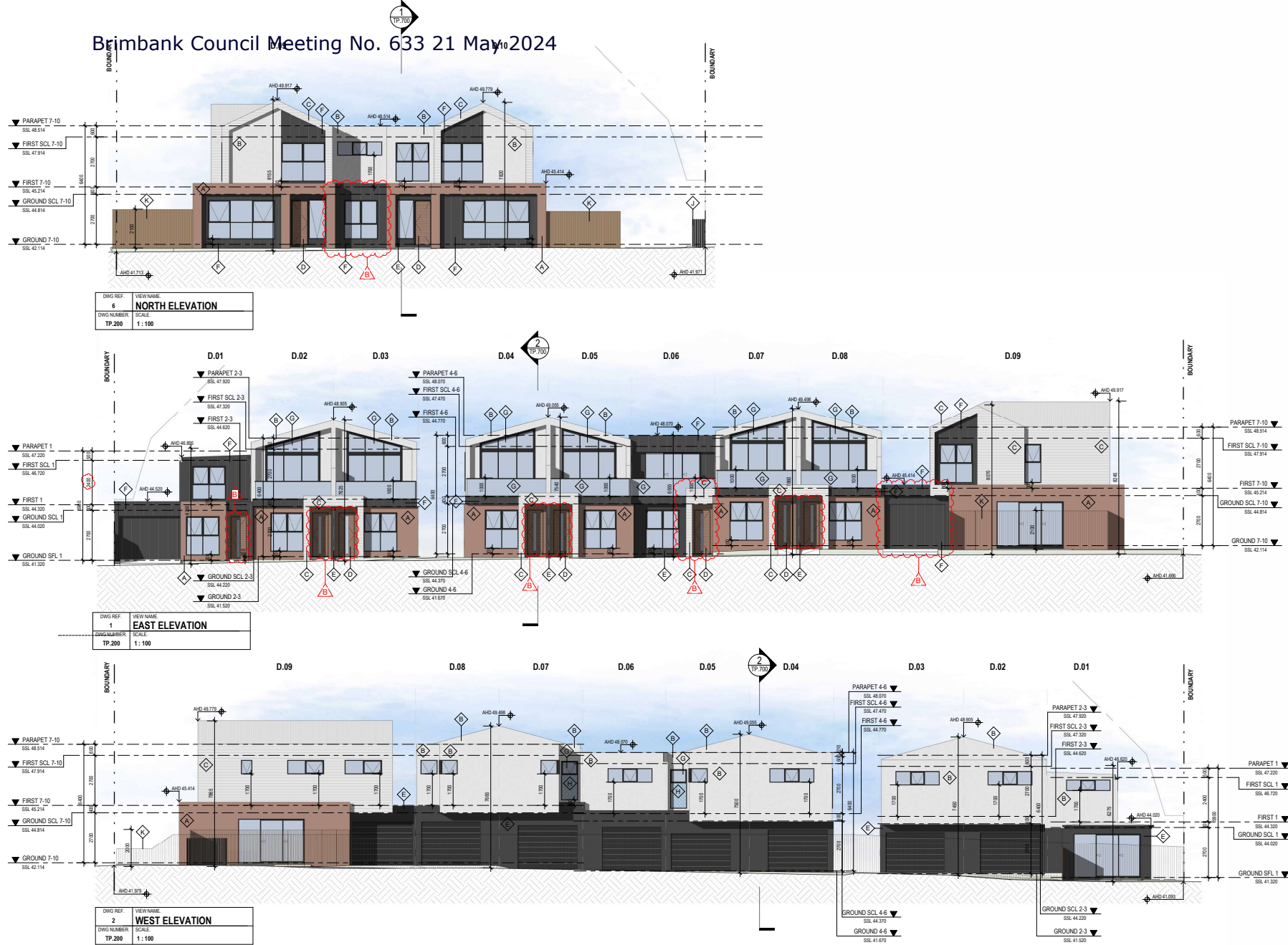
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Page Number: 27 of 295
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Brimbank Council Meeting No. 633 21 May 2024

FINISHES LEGEND
14 of 153

LEGEND	A
MATERIAL	SELECTED BRICK
PRODUCT	SAN BELMO RECLAIMED RED
CLOUR	-
FINISH	-
LEGEND	B
MATERIAL	SELECTED RENDER
PRODUCT	-
CLOUR	WHITE
FINISH	-
LEGEND	C
MATERIAL	SELECTED HORIZONTAL 16MM LINE PANEL
PRODUCT	WEATHERGROOVE SMOOTH
CLOUR	WHITE OR SIMILAR
FINISH	-
LEGEND	D
MATERIAL	SELECTED TIMBER LOOK PANEL
PRODUCT	-
CLOUR	BLACKBUTT OR SIMILAR
FINISH	-
LEGEND	E
MATERIAL	SELECTED RENDER
PRODUCT	-
CLOUR	COLORBOND MONUMENT OR SIMILAR
FINISH	-
LEGEND	F
MATERIAL	SELECTED VERTICAL 300MM LINE PANEL
PRODUCT	WEATHERGROOVE SMOOTH
CLOUR	COLORBOND MONUMENT
FINISH	-
LEGEND	G
MATERIAL	SELECTED ALUMINIUM FRAMED GLAZING
PRODUCT	COLORBOND MONUMENT
FRAME FINISH	POWDERCOAT
GLAZING	-
LEGEND	H
MATERIAL	SELECTED ALUMINIUM FRAMED GLAZING
PRODUCT	COLORBOND MONUMENT
FRAME FINISH	POWDERCOAT
GLAZING	OBSCURE
LEGEND	I
MATERIAL	SELECTED ALUMINIUM SCREENS, SHROUDS, FASCIAS & GUTTERS, FENCING & GARAGE DOOR
PRODUCT	-
CLOUR	COLORBOND MONUMENT
FINISH	POWDERCOAT
LEGEND	J
MATERIAL	SELECTED ALUMINIUM BLADE FENCE
PRODUCT	-
CLOUR	COLORBOND MONUMENT OR SIMILAR
FINISH	-
LEGEND	K
MATERIAL	SELECTED TIMBER PLUNG FENCE
PRODUCT	-
CLOUR	NATURAL
FINISH	-

NOTE:
DOUBLE GLAZING (OR BETTER) TO BE USED TO ALL HABITABLE AREAS



Info@m3group.au
Unit 2, 1 Bk Lane, Fitzroy North 3068

Project Address
52-56 SELWYN STREET, ALBION
ELEVATIONS
Town Planning
Client
KEYWAY

Project Number
231824
Drawing Number
TP 302
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 /
As Indicated

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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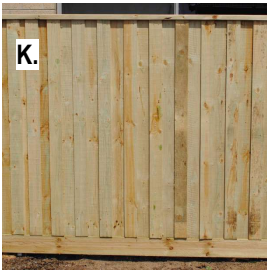
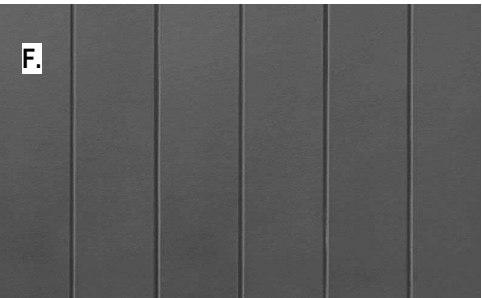
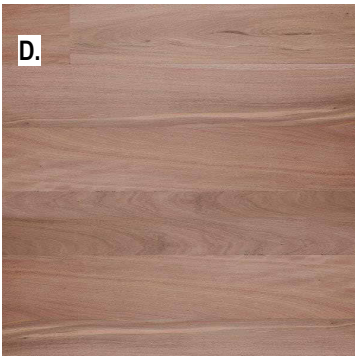
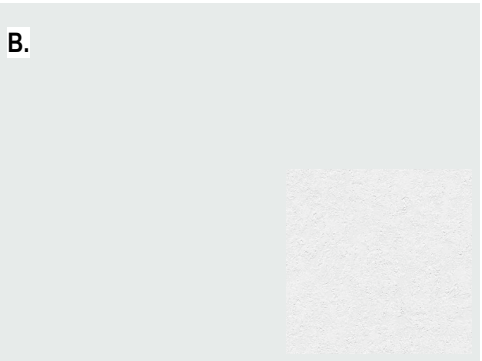
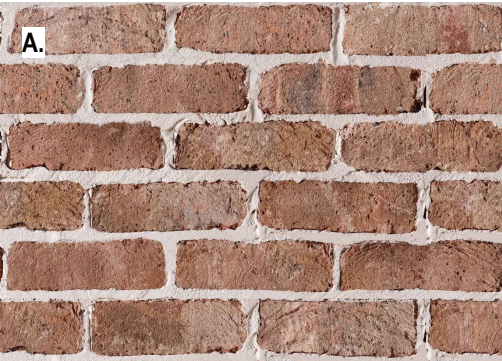
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Attachment 12.2.

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Brimbank Council Meeting No. 633 21 May 2024

FINISHES LEGEND
16 of 153



NOTE:
DOUBLE GLAZING (OR BETTER), TO BE USED TO ALL HABITABLE AREAS



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Attachment 12.2.3

Project Address
52-56 SELWYN STREET, ALBION
FINISHES SCHEDULE
Town Planning
Client
KEYWAY

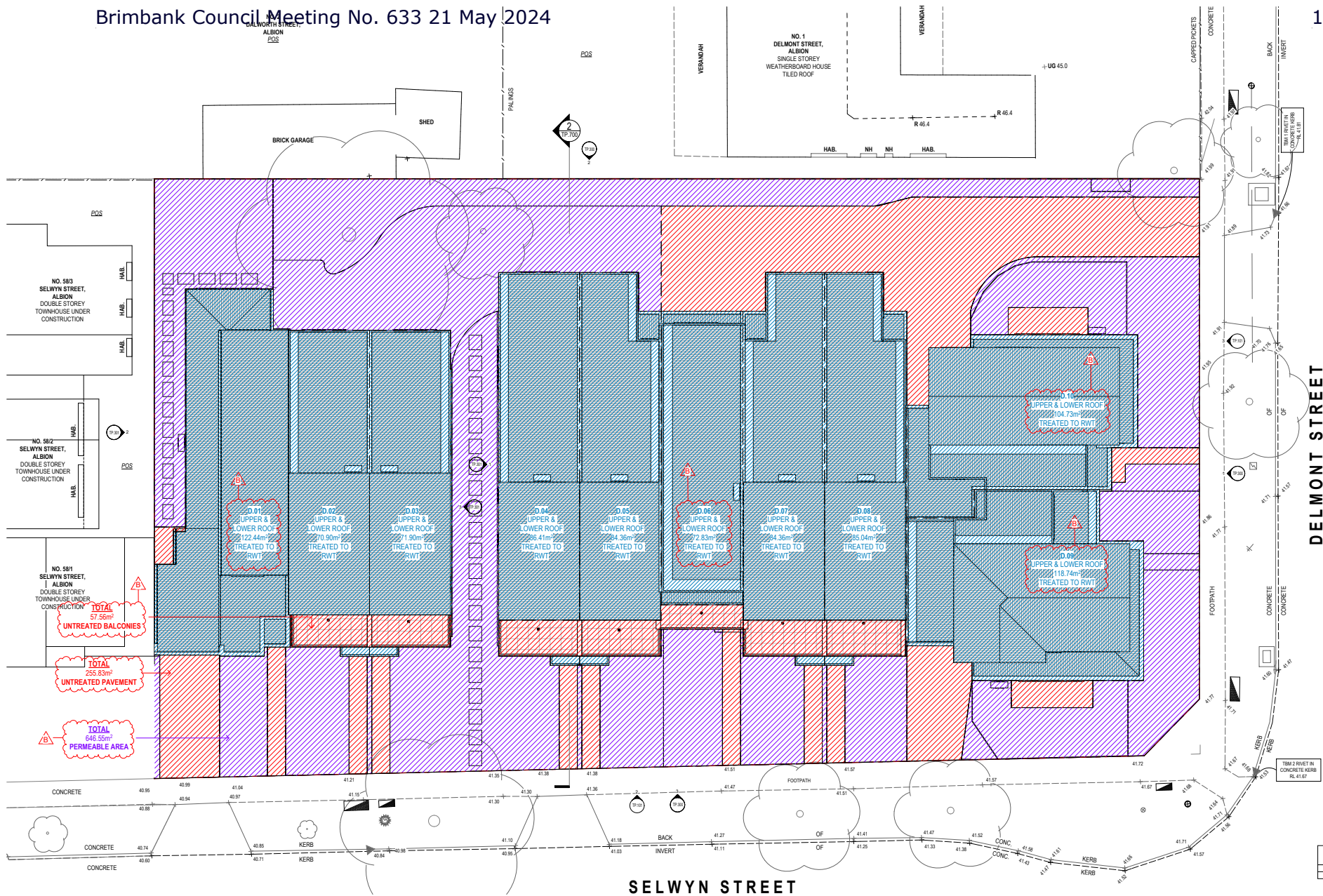
Project Number
231824
Drawing Number
TP.304
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 / As indicated

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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PERMEABLE AREA		
NAME	AREA	(%) OF SITE
AREA	666.55 m ²	34



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Attachment 12.2.

Project Address	52-56 SELWYN STREET, ALBION
Drawing Title	CATCHMENT PLAN
Drawing Issue	Town Planning
Client	KEYWAY

North Point



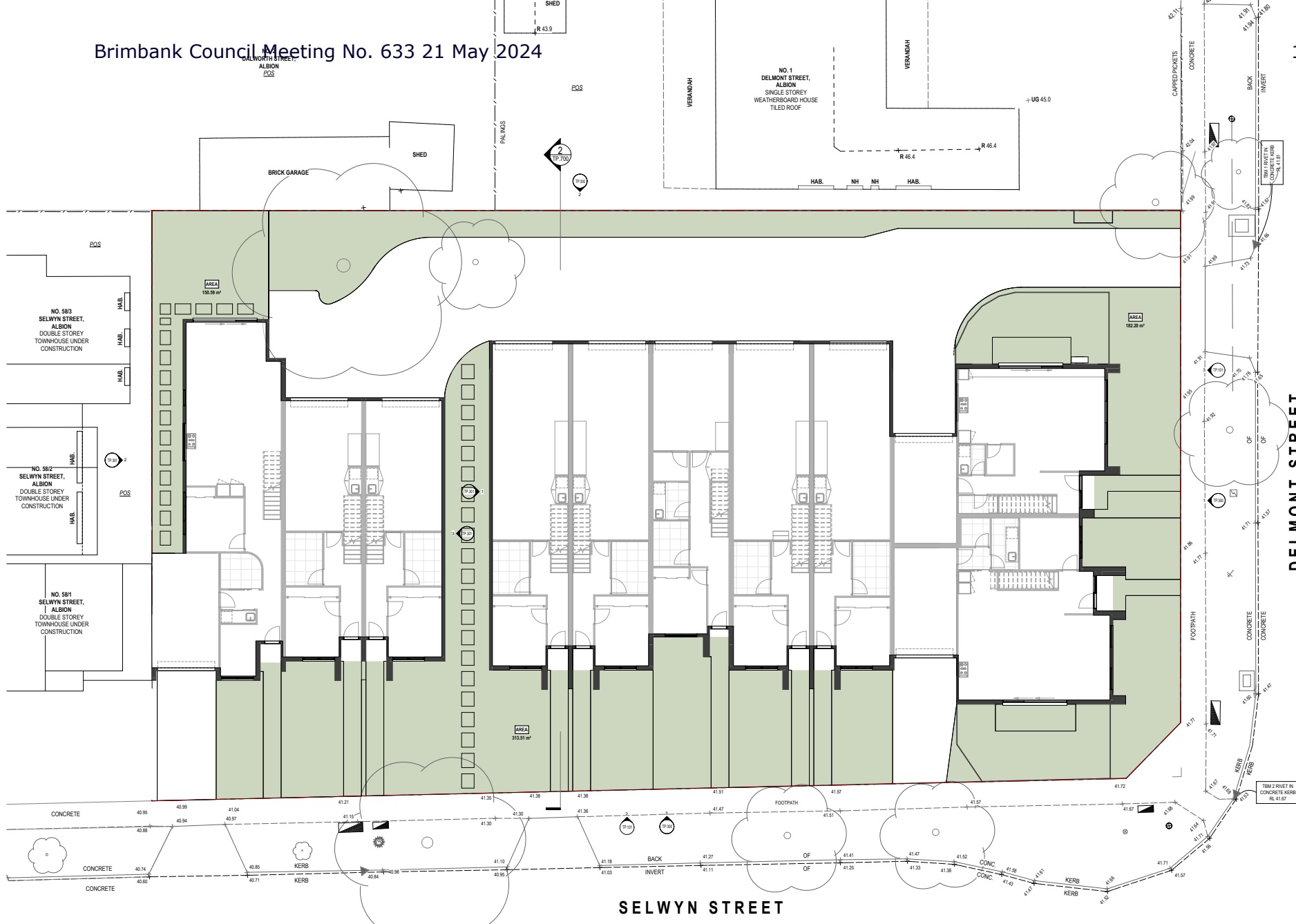
Project Number	Z31824
Drawing Number	TP 400
Issue Date	DEC 2023
Revision Issue	B
Drawn by	DE
Checked by	GM
Scale	A3 / A1 / 1 : 100

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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DELMONT STREET

SELWYN STREET

GARDEN AREA		
NAME	AREA	% OF SITE
AREA	466.31 m²	35



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Unit 2, 1 Blk Lane, Fitzroy North 3068

Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
GARDEN AREA PLAN
Drawing Issue
Town Planning
Client
KEYWAY

Project Number
231824
Drawing Number
TP 500
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 /
1 : 100

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
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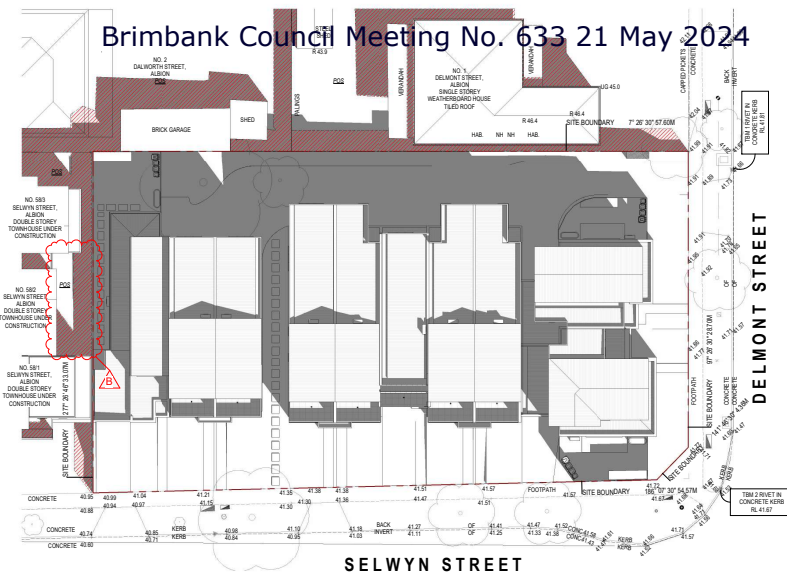
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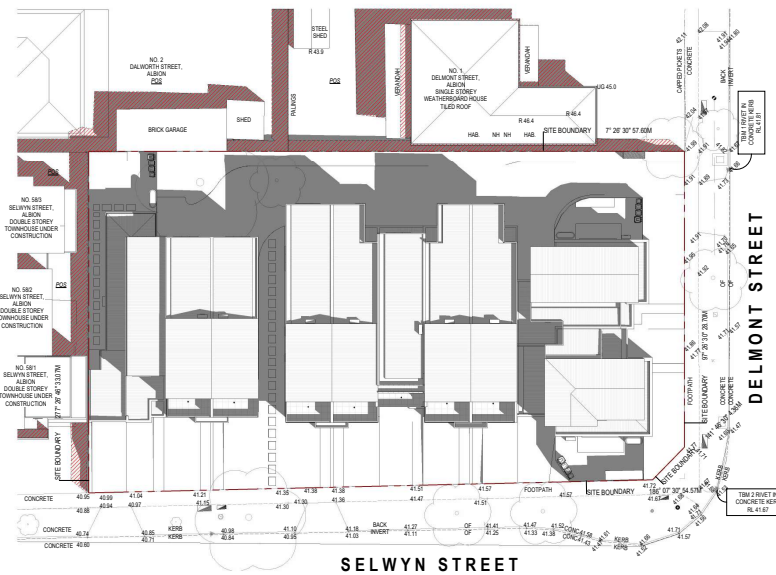
Attachment 12.2

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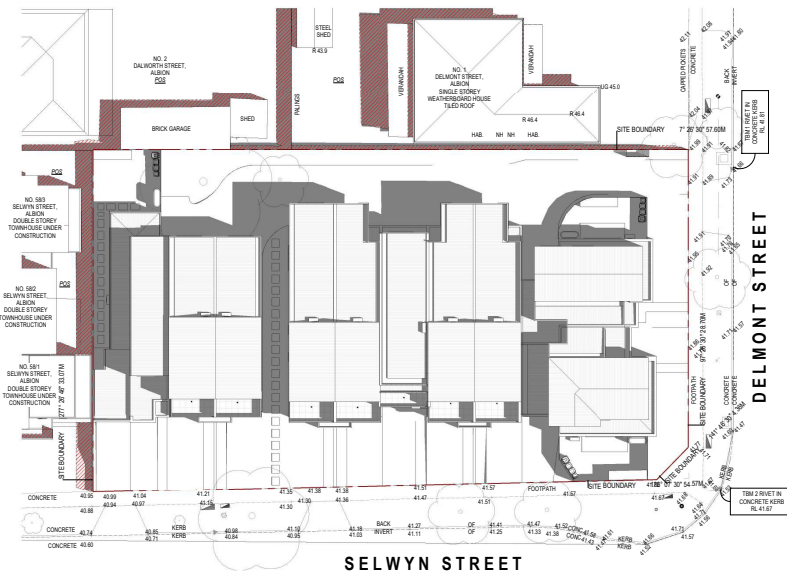
Brimbank Council Meeting No. 633 21 May 2024



DWG REF. 1	VIEW NAME. 9AM
DWG NUMBER. TP.300	SCALE. 1 : 250



DWG REF. 2	VIEW NAME. 10AM
DWG NUMBER. TP.300	SCALE. 1 : 250



DWG REF.	VIEW NAME
3	11AM
DWG NUMBER	SCALE
TP.300	1 : 250



DWG REF. 4	VIEW NAME. 12PM
DWG NUMBER. TP.300	SCALE. 1 : 250

9AM SHADOWS						
ADDRESS	POS	EXISTING SHADOW (sq ft)	EXISTING SHADOW (%)	PROPOSED SHADOW (sq ft)	PROPOSED SHADOW (%)	REMAINING SHADOW (sq ft)
NO. 12440 SHADWYN ST	2.18 sq ft	94 sq ft	79.83%	79.83%	101.01%	101.01%
NO. 12611 SHADWYN ST	118.05 sq ft	9.77 sq ft	7.82%	9.77%	118.05%	118.05%
NO. 12734 SHADWYN ST	32.73 sq ft	22.87 sq ft	69.89%	22.87%	69.89%	69.89%
NO. 12833 SHADWYN ST	79.93 sq ft	29.80 sq ft	37.41%	29.80%	49.13%	49.13%
NO. 12834 SHADWYN ST	105.61 sq ft	119.34 sq ft	112.97%	119.34%	119.34%	119.34%

10AM SHADOWS							
NO.	ADDRESS	EXISTING SHADOWS (sq)	EXISTING SHADOWS (%)	PROPOSED SHADOWS (sq)	PROPOSED SHADOWS (%)	REMAINING SHADWT (sq)	REMAINING SHADWT (%)
NO. 2 CALDWORTH ST	170.38sq ²	69.2sq ²	33.2%	0.0sq ²	0%	102.22sq ²	73.9%
NO. 100 CALDWORTH ST	9.58sq ²	9.58sq ²	100%	0.0sq ²	0.0%	0.0sq ²	0.0%
NO. 122 CALDWORTH ST	32.72sq ²	16.36sq ²	50.0%	20.36sq ²	62.2%	16.36sq ²	50.0%
NO. 160 CALDWORTH ST	79.56sq ²	20.72sq ²	26.1%	12.28sq ²	15.4%	58.56sq ²	73.7%
NO. 1 DELICHOE ST	140.81sq ²	100.95sq ²	67.45%	0.0%	0%	73.58sq ²	52.23%

11AM SHADOWS							
ADDRESS	POS	EXISTING SHADOWS (sq')	EXISTING SHADOWS (%)	PROPOSED SHADOWS (sq')	PROPOSED SHADOWS (%)	REMAINING SHADOW (sq')	REMAINING SHADOW (%)
No. 2 CALDWORTH ST	210.38m ²	42.5m ²	21.25%	0.0m ²	0.0%	168.38m ²	82.07%
No. 280 CALDWORTH ST	119.02m ²	4.5m ²	3.79%	1.5m ²	1.26%	115.02m ²	92.53%
No. 282 CALDWORTH ST	267.72m ²	42.3m ²	15.80%	14.0m ²	5.23%	161.42m ²	60.07%
No. 282 CALDWORTH ST	14.70m ²	14.7m ²	100.00%	0.0m ²	0.00%	0.00m ²	0.00%
No. 1 DELBERT ST	108.61m ²	63.5m ²	58.47%	0.0m ²	0.0%	45.11m ²	41.53%

12PM SHADOWS						
ADDRESS	POS	EXISTING SHADOWS (sq ft)	EXISTING SHADOWS (%)	PROPOSED SHADOWS (sq ft)	PROPOSED SHADOWS (%)	REMAINING SHADOWS (sq ft)
						REMAINING SHADOWS (%)
31 S CALVERT ST	210.284'	27.514'	3.32%	0 sq ft	0%	182.770'
31 S CALVERT ST	210.284'	2.945'	2.94%	8.444'	8.44%	182.481'
31 S CALVERT ST	210.284'	12.734'	12.73%	11.414'	45.41%	171.546'
31 S CALVERT ST	79.564'	11.354'	14.35%	15.424'	16.38%	68.445'
31 S CALVERT ST	158.916'	47.574'	67.44%	0 sq ft	0%	36.424'
31 S CALVERT ST	158.916'	47.574'	67.44%	0 sq ft	0%	36.424'

LEGEND



info@m3group.au
Unit 2, 1 Bik Lane, Fitzroy North 3068

M3 GROUP

Project Address	52-56 SELWYN STREET, ALBION
Drawing Title	SHADOWS
Drawing Issue	Town Planning
Client	KEYWAY

North Point.



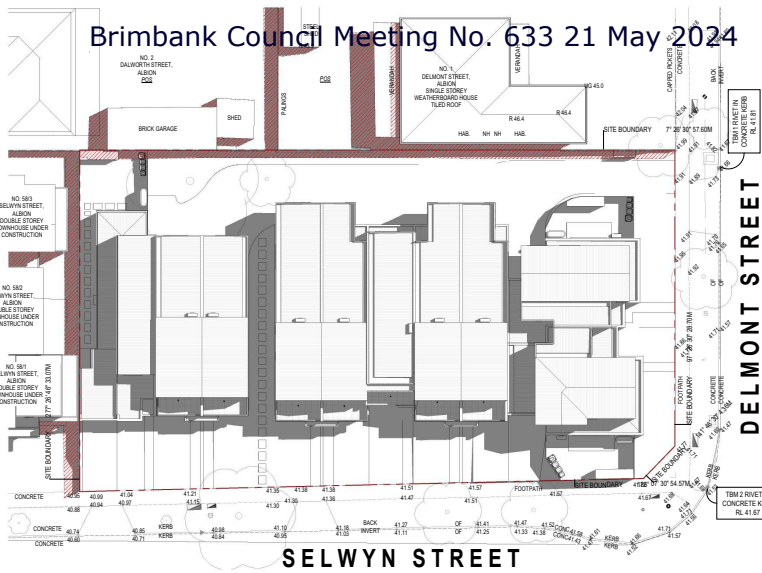
Project Number	231824
Drawing Number	TP.600
Issue Date	DEC 2023
Revision Issue	B
Drawn by	DE
Checked by	GM
Scale	A3 / A1 / As indicated

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
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1PM SHADOWS							
ADDRESS	POS	EXISTING SHADOWS (m²)	EXISTING SHADOWS (%)	PROPOSED SHADOWS (m²)	PROPOSED SHADOWS (%)	REMAINING SHADOWS (m²)	REMAINING SHADOWS (%)
No. 2 DALWORTH ST	210.36m²	27.80m²	13.23%	0 m²	0%	210.36m²	96.77%
No. 581 SELWYN ST	111.05m²	11.36m²	9.97%	0.00m²	0.00%	111.05m²	99.99%
No. 582 SELWYN ST	32.73m²	14.36m²	43.87%	12.93m²	39.50%	19.80m²	60.49%
No. 583 SELWYN ST	79.93m²	14.05m²	17.59%	11.87m²	14.85%	68.06m²	85.40%
No. 1 DELMONT ST	148.61m²	31.75m²	21.35%	0 m²	0%	116.86m²	78.69%

2PM SHADOWS							
ADDRESS	POS	EXISTING SHADOWS (m²)	EXISTING SHADOWS (%)	PROPOSED SHADOWS (m²)	PROPOSED SHADOWS (%)	REMAINING SHADOWS (m²)	REMAINING SHADOWS (%)
No. 2 DALWORTH ST	210.36m²	27.80m²	13.23%	0 m²	0%	210.36m²	96.77%
No. 581 SELWYN ST	111.05m²	11.36m²	10.22%	0.00m²	0.00%	111.05m²	99.99%
No. 582 SELWYN ST	32.73m²	15.16m²	46.32%	11.03m²	33.67%	4.13m²	12.65%
No. 583 SELWYN ST	79.93m²	17.36m²	21.72%	11.87m²	14.85%	68.06m²	85.40%
No. 1 DELMONT ST	148.61m²	44.29m²	29.81%	0 m²	0%	104.32m²	70.19%



3PM SHADOWS							
ADDRESS	POS	EXISTING SHADOWS (m²)	EXISTING SHADOWS (%)	PROPOSED SHADOWS (m²)	PROPOSED SHADOWS (%)	REMAINING SHADOWS (m²)	REMAINING SHADOWS (%)
No. 2 DALWORTH ST	210.36m²	22.87m²	10.87%	0 m²	0%	207.49m²	98.13%
No. 581 SELWYN ST	111.05m²	33.86m²	30.48%	12.46m²	11.22%	77.19m²	69.51%
No. 582 SELWYN ST	32.73m²	16.71m²	51.05%	10.63m²	32.47%	22.10m²	67.52%
No. 583 SELWYN ST	79.93m²	22.20m²	27.78%	11.87m²	14.85%	68.06m²	85.40%
No. 1 DELMONT ST	148.61m²	44.75m²	30.15%	0 m²	0%	103.86m²	69.95%

LEGEND

- EXISTING SHADOW
- PROPOSED SHADOW



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Unit 2, 1 Bk Lane, Fitzroy North 3068

Project Address

52-56 SELWYN STREET, ALBION

Project Number

231824

Rev Description

Date

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Attachment 12.2

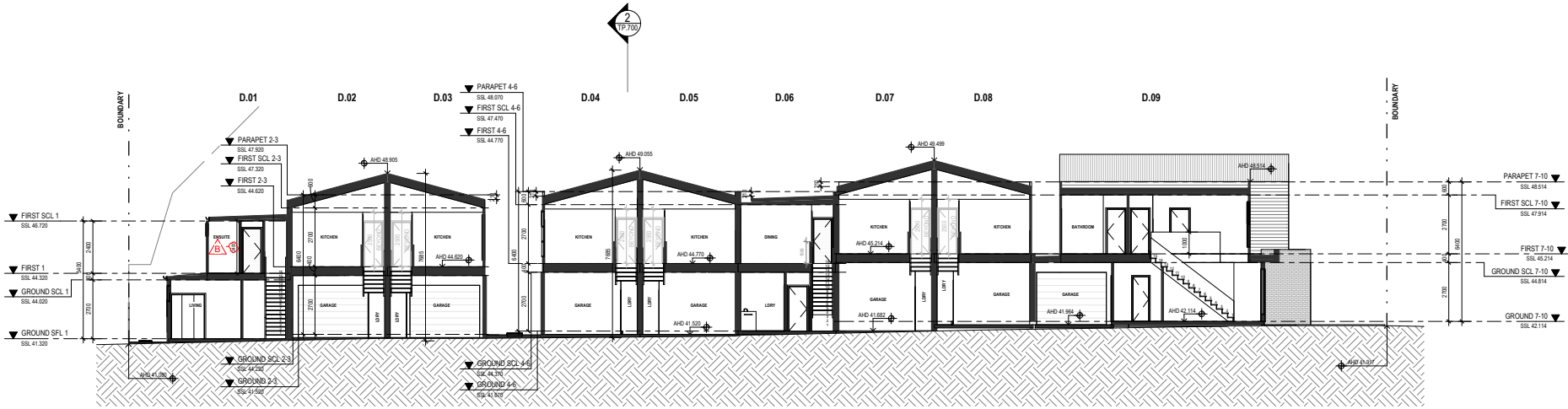
North Point



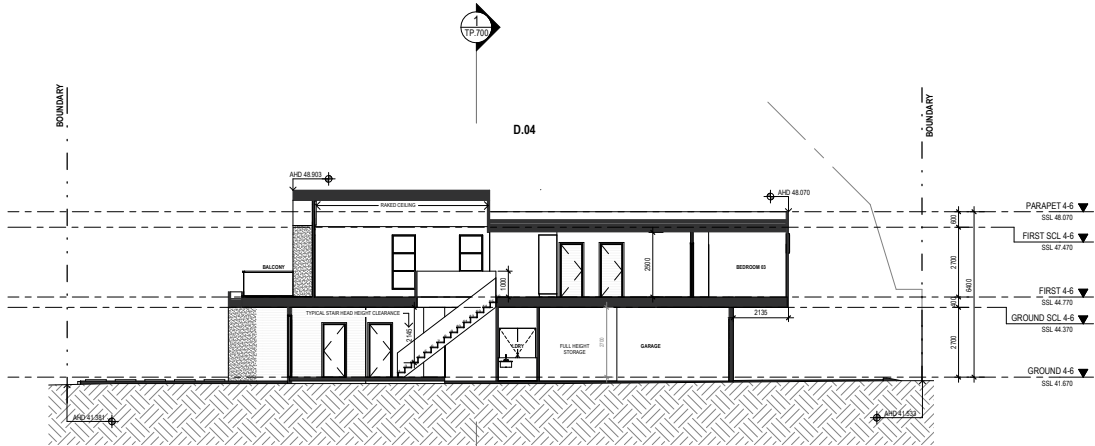
Scale

A3 / A1 / As indicated

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DWG REF.	VIEW NAME
1	SECTION 1
DWG NUMBER	SCALE
TP.200	1 : 100



DWG REF.	VIEW NAME
2	SECTION 2
DWG NUMBER	SCALE
TP.200	1 : 100



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Unit 2, 1 Blk Lane, Fitzroy North 3068

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Project Address
52-56 SELWYN STREET, ALBION
SECTIONS
Town Planning
Client
KEYWAY

Project Number
231824
Drawing Number
TP.700
Issue Date
DEC 2023
Revision Issue
B
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 /
1 : 100

Rev	Description	Date
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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Attachment 12.2.3

Project Address	52-56 SELWYN STREET, ALBION	Project Number	231824
Drawing Title	DESIGN INTENT	Drawing Number	TP.800
Drawing Issue	Town Planning	Issue Date	DEC 2023
Client	KEYWAY	Revision Issue	B
		Drawn by	DE
		Checked by	GM
		Scale	A3 / A1 /

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
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Attachment 12.2.3

Project Address 52-56 SELWYN STREET, ALBION
DESIGN INTENT
Town Planning
Client KEYWAY

Project Number 231824
Drawing Number TP.801
Issue Date DEC 2023
Revision Issue B
Drawn by DE
Checked by GM
Scale A3 / A1 /

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023

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Page Number: 37 of 205
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info@m3group.au
Unit 2, 1 Blk Lane, Fitzroy North 3068

M3 GROUP

Attachment 12.2.3

Project Address 52-56 SELWYN STREET, ALBION
DESIGN INTENT
Drawing Title Town Planning
Drawing Issue KEYWAY
Client

Project Number 231824
Drawing Number TP 802
Issue Date DEC 2023
Revision Issue B
Drawn by DE
Checked by GM
Scale A3 / A1 /

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
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M3 GROUP

Attachment 12.2.3

Project Address 52-56 SELWYN STREET, ALBION
Drawing Title DESIGN INTENT
Drawing Issue Town Planning
Client KEYWAY

Project Number 231824
Drawing Number TP.803
Issue Date DEC 2023
Revision Issue B
Drawn by DE
Checked by GM
Scale A3 / A1 /

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
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Brimbank Council Meeting No. 633 21 May 2024

SPECIFICATION NOTES

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Soil Preparation
Crushed rock, concrete spillage and any other material restrictive to plant growth (e.g. large rocks) shall be removed from the site of any planting beds and semi-advanced trees. All trees to be removed shall be stumped ground and all rubbish/vegetative spoil is to be removed from site. Existing top soil in planting areas is to be preserved so that it does not receive additional compaction from site machinery and so that no rubble or building supplies are stored in these areas.
Any removed top soil is to be used within the root zone of trees to be protected. Any preparation of existing soil levels may be achieved using topsoil imported from elsewhere.

Any imported topsoil is to be of a fine, rubble and other materials damaging to plant growth and is to be of a medium texture (sandy loam) with a pH of 6.0-7.0. Top soil is to be laid over a prepared sub-base which has had any materials damaging to plant growth (e.g. rubble and large rocks) removed, spread to the appropriate depth and cultivated into the existing soil to a minimum depth of 150mm.

Imported top soil is to be light and uniformly compacted in 150mm layers to a minimum depth of 100mm on lawn areas and 300mm on excavated planting beds.

Weed Removal
All weeds shall be thoroughly removed. All vegetative material, including roots and rhizomes of non-woody perennials and woody seedling weeds, is to be removed or appropriate chemical means. The stumps of non-seedling woody perennials are to be stumped ground. All vegetative material shall be appropriately disposed of off site in a manner which will not allow their re-establishment elsewhere. Any chemical controls are to be used in accordance with manufacturers instructions and standard occupational health and safety procedures.
Care must be taken to ensure that all trees to be retained are not damaged during weed removal. This also implies that any herbicide used is suitable for use around the vegetation to be retained.

Planting
Planting shall be carried out using accepted horticultural practices with all plants conforming to the species, size and quantities indicated on the Landscape Plan and Plant Schedule. Plants shall be thoroughly soaked through immersion in water prior to planting and the planting soil is very dry then the planting hole is also to be filled with water and allowed to drain completely.
All plants shall be appropriately hardened off in the nursery. Use plants with the following characteristics: Large healthy root systems with no evidence of root cut or pot bound restriction or damage, vigorous, well established, free from disease and pests and of good form, consistent with the species or variety.

Planting holes for shrubs and groundcovers are to be of minimum size 75mm larger than the planting pot in all directions. Semi-advanced trees planting holes are to be the same depth as the rootball and 2-3 times its diameter, with the top of the hole being at grade. A 75mm high berm is to be constructed at edge of root-ball to hold water. All plants are to be thoroughly watered after planting and slow release fertiliser added at the quantities specified by the manufacturer.

Wine Vine Support
The landscape contractor shall supply and install stainless steel wire cable support for Botanical Name & Botanical Name on the boundary fences as indicated on the Landscape Plan.

Run the cable horizontally along the length of the paling fence for the required length as indicated on the Landscape Plan. Space the cable evenly at 600mm centres - attach with galvanised or zinc eyelets - tension cable with stainless steel turnbuckles to achieve the required tension.

Lawn - Turf
Turf of Hybrid Bermuda (turf or similar) is to be supplied to lawn areas as shown. Turf is to be supplied by a specialist grower and is not to be allowed to dry out between cutting and laying. Turf should be laid in a stretcher pattern so that joints are staggered and is to be lightly tamped following laying. All lawn seedlings are to be thoroughly watered following planting and fertilised with an appropriate lawn starter at the quantities recommended by the manufacturer.

Mulch
Mulch is to be supplied to all garden beds and is to be an organic type laid to a minimum depth of 75mm, consisting of the dark coloured chipped or shredded pine bark or hardwood with not more than 5% fines content by volume (preferably zero fines). The average size of the woodchips must be approximately 10mm x 20mm x 5mm and the maximum length is not to exceed 30mm. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be stockpiled and thoroughly windrowed prior to delivery. Mulch is to be kept back 100mm from the stems of all plants to prevent rot.

Gravel Gravel Surface
Gravel gravel is to be installed where shown comprising of a 50mm layer of gravel (Tussock Topings or similar) over a base course of 75mm deep gently compacted Fine Crushed Rock. Each layer, including the subgrade is to be appropriately compacted.

Timber Edges
Provide 75 x 20mm treated pine edges to all orders between gravel mulch paths and garden beds using 75x25x300mm long treated pine stakes at 1200mm maximum centres. An additional stake is to be provided at joins in the plants.

Irrigation
An approved drip irrigation system is to be supplied to all planter boxes & garden beds. An approved pop-up spray system is to be supplied to all lawn areas. It is the responsibility of the contractor to ensure that all irrigation means manufacturers specifications. The system is to be connected to mains supply and include a rain-shut off device. All pipes are to be buried with approx. 50mm of topsoil cover and shall be anchored at regular intervals to ensure the tubing cannot be dislodged.

Repair/Restoration of damaged Nature-strips
Nature strips are to be restored to current grade with any depressions filled with topsoil to specifications above and lightly compacted in 150mm layers. Areas are then to be re-seeded using an appropriate and matching turf type and the area fenced off to allow the re-establishment of lawn. Re-seeded areas are to be well irrigated and the area supplied with a slow release fertiliser at the quantities recommended by the manufacturer.

Any areas of lawn which have failed to germinate (achieve an evenly green 95% covering of a consistent height) are to be re-seeded within one month of original sowing date.

Plant Establishment Period
There shall be a 12 weeks Plant Establishment Period following the approval of Practical Completion by the responsible authority. During this period the landscape contractor shall make good all defects in haphazard scope of works. Maintenance and Establishment means the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. This shall include, but shall not be limited to watering, fertilising, weeding, pruning, pest and disease control, cultivation, re-laying and replacement of any plants that fail with plants of the same species and size.

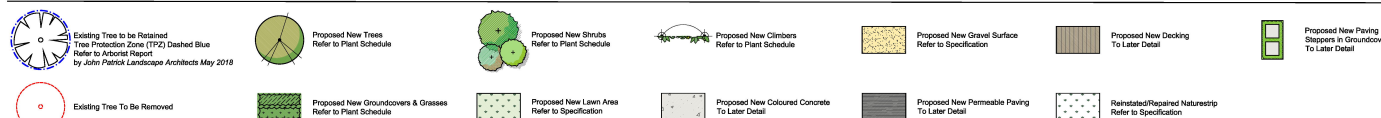
PLANT SCHEDULE

SYM	BOTANICAL NAME	COMMON NAME	DENOM	HEIGHT x WIDTH x MATURITY	MIN SUPPLY SIZE	QTY
TREES						
BSL	Eucalyptus manifesti 'Little Spotty'	Oval Red Spotted Gum	BN	8 x 6m	30cm1.20m	6
LXT	Lagerströmia indica x L. buxifolia	Tussocka Grape Myrtle	DBS	6 x 4m	50cm1.20m	6
NCC	Pinus caryinata 'Chambray'	Chambray Gully Pine	DBS	10 x 6m	50cm1.20m	6
						TOTAL 18
SHRUBS						
AF	Argemonea rubescens	Margurite Daisy	DBS	0.6 x 0.6m	140cm pot	6
CA	Cornus alba	Villita Cornus	BN	1.8 x 1.8m	140cm pot	6
CU	Calluna vulgaris 'Little John'	Little John Hebe	BN	1.2 x 1.2m	140cm pot	6
CO	Cornus ovata	Common Cornus	BN	1.1 x 1.1m	140cm pot	6
CH	Chrysanthemum 'Lion King'	Chrysanthemum	BN	1.8 x 1.8m	140cm pot	6
AB	Abies parvifolia	Orange Jasmine	DBS	2 x 1m (upside)	200cm pot	6
						TOTAL 36
GROUNDCOVERS AND GRASSES						
DCB	Diarrhea carolinensis 'Cassia Blue'	Cassia Blue Rex Lily	BN	0.5 x 0.5m	140cm pot	6
NH	Neorhaphis carolinensis 'Narrow'	Narrow Rhipsalis	BN	0.5 x 1m	140cm pot	6
LH	Lomandra longifolia 'Narrow'	Narrow Lomandra	BN	0.5 x 1m	140cm pot	6
LH	Lomandra longifolia 'Narrow'	Narrow Lomandra	BN	0.5 x 0.5m	140cm pot	6
R	Rosa laetifolia	Tussock Grass	BN	1 x 1m	140cm pot	6
						TOTAL 30
CLIMBERS						
PS	Passiflora peruviana	Climbing Fig	DBS	Self-clinging climber	140cm pot	6
R	Persea carolinensis	Bayberry	DBS	Self-clinging climber	140cm pot	6
T	Trachycarpus fortunei	Star Jasmine	DBS	Twining climber	140cm pot	6
						TOTAL 18

NOTE: * Deciduous / Evergreen

SELWYN STREET

LEGEND



Attachment 12.2.3

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www.johnpatrick.com.au

REVISION
A To Council Request

DATE
15/10/2023

BY
CY

CLIENT
[Redacted]

DRAWING
Landscape Plan
for Town Planning

PROJECT
Proposed Development

52-56 Selwyn Street, Albion

SCALE
1:100 @A1

DATE
OCT 2023

DRAWN
CY

CHECKED
JP

JOB NO
23-38

DWG NO
TP01

CAD FILE
23-38 TPA.dwg

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VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**PLANNING AND ENVIRONMENT DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P675/2019
PERMIT APPLICATION NO. P371/2018**CATCHWORDS**

Townhouses; Respect for neighbourhood character; Existing character; Setbacks and reverse living form;
Waiver of visitor car space; Vehicle access within 6 metres of tangent of intersection.

APPLICANT	Keyway Pty Ltd
RESPONSIBLE AUTHORITY	Brimbank City Council
RESPONDENTS	D Jansen, F Jansen, N Head and J Tesoriero
SUBJECT LAND	52-56 Selwyn Street, Albion
WHERE HELD	Melbourne
BEFORE	Rachel Naylor, Senior Member
HEARING TYPE	Hearing
DATE OF HEARING	9 September 2019
DATE OF ORDER	2 December 2019
CITATION	Keyway Pty Ltd v Brimbank CC [2019] VCAT 1900

ORDER**Amend permit application**

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

Prepared by:	Grove Architecture
Drawing numbers:	TP00-TP18 Rev L, TP20-TP30 Rev F
Dated:	07/08/19
- 2 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by including an additional planning permission to reduce the requirement for one visitor car space to zero.



No permit granted

- 3 In application P675/2019 the decision of the responsible authority is affirmed.
- 4 In planning permit application P371/2018 no permit is granted.

Rachel Naylor
Senior Member

APPEARANCES

For Keyway Pty Ltd (the applicant)

Mr M Stanojevic, town planner of ASK Planning

He called Mr R Fairlie, traffic engineer of Ratio to provide expert evidence

For Brimbank City Council (the Council)

Mr D Joti, principal planner

For D Jansen and F Jansen

Mrs Jansen

For N Head

Mr Head

For J Tesoriero

Ms Tesoriero



INFORMATION

Land description

The site is on the west side of Selwyn Street and located at the corner of Delmont Street. It comprises three lots – Nos. 52, 54 and 56. It has a combined Selwyn Street frontage of 54.55m, a depth of 28.7m and a total area of 1,863sqm. Each lot contains a single storey detached house.



Council advises No. 58, at the corner of Selwyn and Dalworth Streets, has a permit to construct three double storey dwellings on it.

On the opposite side of Selwyn Street is Selwyn Park.

Description of proposal

Nine double storey dwellings that are of contemporary design and have a maximum height of just over 8 metres. There is a mix of traditional layouts (with living areas at ground level) and reverse living layouts (with living areas at first floor level).

Nature of proceeding

Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit.

Planning scheme

Brimbank Planning Scheme

Zone and overlays

General Residential Zone Schedule 1 – Incremental change areas (GRZ1)

No overlay controls apply

Permit requirements

Clause 32.08-6 Construction of more than two dwellings on a lot in GRZ1

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 Keyway Pty Ltd (the applicant) seek planning permission to construct nine houses on the combined three lots at Nos. 52 to 56 Selwyn Street in Albion. The proposed design is for the dwellings to wrap around the two street frontages of Selwyn Street and Delmont Street with rear courtyards and private open space areas. Four of the dwellings have a traditional layout of living areas at the ground floor. Five of the dwellings have a 'reverse living' layout with the principal living areas at first floor level.



Perspective view from corner of Selwyn and Delmont Streets

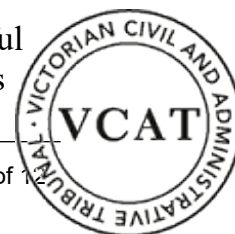
- 2 The Council points out that the planning scheme encourages 'incremental change' in this neighbourhood, including on this site. Specifically, the Municipal Strategic Statement in the planning scheme at clause 21.07-1 supports increased residential densities in the General Residential Zone. Schedule 1 to this zone, which this neighbourhood is located within, is described as an incremental change area. The Council submits incremental change includes units and townhouses. So, in general terms, this proposal to increase the number of houses on this site is acceptable. The residents are concerned that the number of dwellings proposed is too many. Assessing the merits of a planning application for multiple dwellings does not focus upon the number of dwellings. Rather, planning policies focus on the acceptability of the design. If the design response is acceptable, so too are the number of dwellings within the design.

¹ The submissions and evidence of the parties, the supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

- 3 The Council's concerns that led to its refusal of this planning application are that the detail of the design is not respectful of the neighbourhood character. The issues with the design include:
- The form of the buildings;
 - The length of the building forms across the sites and the limited separation between them;
 - The form and presentation of the development to the remaining dwelling in Selwyn Street that forms part of this block, being No. 58 Selwyn Street;
 - The cantilevered elements of the design, which the Council considers is foreign in this neighbourhood (except for at No. 60 Selwyn Street);
 - The front setbacks of the proposed dwellings in both streets;
 - The flat roof design for most of the dwellings when the existing character has pitched roofs;
 - The garages and proposed double crossovers that will dominate the street frontages; and
 - The location, type and size of the private open space for each dwelling.
- 4 The residents share the Council's concerns, particularly given the limited examples of new units and townhouses at this western end of Selwyn Street and because Selwyn Park has recognised heritage significance (with its own Heritage Overlay control). The residents are also concerned about the car parking provision, particularly as the amended proposal (now before the Tribunal) does not provide any visitor car parking.
- 5 For reasons that I will explain, the layout of the proposed dwellings in general terms is acceptable, but there are particular aspects of the design response that are not acceptable. The extent of attached form in Delmont Street and the use of a reverse living style of housing for townhouse 8 are aspects of the design response that do not acceptably respond and fit in to Delmont Street. The requirement for one visitor car space in this development is appropriate to waive in this case. However, the design of the vehicle access to townhouse 7 in Delmont Street is not. It is for these key reasons that I have decided to affirm the Council's refusal to grant a permit.

NEIGHBOURHOOD CHARACTER

- 6 The residents are proud of their neighbourhood and some, like Mrs Jansen, have a long family history of living and working in the area. Selwyn Park and the homes in the eastern section of the surrounding residential estate have recognised heritage significance. Mr Head submits the residential estate was laid out in a 'garden city' subdivision pattern and is a beautiful heritage significant unique suburb. He considers the neighbourhood has



had a tragic past with significant inappropriate development over recent years. This situation, he says, is the background to the development of the Albion structure plan that was adopted by the Council in 2014. Despite this strategic work, the Council has not sought to progress any further strategic work to give particular recognition of this estate in the planning scheme (such as in the form of an overlay control recognising its particular neighbourhood or heritage characteristics or in the form of a neighbourhood character study that analyses and gives recognition to the characteristics in a neighbourhood that a new design should respond to).

- 7 Clause 21.07-3 of the planning scheme states that new development in the General Residential zoned areas will respect the neighbourhood character in terms of appropriate siting, colours and finishes, setbacks, design detail, and landscape setting. There is no specific policy recognition in the planning scheme of this neighbourhood or its characteristics, hence the generic policies to be considered include the strategies 2.1 to 2.8 associated with objective 2 of clause 21.07-3. These strategies use words such as ‘integrate’, ‘preservation’, ‘reflect’, ‘compatible’ and ‘not dominate’. This language does not necessarily reflect the tone of the overarching purpose in the General Residential zone of ‘respecting’ the neighbourhood character. This purpose carries greater weight than the policies in the planning scheme. Planning Practice Note 43, Understanding Neighbourhood Character², explains:

Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change.

...

In simple terms, respect for the character of a neighbourhood means that the development should try to ‘fit in’. Depending on the neighbourhood, there are two broad approaches to respecting character:

- respecting the scale and form of surrounding development
- respecting the architectural style of surrounding development.

Determining whether either or both approaches should influence the design response will depend on the features and characteristics identified in the neighbourhood and site description.

- 8 The applicant points out that Selwyn Street is octagonal, wrapping around the majority of Selwyn Park, and there are already different forms of new housing established on some of the properties around it. The Understanding Neighbourhood Character practice note does not suggest that it is necessary to consider the broader neighbourhood (e.g. all the properties along Selwyn Street), but rather the immediately surrounding

² Understanding Neighbourhood Character. Planning Practice Note 43. Department of Environment, Land, Water and Planning. January 2018



properties. It further suggests about five properties either side of the site and the same extent of properties across the road and at the rear of the site.

- 9 Within this immediate context, the applicant submits this design is a reflection of what has been approved on Nos. 58 and 60. No. 58 is not yet built and No. 60 is completed. The applicant's written submission describes how it considers the features of the design respect the neighbourhood character, but the submission does not actually identify the existing characteristics of the neighbourhood. The Council's submission does identify common characteristics of the older established pattern of housing, which it says still predominates, including:
- Single dwellings on large lots that are predominantly single storey with two examples of two storey extensions at 4 and 8 Dalworth Avenue;
 - Pitched roofs that are predominantly hipped;
 - Generally one crossover with garages and outbuildings behind the front wall of the dwellings;
 - Dwellings generally set back between 6 and 9 metres from the street with generous landscaping at the front and rear of the site; and
 - Low site coverage of around 25 to 30%
- 10 The Council's submission also acknowledges the emerging medium density housing, describing in its submission:
- Attached double storey houses at No. 60 that have a mix of flat roof and gable elements; and
 - Attached double storey houses with a rear single storey house at No. 50.
- 11 I have inspected the neighbourhood. I agree with the Council's description and also note:
- Some single houses have been renovated with modern additions that are more in keeping with the contemporary townhouse developments than the older housing stock.
 - No. 50 is an attached development with setbacks to first floor elements. It features face brickwork at ground floor, render first floors, hipped tiled roofs and garages that have similar setbacks to the front entries to the dwellings.
 - No. 60 is an attached development with a mix of face brickwork and render at ground floor, render at first floor, parapets at ground level and hipped roofs with gables presenting to the street frontages at first floor level, and garages that are recessed (other than for the dwelling on the corner with frontage to Selwyn Street).



- There is often low or no front fencing, including low transparent fencing.

- 12 The proposed dwellings fit are separated into pairs along Selwyn Street as evident in the streetscape below.



Selwyn Street streetscape

- 13 It was pointed out during the hearing that townhouse 1 does not meet standard B17 in regard to its side setback from No. 58. Regardless of whether No. 58 is developed in accordance with its planning permit for three dwellings, it is appropriate for this proposal to meet this standard. In this neighbourhood where side setbacks exist and single storey development dominates, respecting the neighbourhood should include compliance with this standard. Hence, the design of townhouse 1 requires modification.
- 14 The proposed dwellings do not feature hipped or gable roofs in Selwyn Street and have cantilevered elements at first floor level. These differences by themselves are not sufficient reason to find that the design is not respectful of the neighbourhood character. As the planning practice note states, respecting does not mean replicating what exists. Change is encouraged, hence the flat and skillion roof forms and the extent of cantilevered elements along Selwyn Street are acceptable.
- 15 In Delmont Street, the design response changes and gable forms are introduced, which is appropriate in a residential street dominated by the older established housing stock. However, the separation achieved at ground and first floor levels in Selwyn Street is largely lost in Delmont Street. Townhouses 7 and 8 are fully attached at ground and first floor levels, and townhouses 8 and 9 are separated at first floor level by 1.5 metres. Some of the first floor cantilevered elements also appear larger or more significant than those along Selwyn Street. I note the proposed extent of attached form is similar to the development approved on No. 58, facing Dalworth Street but that has a different context. The existing townhouses at No. 60 also face Dalworth Street, hence the existing neighbourhood character is different to that in Delmont Street as it already contains attached two storey houses. I am not persuaded the extent of attached form and the extent of cantilevered elements in Delmont Street are acceptable. Greater separation between dwellings at ground and first floors and the

extent of first floor cantilevering over the ground floor in the street frontage needs to be considered.

- 16 The design includes dwellings that have a 'reverse living' layout in townhouses 1, 3, 5, 7 and 8. That means the principal living areas with balconies that are larger than the minimum required are provided at the first floor level of the townhouse.



Proposed ground floor layout plan

- 17 The applicant acknowledges that the policies in the planning scheme only encourage reverse living in the Residential Growth zone³. I am not persuaded it is appropriate to apply this strategy from clause 21.07-1 to the context of Selwyn Street. Reverse living designs are particularly desirable in locations that have an outlook, such as of the coastline or a waterway or of a park or parkland/bushland. The applicant submits reverse living has been a deliberate inclusion in this design because of its outlook onto Selwyn Park and that first floor balconies will provide surveillance and activation of the parkland. This is an acceptable design response along Selwyn Street. However, I am not persuaded it is an acceptable design response for townhouse 8 in Delmont Street. This type of residential accommodation does not exist in Delmont Street and this townhouse has no

³ Strategy 1.4 in clause 21.07-1

outlook of Selwyn Park. A different design response should be considered for townhouse 8.

CAR PARKING PROVISION

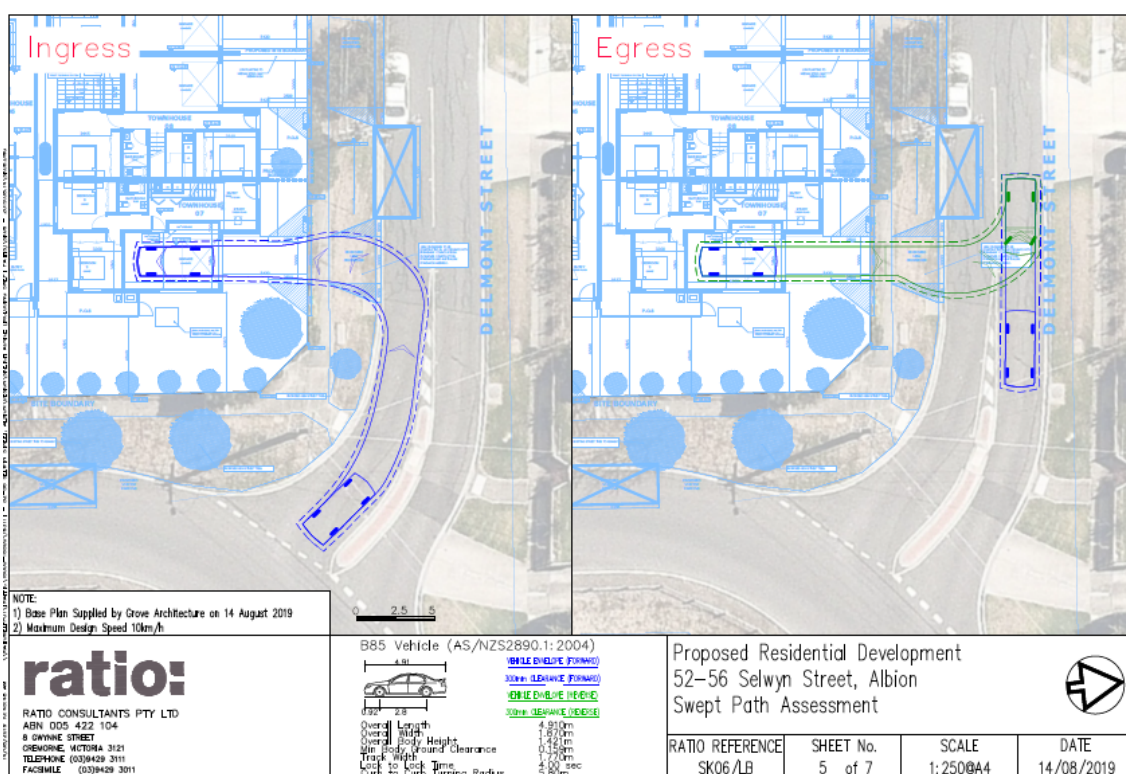
- 18 The amended proposal before the Tribunal includes changes to the size of the dwellings (as all four bedroom dwellings removed and the number of three bedroom dwellings increased), and the removal of the visitor car space that was adjacent to townhouse 6.
- 19 The proposal provides all the required car spaces for the dwellings. The only planning permission that I am being asked to give is to not provide a visitor car space.
- 20 Selwyn Street is about 6.8 metres wide near the site. Mr Fairlie explains this can accommodate two way traffic that navigates around any unrestricted kerbside parallel parking on the west side of the street adjacent to the site. No stopping restrictions apply along the park side of the street. The proposed crossovers to the dwellings result in the loss of two on-street spaces in Selwyn Street and one on-street space in Delmont Street. So, in addition to not providing a visitor space, this proposal results in the loss of three on-street spaces.
- 21 I accept Mr Fairlie's evidence that the typical visitor car parking demand will be in the order of one to two cars. It is often put to the Tribunal that the peak demand for visitors is the evenings and on weekends. The Council submits the justification for the waiving of the visitor space relies on the site having reasonable access to public transport and on-street parking availability.
- 22 I agree with the Council that the nearest bus stop is over 650m from the site (and across Selwyn Park), and the nearest train station is over 1.1 kilometres away. Hence, access to public transport is 'reasonably good' (as it was described by Mr Fairlie during Council's cross-examination) but not sufficient reason of itself to support the visitor car space waiver.
- 23 Mr Fairlie's car parking surveys on a Saturday and Thursday illustrate a higher demand for car parking during the day on a Saturday, yet overall the on-street parking demand was 'low' (to use Mr Fairlie's description). Mr Head points out this end of Selwyn Street services tennis courts, a car park and a neighbourhood house. Mr Fairlie did not observe any activities in these facilities during his surveys, so it is possible that these activities would generate additional on-street parking demand. However, Mr Fairlie's surveys of the areas immediately surrounding this site and the various Nearmap aerial images tabled demonstrate very low on-street parking demand. Whilst there will be peak parking demands, particularly associated with sporting facilities or activities at the neighbourhood house, provision of parking is generally assessed on an average day rather than a peak day of demand. As such, the material before me suggests opportunities to park on-street close to this site will remain on an average



day. Given this, I find the loss of on-street parking because of the proposed crossovers and the waiver of one visitor car space is acceptable.

LOCATION OF TOWNHOUSE 7 CROSSOVER

- 24 Townhouse 7 is located at the street corner of Selwyn and Delmont Streets. Its crossover and driveway are located on the curved road entry to Delmont Street, which the Council considers to be a prohibited location based on Australian Standard AS/NZS:2890.1.2004. The Council submits the Australian Standard specifies a minimum distance of 6 metres from the tangent point of the kerb to a domestic driveway and Mr Fairlie's evidence statement identifies the crossover is approximately 0.97 metres from the tangent. The Council says the proposed crossover and driveway location impacts on traffic safety, and the residents agree.



Swept paths into and out of townhouse 7 driveway with the curved intersection shown.

- 25 Mr Fairlie does not dispute that this crossover is located in a prohibited location based on figure 3.1 in the Australian Standard. Mr Fairlie considers the 'significant' 12 metre setback from the intersection is a more relevant distance than the tangent point. His evidence statement identifies 'other Councils in Melbourne' (and orally he identified Moonee Valley during the hearing) have formal vehicle crossover policies that require a 10 metre setback from the road intersection rather than the tangent point. I am not persuaded the policies utilised by other Councils should be afforded greater weight than this Council's policy. Mr Fairlie identifies that this Council has a policy relating to the construction of a new vehicle crossover

The policy states it will not approve a crossover in particular circumstances including within the prohibited locations of the Australian Standard. So, the location based on the Australian Standard is not met.

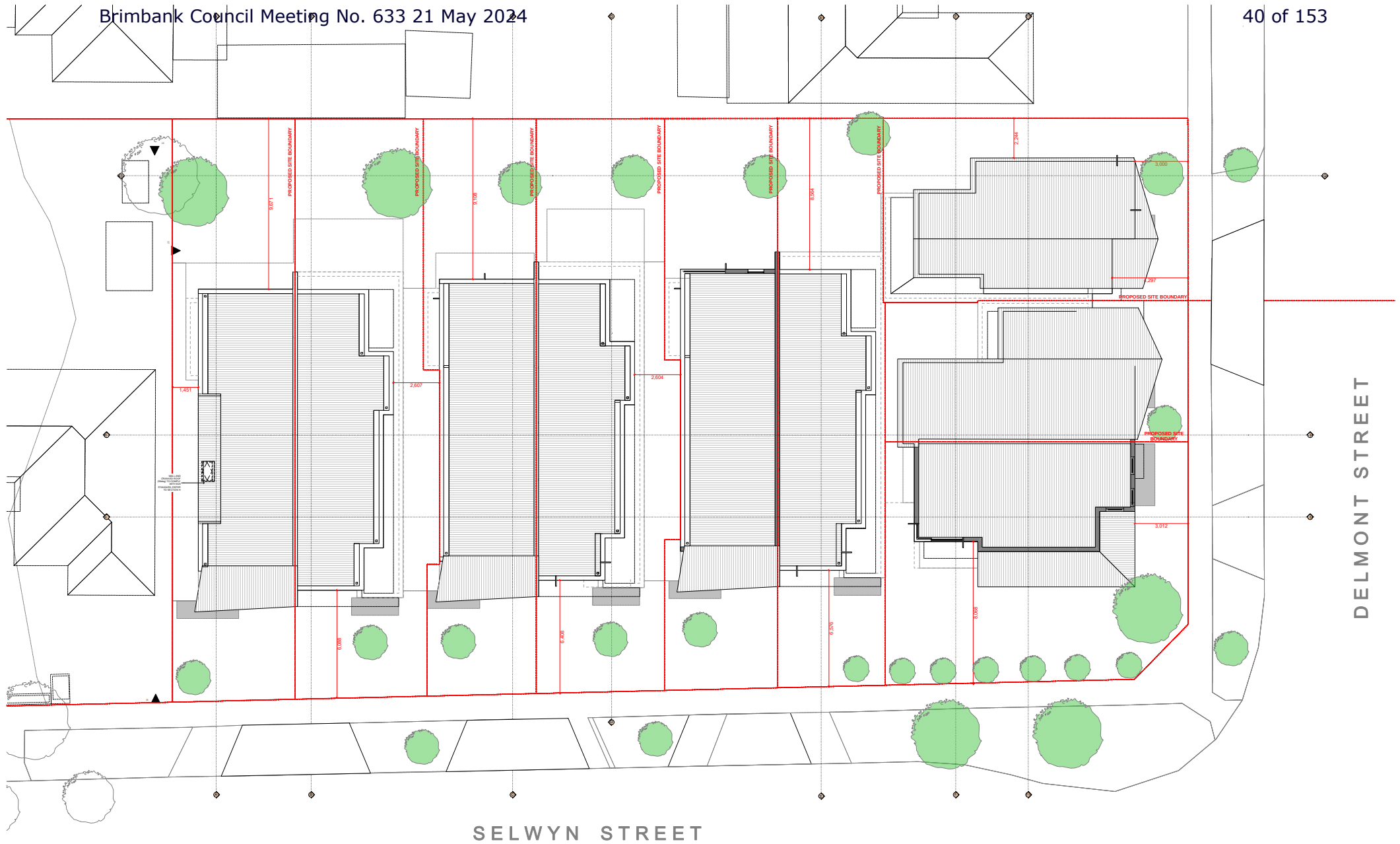
- 26 Mr Fairlie submits there will be good exit visibility along Delmont Street and the crossover will only cater to two vehicles who will be regular users. Mr Fairlie points the prohibited locations for access driveways in figure 3.1 includes crossovers at the head of (or opposite) the intersecting street. He referred to examples of where this has been permitted in this municipality, and he considers there would be a 'substantial number of residential properties' with their crossovers opposite intersecting streets. I am not persuaded the specific examples he referred to are comparable to the road configuration before me in this case. These examples are generally located at the head of the intersection, where the equivalent location in this case would be the park side of Selwyn Street. Also, the examples appear to be of straighter roads rather than the curved road arrangement in this case.
- 27 Mr Fairlie describes the existing situation as a low speed environment influenced by the pedestrian island in the middle of Delmont Street. The residents describe this intersection as dangerous. I have no material before me about the traffic volumes passing through this intersection, including during peak times when there are activities at Selwyn Park and the other facilities. Nor is there any information about the speed of vehicles entering Delmont Street. Hence, I am unable to conclude whether this is a dangerous intersection or a low speed environment, particularly entering Delmont Street from Selwyn Street.
- 28 I agree with the Council's submission that this proposal is a new design which is not encumbered by any on-site constraints. Therefore, it is not a physical impossibility to achieve a design in accordance with the Australian Standard. The 6 metre distance from the tangent point is just to the north of townhouse 7's driveway. Hence, it is possible that the layout of the development could be modified so that the driveways, and particularly townhouse 7's driveway, are located further to the north.

CONCLUSION

- 29 For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

Rachel Naylor
Senior Member





ROOF PLAN
SCALE 1:100 @ A1 1:200@A3

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Attachment 12.2.4

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G	NEW DESIGN ISSUE	JMG	29/10/2018
H	TOWN PLANNING RFI ISSUE	SW	31/12/2018
I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019

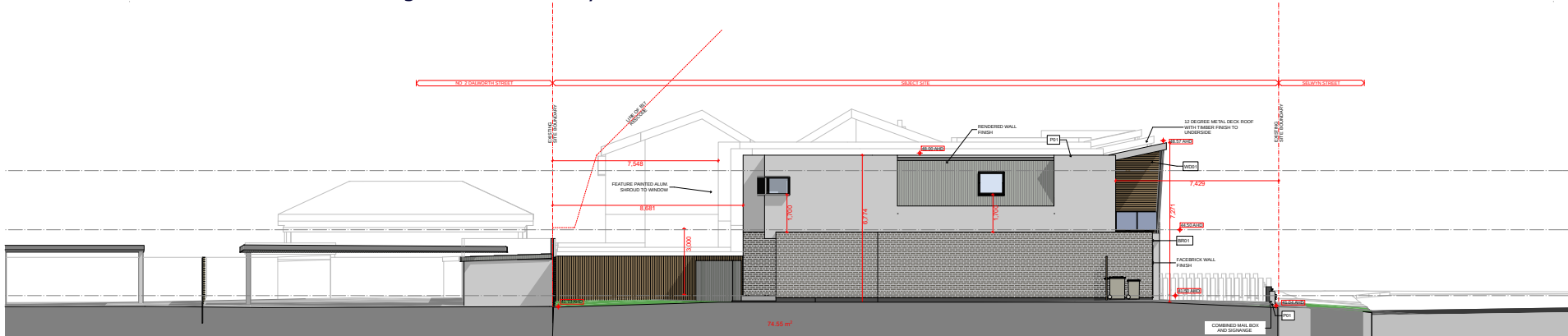
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Project
NEW TOWNHOUSE DEVELOPMENT
52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

Drawing
ROOF PLAN
Drawing Number
TP07
Project Status
TOWN PLANNING/VCAT
Scale

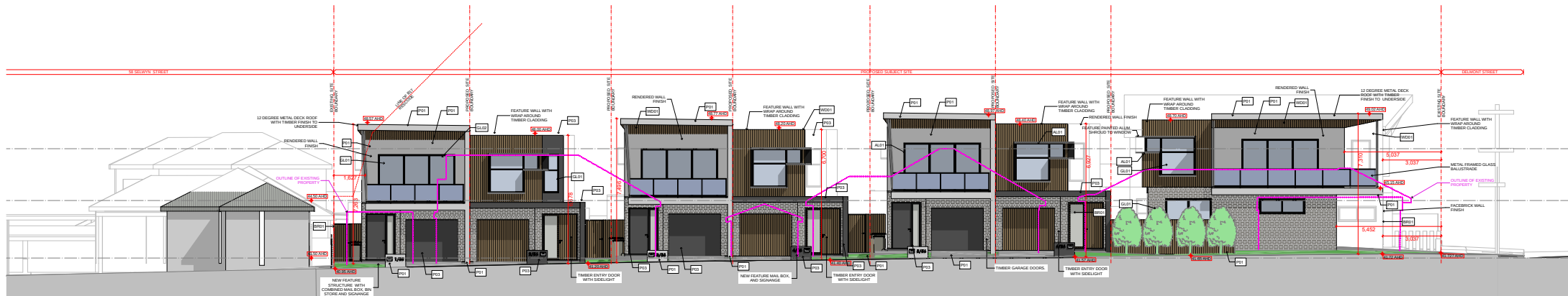
Revision

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SOUTH ELEVATION
SCALE 1:100 @ A1 1:200@A3

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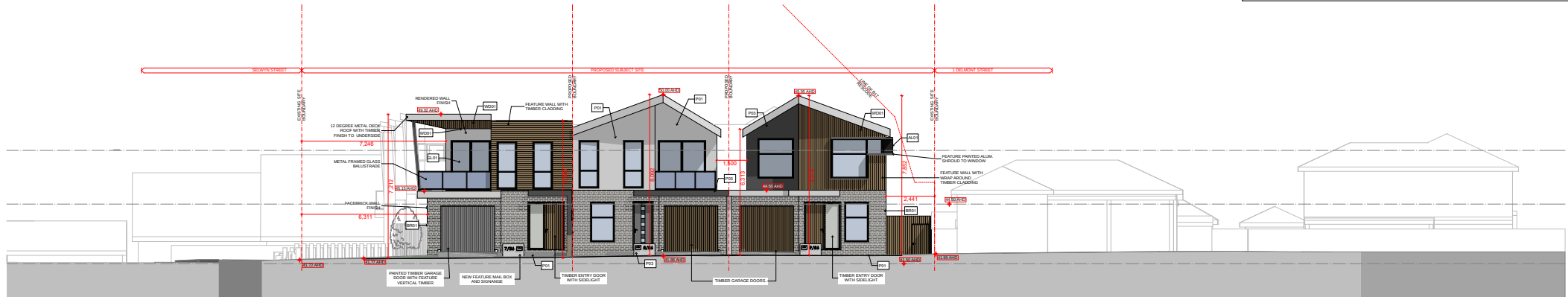


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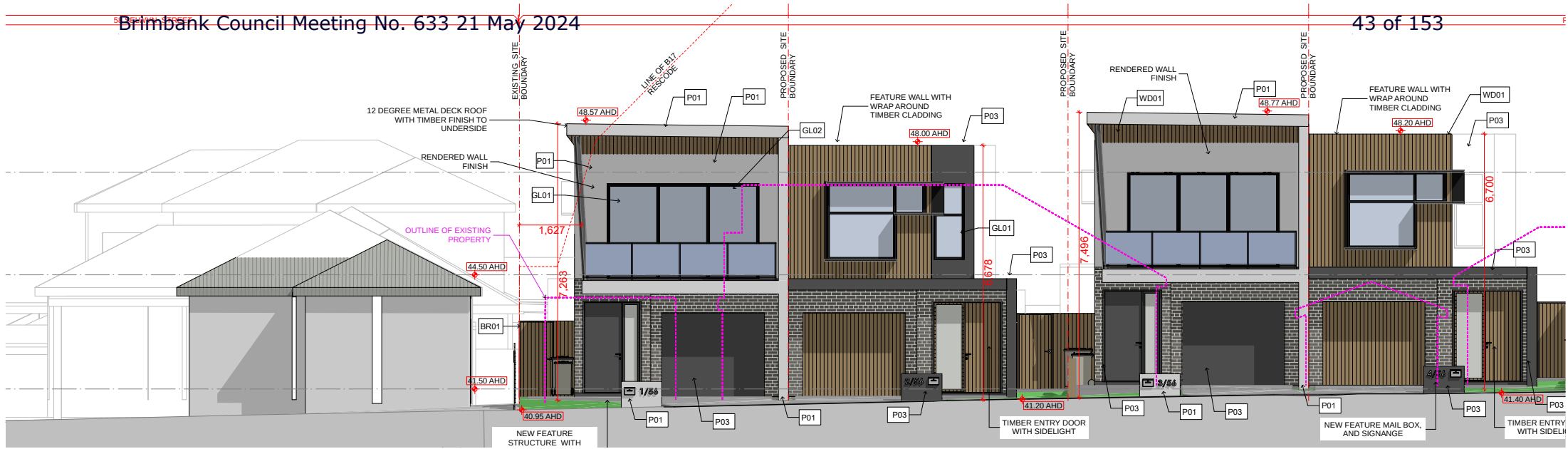


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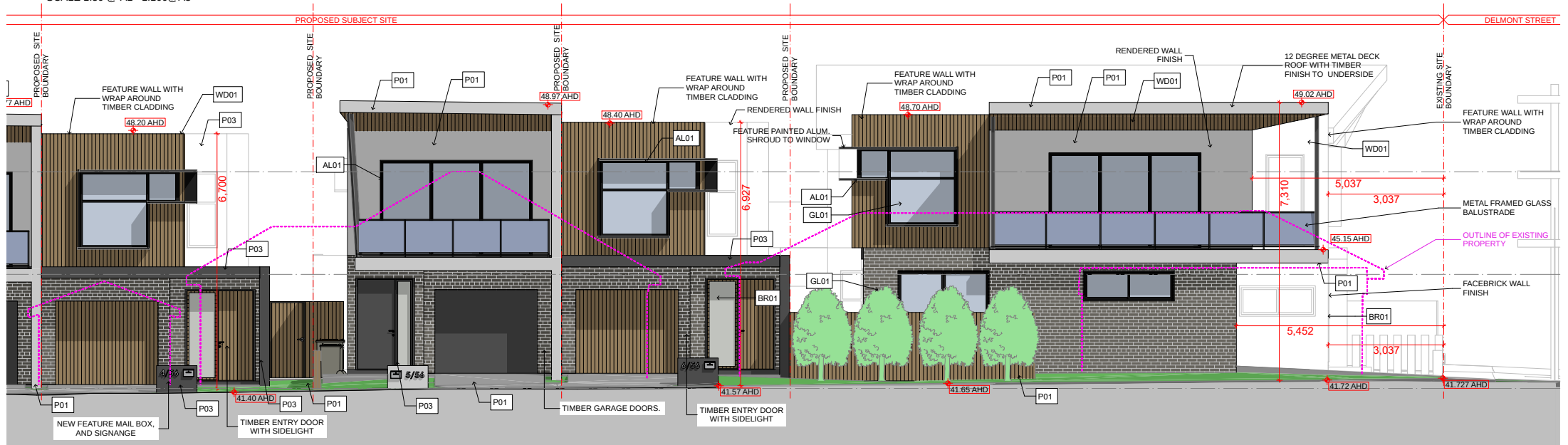
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NORTH ELEVATION
SCALE 1:100 @ A1 1:200@A3



PART EAST ELEVATION 1
SCALE 1:50 @ A1 1:100@A3



PART EAST ELEVATION 2
SCALE 1:50 @ A1 1:100@A3

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H	TOWN PLANNING RFI ISSUE	SW	15/11/2018
I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019

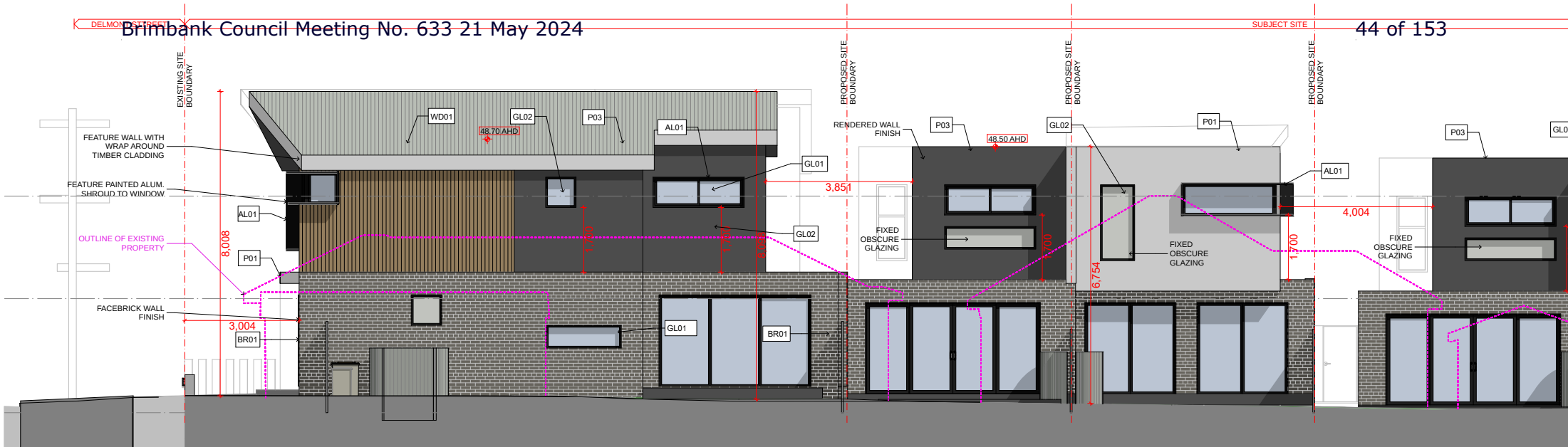
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Project
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52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

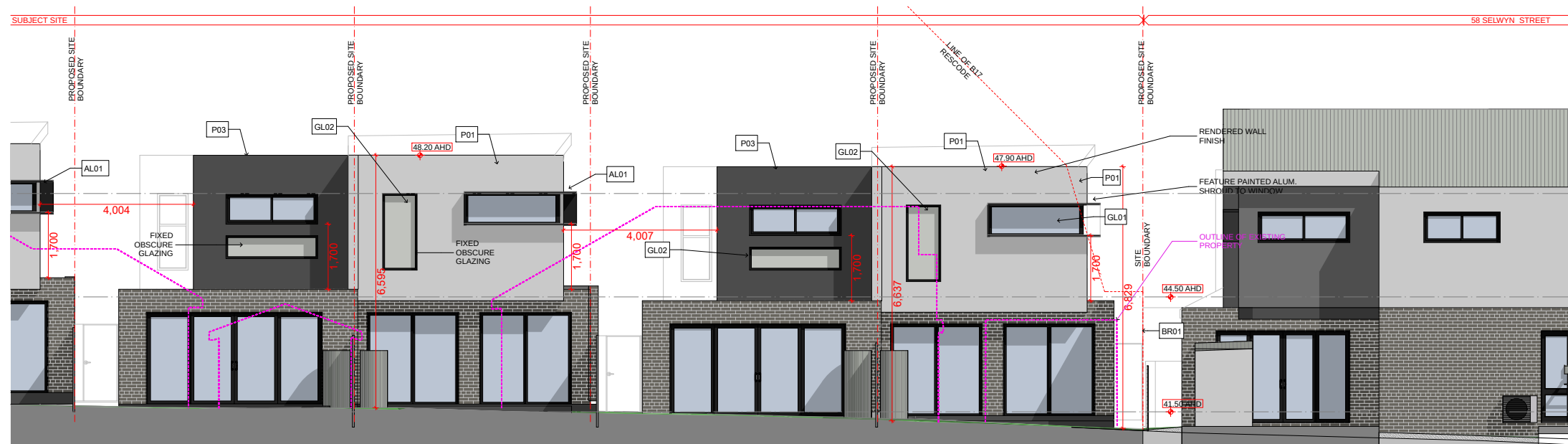
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Project Status
TOWN PLANNING/VCAT
Scale

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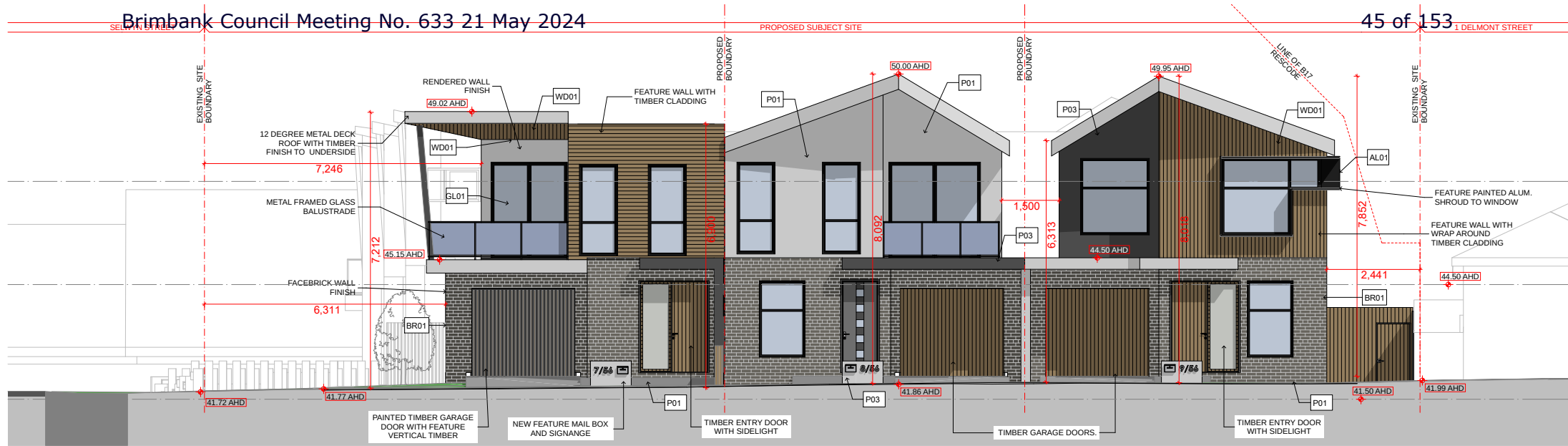
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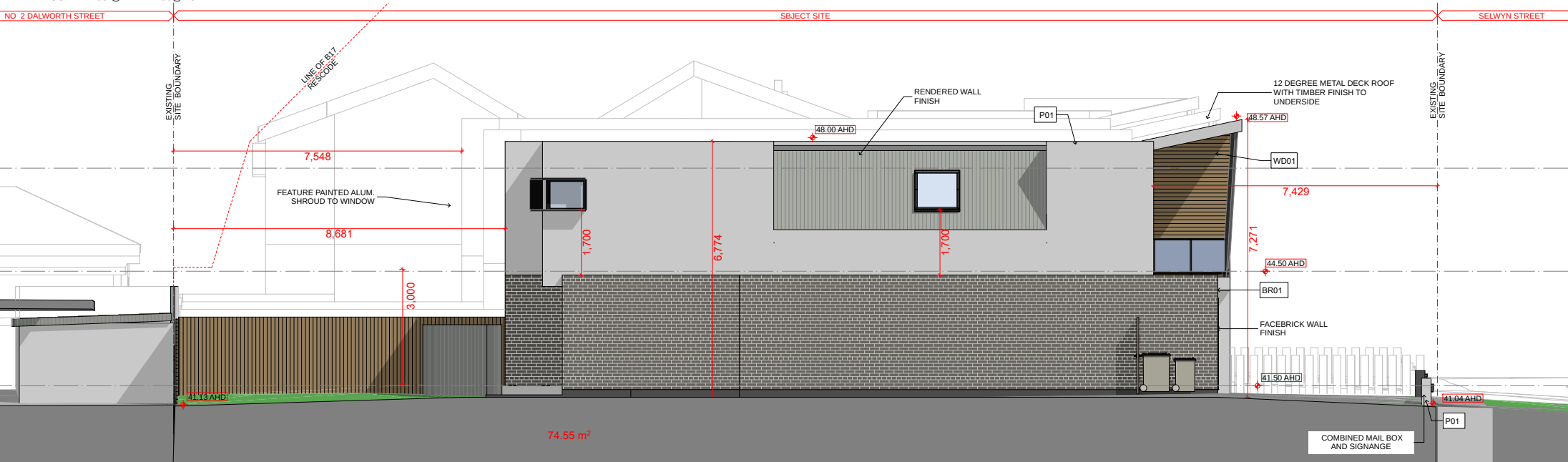
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NORTH ELEVATION
SCALE 1:50 @ A1 1:100@A3



SOUTH ELEVATION
SCALE 1:50 @ A1 1:100@A3

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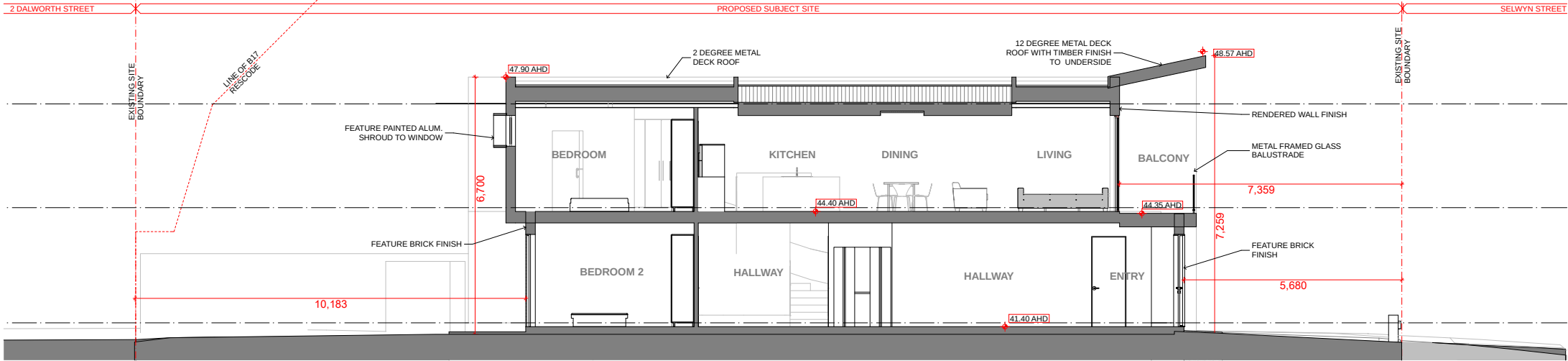
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Project
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52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

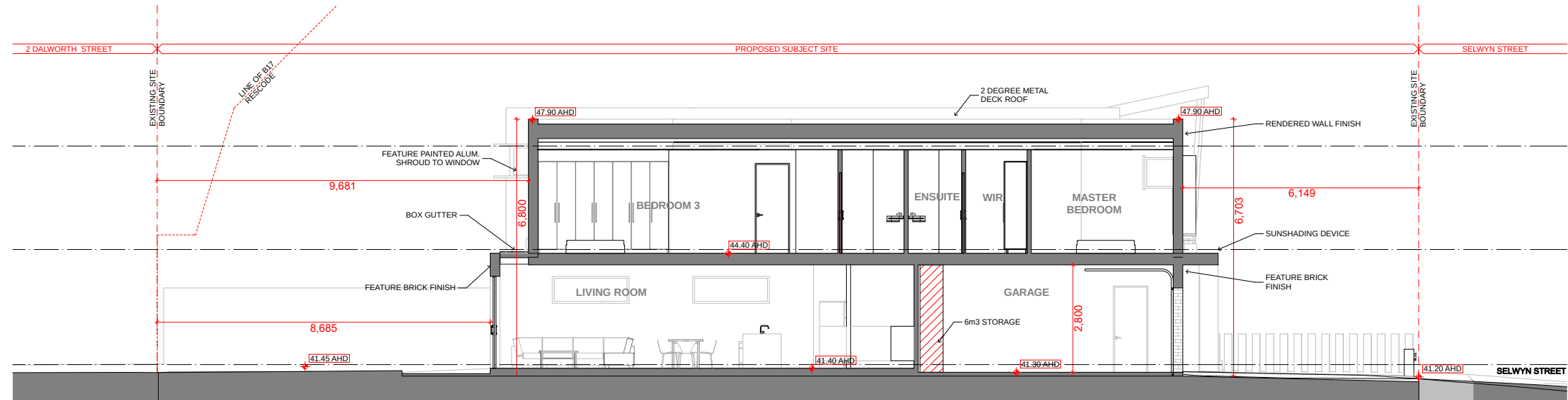
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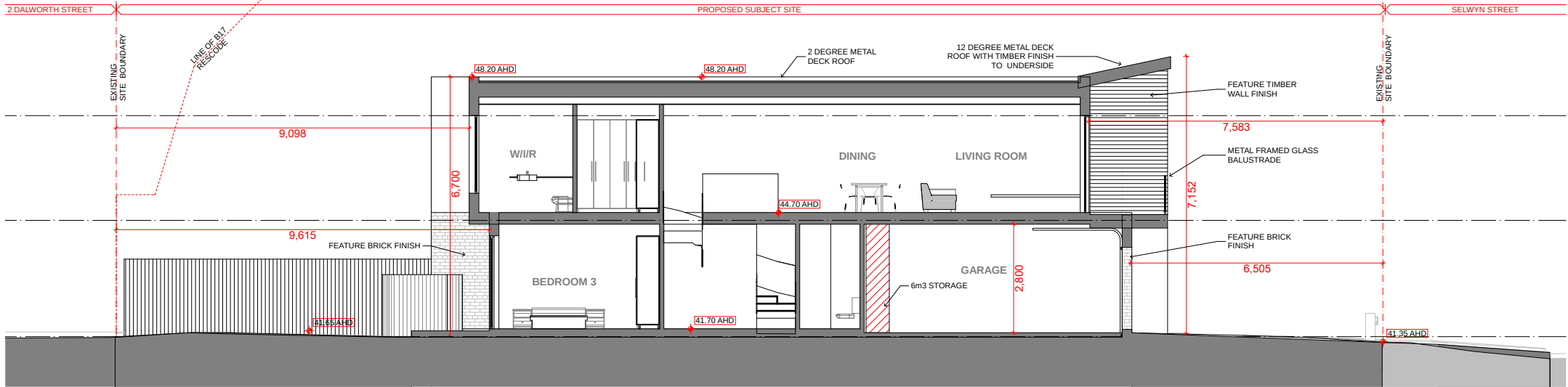
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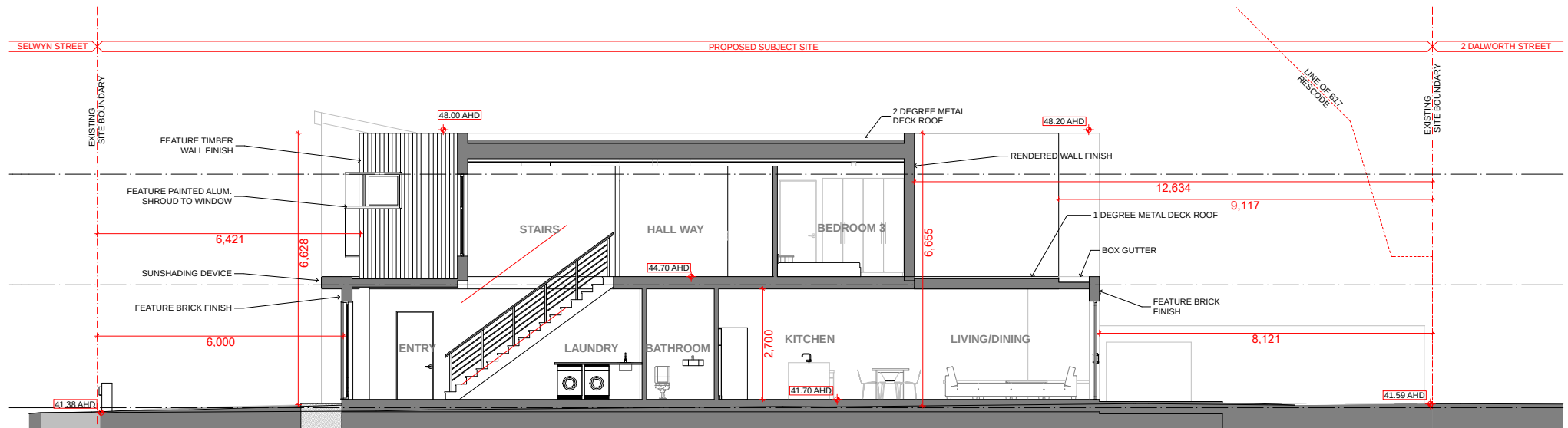
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SECTION B
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SECTION C
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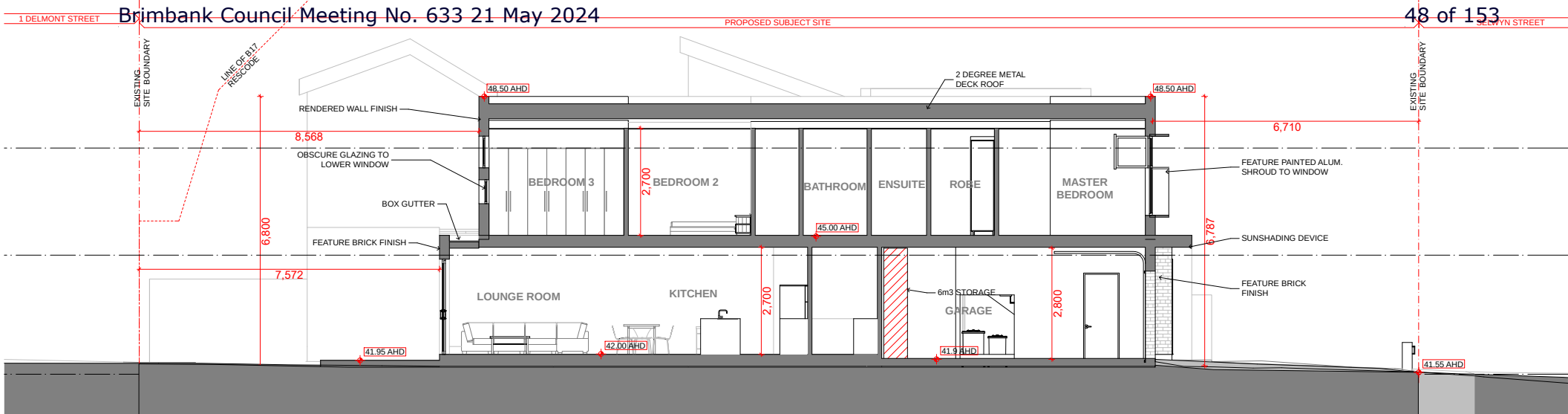


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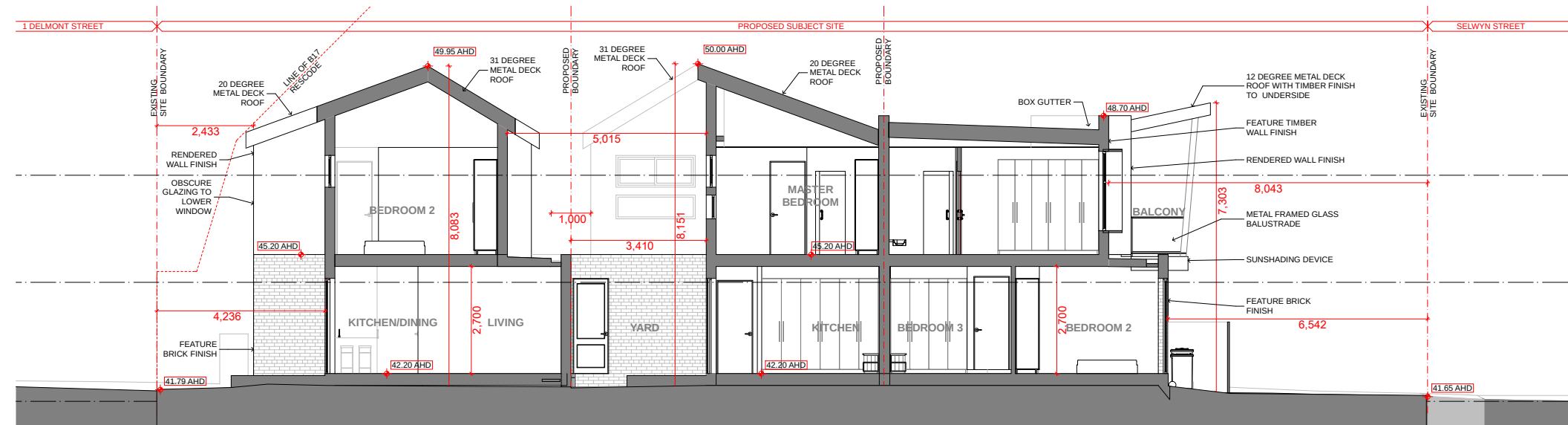
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L	UPDATED VCAT ISSUE	JMG	07/08/2019

Project	NEW TOWNHOUSE DEVELOPMENT
Project Number	52-56 SELWYN STREET ALBION VIC
Project Status	17123

Drawing	SECTIONS 2
Drawing Number	TP14
Project Status	TOWN PLANNING/VCAT
Scale	Scale



SECTION E
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SECTION F
SCALE 1:50 @ A1 1:100@A3



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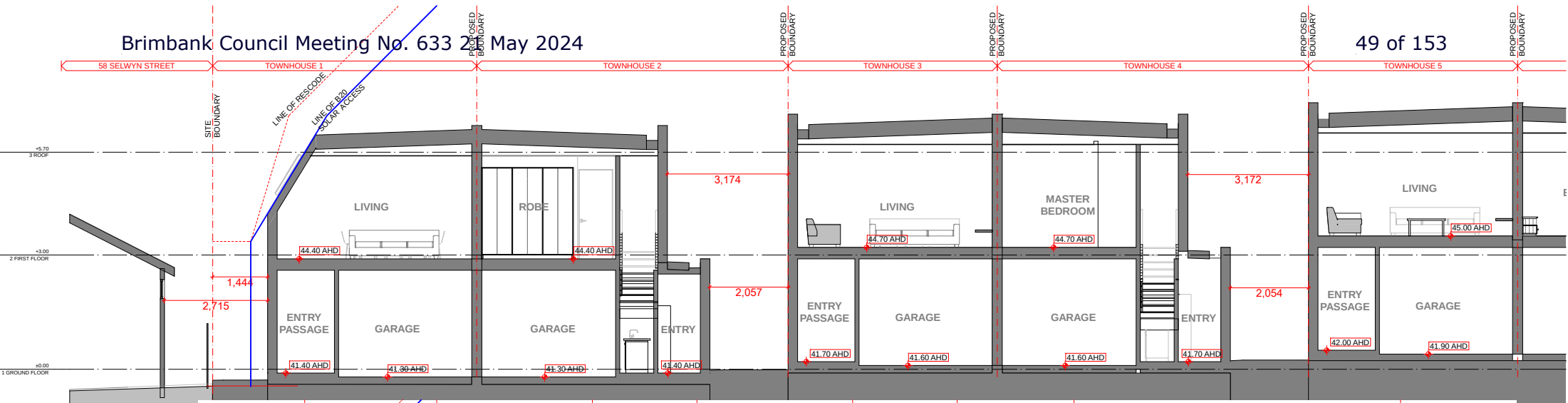
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52-56 SELWYN STREET
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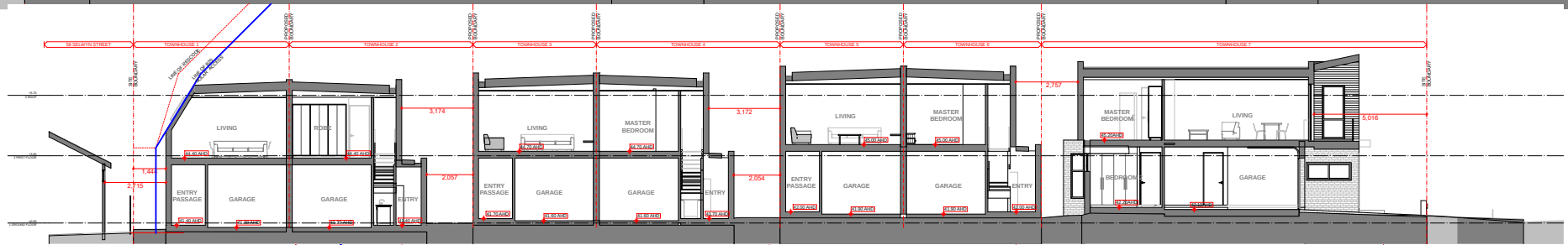
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Project Status
TOWN PLANNING/VCAT
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Brimbank Council Meeting No. 633 20 May 2024

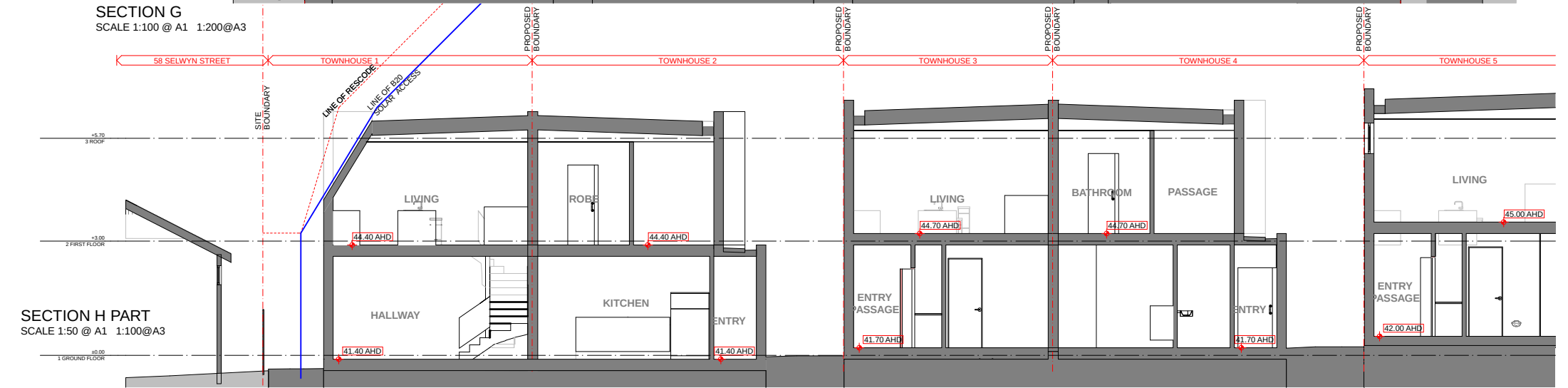
49 of 153



SECTION G PART
SCALE 1:50 @ A1 1:100@A3



SECTION G
SCALE 1:100 @ A1 1:200@A3



SECTION H PART
SCALE 1:50 @ A1 1:100@A3

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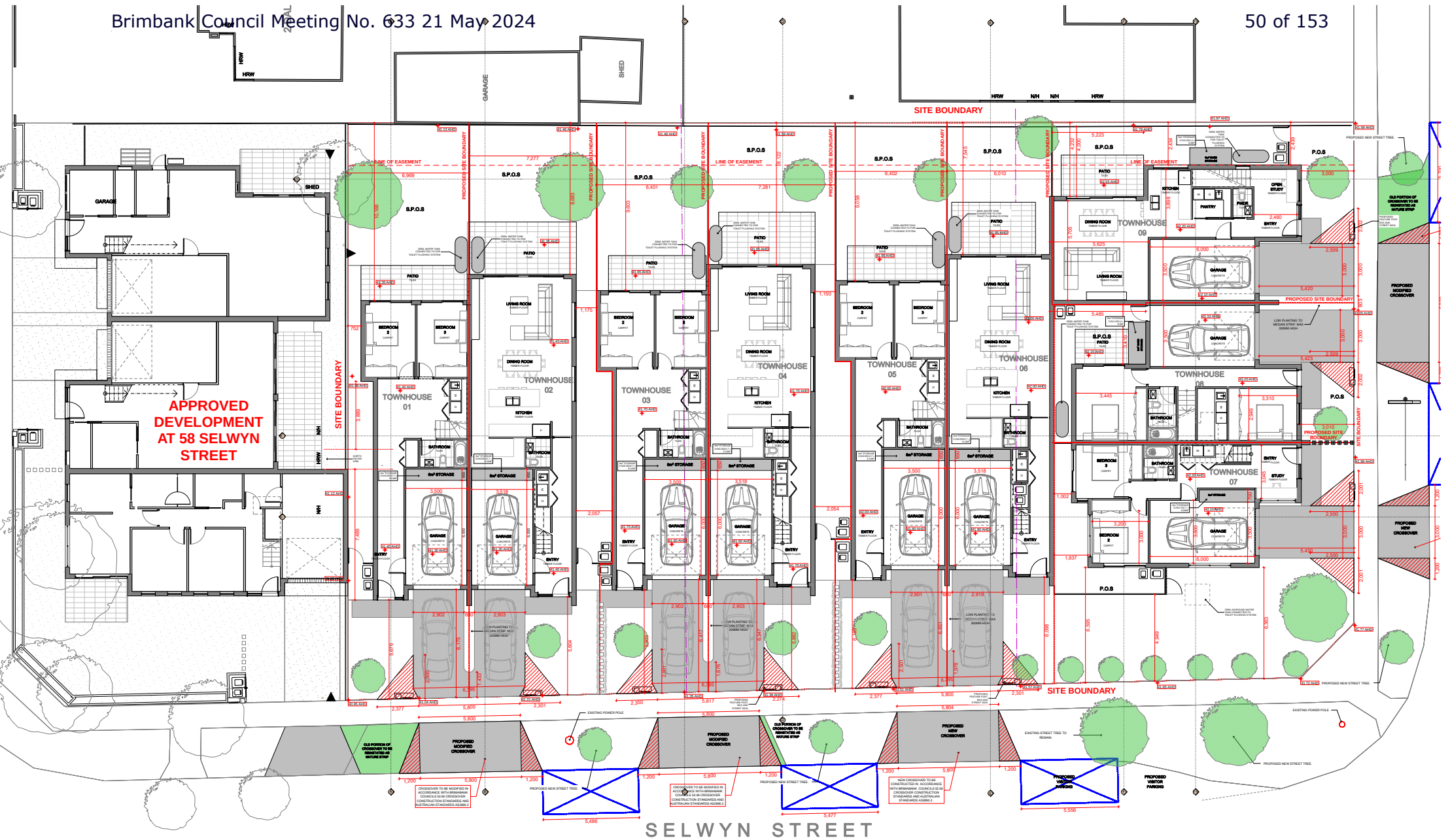
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Project
NEW TOWNHOUSE DEVELOPMENT
52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

Drawing
SECTIONS 4
Drawing Number
TP16
Project Status
TOWN PLANNING/VCAT
Scale

Revision

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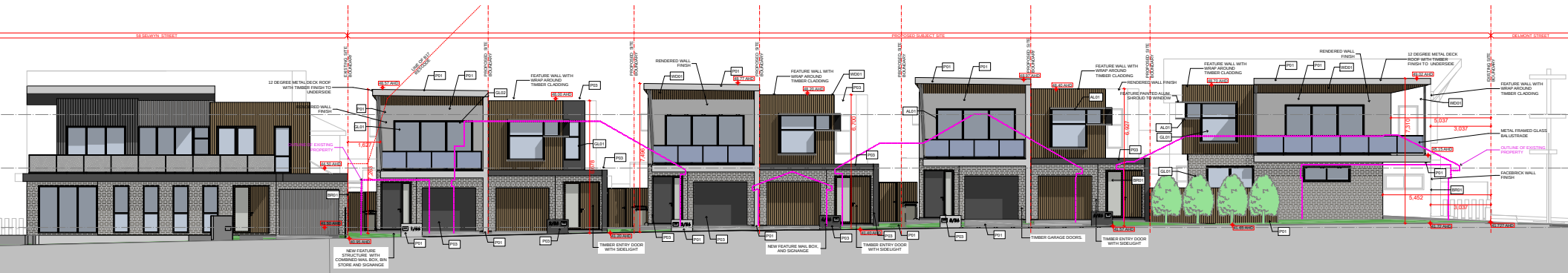


GROUND FLOOR PLAN (WITH APPROVED DEVELOPMENT AT 58 SELWYN STREET SHOWN)
SCALE 1:100 @ A1 1:200@A3





PART EAST ELEVATION (WITH APPROVED DEVELOPMENT AT 58 SELWYN STREET SHOWN)
SCALE 1:100 @ A1 1:200@A3



EAST ELEVATION (WITH APPROVED DEVELOPMENT AT 58 SELWYN STREET SHOWN)
SCALE 1:100 @ A1 1:200@A3



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Project
NEW TOWNHOUSE DEVELOPMENT
52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

Drawing
EAST ELEVATION W APP DEV @58 SELWYN
Drawing Number
TP18
Project Status
TOWN PLANNING/VCAT
Scale

Brimbank Council Meeting No. 633 21 May 2024

LEGEND
52 of 153

- EXISTING TREE (TO BE RETAINED)
None on subject site - Refer to report by John Patrick Consultant Arborist - May 2018
- EXISTING TREE (TO BE REMOVED)
14 on subject site - Refer to report by John Patrick Consultant Arborist - May 2018
- PROPOSED EVERGREEN CANOPY TREE
- PROPOSED DECIDUOUS CANOPY TREE
- LARGE SHRUBS OR SMALL TREES
- SHRUBS
- GRASSES/LILLIES & OTHER ACCENT PLANTS
- GROUNDCOVERS

- PROPOSED MULCHED GARDEN BEDS
- SELECTED WARM SEASON TURF (Such as 'Palmetto' Buffalo grass)
- PROPOSED COLORED CONCRETE PAVING (To Architects Detail)
- PROPOSED PERMEABLE PAVED SURFACE (Such as 600x300x30mm 'Bluestone pavers' - Or similar)
- PROPOSED 'PERMEABLE GRAVEL' PAVING (Such as LIDYALE TOPPINGS OR SIMILAR)
- PROPOSED 500x500x30mm BLUESTONE PAVERS (Or similar) AS STEPPING STONES
- PROPOSED FLEXIBLE ALUMINIUM GARDEN BED EDGING

PLANT KEY

Code	Botanical Name	Common Name	Ht. x Width at Maturity	Pot Size / Planted Height	No. Req
TREES					
J.m.	Jacaranda mimosifolia	Jacaranda	9-11x2.8m	50cm/2m	3
L.n.	Lagerstroemia Natchez'	Natchez	6-7x4.5m	50cm/2m	6
P.c.s.	Pinus cerasifera 'Crimson Spire'	Crimson Spire	8x4m	50cm/2m	3
P.c.s.	Pinus 'Capital'	Capital Pine	9-11x4.5m	50cm/2m	3
T.L.	Tillandsia lutea 'Lucius'	Lucius	8-10x6-7m	50cm/2m	3
LARGE SHRUBS					
S.d.	Syringium 'Sunset Delight'	Sunset Delight	3x1.5m	30cm	17
V.s.	Viburnum 'Aureolatum'	Aureolatum	3x1.5m	30cm	23
SHRUBS / PERENNIALS / GROUNDCOVERS					
D.g.	Dodonaea 'Green Sheen'	Green Sheen	2x1m	20cm	30
G.c.	Grevillea 'Red Clusters'	Red Clusters	0.5x1m	15cm	29
M.p.	Munroa paniculata	Orange Jessamine	2x1m	20cm	58
N.f.	Nandina 'Fire'	Fire	0.3x0.4m	20cm	31
R.s.	Raphanistrum 'Snow Maiden'	Snow Maiden	1.0x0.6m	20cm	54
S.s.	Sarcococca 'Serpens'	Blue Chalk Sticks	0.2x0.6m	15cm	70
W.w.g.	Wynneville 'Wynneville Gem'	Wynneville Gem	2x1.3m	20cm	14
ACCENT PLANTS / RUSHES / GRASSES					
A.c.	Arthropodium cinctum	Renga renga Lily	0.5x0.6m	15cm	35
D.r.	Dianella 'Little Rev'	Little Rev	0.3x0.3m	15cm	87
L.p.	Lupinus 'Evergreen Giant'	Giant Tuft Lily	0.5x0.6m	15cm	44
L.t.	Lomandra 'Tanki'	Tanki	0.5x0.5m	15cm	72
S.r.	Stellaria reginae	Bird of Paradise	1.2x1m	30cm	15

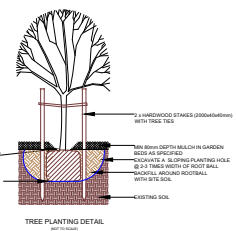
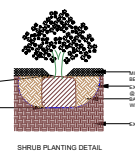
To be maintained @ this height x width

Refer to Arboricultural Report - 'John Patrick Consultant Arborist' May 2018 (Free table below extracted from report)

Tree No.	Botanic Name	Common Name	Size (m)	DBH (cm)	TPE (m)	Age	Health	Structure	UPE	Act. Value	Comments
1	Grevillea robusta	Silky Oak	9 x 5	18	2.2	Semi-mature	Good	Good	0	Low	Developing tree with good structure.
2	Grevillea robusta	Silky Oak	4 x 4	10, 10, 20	2.0	Mature	Fair-good	Fair-poor	0	Low	Decay in branch butt.
3	Lagerstroemia speciosa	Cherry Myrtle	9 x 4	12, 18, 15	3.2	Semi-mature	Dormant	Fair	0	Low	Neighbouring tree. One main stem topped.
4	Melaleuca styphalioides	Prostrate Paperbark	9 x 2.0	15, 8	2.0	Semi-mature	Good	Fair-poor	0-10	Low	Outside property
5	Malus sp.	Apple	5 x 7	15, 22	3.5	Mature	Fair	Fair-poor	10-20	Low	Street tree. Codominant from rear base. Crossing structures. Major stem removed. Pruned for powerline clearance.
6	Liquidambar styraciflua	Liquidambar	9 x 6	34	4.1	Semi-mature	Dormant	Fair	0-10	Low	Large, exposed root exposed. Multiple pruning wounds low on trunk with insect activity evident.
7	Acer negundo	Box Elder	5 x 5	12, 11, 12	2.4	Semi-mature	Dormant	Fair-poor	0-10	Low	Street tree. Decay in 2 of 3 main stems.
8	Pinus cerasifera 'Natchez'	Cherry Plum	4 x 4	10, 10, 10	2.0	Mature	Fair-poor	Fair-poor	0-10	Low	Street tree. Multiple previous prunings with decay present in wounds. Insect activity. Epiphytic stems at base.
9	Callistemon sp.	Bottlebrush	6 x 5.5	24, 20	4.0	Over mature	Fair-poor	Fair-poor	0-10	Low	Spacer foliage. Codominant from rear base with stems leaning apart.
10	Pinus serotina	Christmas Heath	6 x 4	12, 15, 12	3.1	Mature	Good	Fair-poor	10-20	Low	Multi-attachments at 1m with included bark.
11	Melaleuca styphalioides	Bull Bay	7 x 2	21	2.5	Semi-mature	Fair	Fair-poor	10-20	Low	Codominant at 1.5m with included bark. Suppressed by Tree 10.
12	Pinus sp.	Plum	5.5 x 4	15, 15, 15	2.9	Mature	Fair-poor	Fair-poor	0-10	Low	Previously topped at 2.5m. Epiphytic growth. Decay in wound near base.
13	Malus sp.	Apple	5 x 4	15, 15, 15	2.8	Mature	Fair	Fair-poor	0-10	Low	Previously topped. Multi-attachments at 3m. Prunus browned.
14	Pinus sp.	Plum	6 x 2.5	15, 17, 19	3.6	Over mature	Dormant	Fair	0-10	Low	Previously topped at 4m. Epiphytic growth. Multi-attachments. Tight union. Extensive insect damage to foliage.
15	Pinus serotina	Christmas Heath	4.5 x 0.8	15	2.0	Semi-mature	Fair-good	Fair	10-20	Low	Neighbouring hedge.
16	Fraxinus angustifolia	Desert Ash	6 x 5.5	32	3.8	Semi-mature	Dormant	Fair	10-20	Low	Street tree. Extensive epiphytic growth. Pruned for powerline clearance.
17	Pinus serotina	Christmas Heath	9 x 9	16, 90	6.0	Semi-mature	Fair-good	Fair-poor	0	Low	Weed.
18	Lagerstroemia speciosa	Cherry Myrtle	13 x 9	50	6.0	Mature	Good	Fair-poor	10-20	Low	Medium
19	Melaleuca styphalioides	Snow in Summer	10 x 9.5	15, 19	10.5	Over mature	Fair-poor	Fair-poor	10-20	Low	Medium
20	Pinus sp.	Plum	8 x 10	25, 15, 18	4.1	Over mature	Fair-poor	Fair-poor	0	Low	Fungal pruning holes in lower trunk. Decay in main stems. Previously topped. Suppressed.
21	Callistemon sp.	Bottlebrush	5 x 3	10, 8	2.0	Semi-mature	Good	Fair	0	Low	Weed.
22	Fraxinus angustifolia	Desert Ash	1.7 x 0.5	<15	2.0	Juvenile	Dormant	Fair	10-20	Low	Outside property
23	Callistemon sp.	Bottlebrush	6.5 x 2	<15	2.0	Semi-mature	Fair-good	Fair	10-20	Low	Outside property
24	Callistemon sp.	Bottlebrush	3 x 2	17	6.0	Semi-mature	Good	Fair	10-20	Low	Outside property

ESTABLISHMENT & MAINTENANCE NOTES

- The site is to be cleared of all debris and buildings rubble.
- All weed species on site shall be eradicated. Use glyphosate based herbicide. (At least 3 week prior to planting).
- 3.5% shall be incorporated into garden bed areas. A 5-way 'Landscaping Blend' soil mix, or any weed free sandy loam/clay mix with added compost, should be added to a minimum depth of about 150mm. Minimum depth of 50mm of free draining 'Sandy Loam' topsoil with 20% added organic matter to be installed to all lawn areas.
- Plant species shall be true to type and there should be no alterations or substitution of nominated species or cultivars without the written consent of the Landscape Architect.
- All plant stock shall be checked by Contractor and must be healthy and disease free.
- Planting must be undertaken in accordance with sound horticultural practices, with holes dug to twice the size of the root ball. Holes should be backfilled, to top of root ball. Avoid excessive compaction of soil.
- All plants must be thoroughly hand watered just after planting.
- Slow release fertiliser, suitable for mixed plant species (eg 9-month osmocote), shall be applied at time of planting in accordance with manufacturer's recommended dose rates and application methods.
- All garden beds areas shall be mulched to a minimum depth of 80mm with a fine grade 'pine bark/leuca mulch' blend.
- An automated 20mm PVC irrigation system to be installed to all garden bed areas. Typically use 'Netatun' 20mm PVC irrigation system. 20mm pressure compensating 13mm 'trickle tube' irrigation system @ 300mm centres for garden beds (or similar). Use pressure reducing valves after the landscape. All lawn areas to have min 120mm adjustable pop-ups installed.
- All concrete paving for driveways to be to Architects / Engineers details.
- All 'Patio Tiles' to be to Architects / Engineers Detail. Lay stepping stones on 40mm thick mortar pads on compacted subgrade.
- 'Uydale' toppings' as permeable trafficable surface to be min compacted depth of 80mm over free draining compacted rock subgrade.
- All lawn areas to be 'Palmetto' soft leaf Buffalo turf laid in accordance with suppliers specifications on compacted and levelled free draining topsoil as specified. Add lawn starter fertiliser at manufacturers recommended rates at time of laying. Note - 'Palmetto' instant turf must be topdressed (5mm depth) with 'turf sand' at time of laying to stop roots drying out and to provide a level surface.
- Garden bed / lawn / path edging to be 'Uniradex' 300x100mm flexible aluminium edging installed as per manufacturers specifications and finished flush with path (compacted topping) level. (UNIRADIX edging - 180045457).
- The Landscape Contractor should provide a minimum 13 week establishment maintenance program during which time any dead, dying or diseased plant material is replaced. Litter is removed and weeds are eradicated.
- Accent plants to be pruned of old leaves only. Allow natural shape to develop. Maintain all stems no greater than those listed in the plant key. Cut back small accent plants biannually after main flowering period. Evergreen shrubs as hedges to be maintained at size nominated in plant key. Large shrubs and trees to be pruned for shape as necessary.



Attachment 12.2.4

Proposed Residential Development, 52-56 Selwyn Street, Albion

LANDSCAPE PLAN

ALX Ventures Pty Ltd

Designed G.C.
Drawn G.C.
Approved G.C.
Date 16/07/2019

Faulkner & Chapman
landscape design
106 Cole St, Brighton, Vic 3186
ph: 9596 0059 mb: 0417 381 304
e-mail: faulknerchapman@optusnet.com.au
Landscape Architecture and Horticultural Consultancy
Members of the Australian Institute of Landscape Architects, Landscape Institute Association of Victoria

Scale 1:100 @ B1
Project Ref. 52-56SelwynLP1
Drawing No. 01
Rev. -
Drawing Ref. C:\Users\FAULK\OneDrive\LANDSCAPE PLANS 2019\52-56SELWYN.LDWG

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P532/2021
PERMIT APPLICATION NO. P340/2020**CATCHWORDS**

Application under section 77 of the *Planning and Environment Act 1987* to review a refusal to grant a permit; Brimbank Planning Scheme; General Residential Zone 1 – Incremental Change Areas; nine (9) double storey dwellings and reduction of visitor parking; repeat appeal; neighbourhood character; reverse living; detailed design; landscaping; amenity and car parking.

APPLICANT	ALX Ventures Pty Ltd
RESPONSIBLE AUTHORITY	Brimbank City Council
RESPONDENTS	Dianne Jansen & Frank Jansen
SUBJECT LAND	52-56 Selwyn Street ALBION VIC 3020
HEARING TYPE	Hearing
DATE OF HEARING	29 October 2021
DATE OF ORDER	23 November 2021
CITATION	ALX Ventures Pty Ltd v Brimbank CC [2021] VCAT 1405

ORDER

- Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

Amended plans

Prepared by:	Grove Architecture
Drawing numbers:	TP00 – TP18 inclusive
Revision:	V
Dated:	08/09/2021

3D Perspectives

Prepared by:	Grove Architecture
Drawing numbers:	TP20 – TP30 inclusive
Revision:	I
Dated:	04/11/2020 and updated on 08/09/2021

Landscape plan

Prepared by: Faulkner and Chapman Landscape Design

Drawing number: 01

Dated: 07/09/2021

- 2 In application P532/2021 the decision of the responsible authority is affirmed.
- 3 In planning permit application P340/2020 no permit is granted.

Christopher Harty
Member

APPEARANCES

For ALX Ventures Pty Ltd	Mr Mark Stanojevic, Town Planner from Ask Planning Services Pty Ltd
For Brimbank City Council	Ms Irene Plakidis, Town Planner from Refine Town Planning
For Dianne Jansen and Frank Jansen	Mrs Dianne Jansen



INFORMATION

Description of proposal	Construction of nine (9) double storey dwellings and a reduction of car parking associated with one visitor car parking space.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Brimbank Planning Scheme.
Zone and overlays	General Residential Zone Schedule 1 – <i>Incremental Change Areas (GRZ1)</i> Development Contributions Plan Overlay Schedule 2 – <i>Brimbank Development Contributions Plan (DCPO2)</i>
Permit requirements	Clause 32.08-6 - to construct two or more dwellings on a lot
Relevant scheme policies and provisions	Clauses 11, 15, 16, 18, 21.02, 21.04, 21.06, 21.07, 21.10, 22.02, 32.08, 45.06, 52.06, 53.18, 55, 65 and 71.02
Land description	The site is on the west side of Selwyn Street and located at the corner of Delmont Street. It comprises three lots – Nos. 52, 54 and 56. It has a combined Selwyn Street frontage of 54.55m, a depth of 28.7m and a total area of 1,863sqm. Each lot contains a single storey detached house. Council advises No. 58, at the corner of Selwyn and Dalworth Streets, has a permit to construct three double storey dwellings on it. On the opposite side of Selwyn Street is Selwyn Park.
Tribunal inspection	19 November 2021 unaccompanied



REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 ALX Ventures Pty Ltd (**applicant**) seek planning permission to construct nine (9) double storey dwellings on the combined three lots at Nos. 52, 54 and 56 Selwyn Street in Albion (**site**). Figures 1 and 2 show the site and its relationship with Selwyn Park opposite. Brimbank City Council (**Council**) determined on 4 February 2021 to refuse to grant a permit. The applicant has lodged a review of Council's decision.



Figure 1: The site opposite Selwyn Park



Figure 2: The site comprising 52, 54 and 56 Selwyn Street

- 2 The proposed design is for dwellings 1 to 8 to front Selwyn Street and dwelling 9 facing Delmont Street with dwelling 8 wrapping around the

¹ The submissions of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

corner with sideage to Delmont Street (refer to Figures 3 to 5). The design includes four of the dwellings with a traditional layout of living areas at the ground floor. Five of the dwellings have a 'reverse living' layout with the principal living areas at first floor level. These 'reverse living' layouts propose balconies facing Selwyn Park across the road to the east.



Figure 3: Perspective view from Selwyn Street

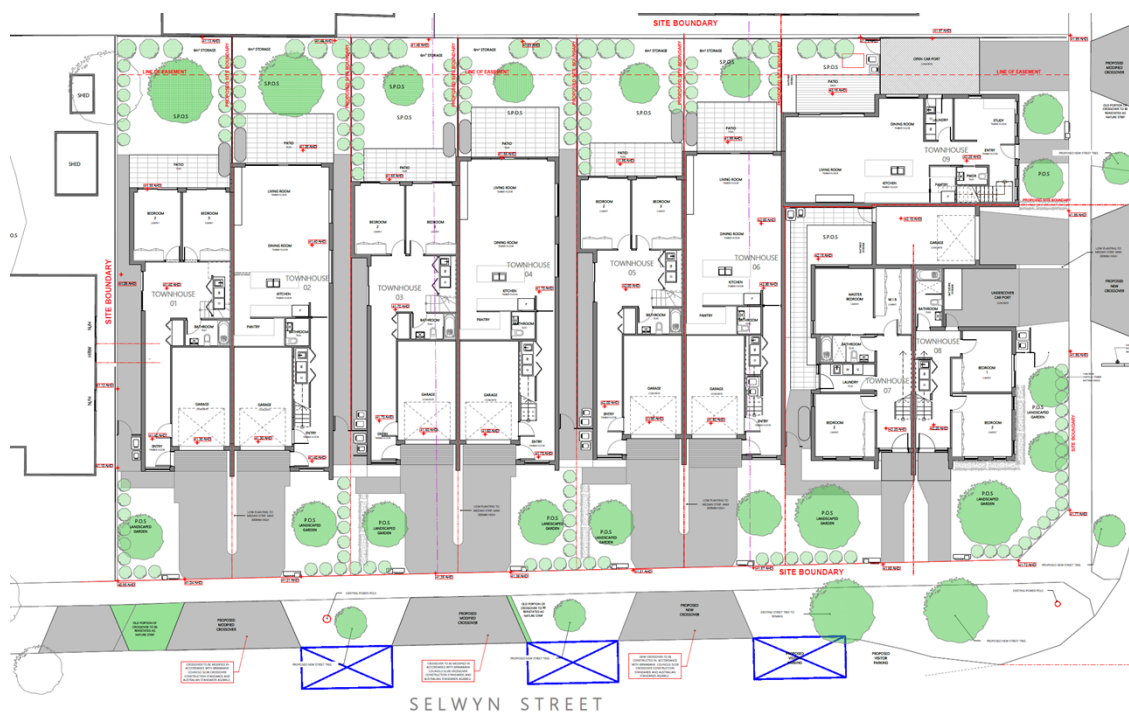


Figure 4: Ground floor plan



Figure 5: First floor plan

- 3 Council says the proposal for nine (9) dwellings is an uncomfortable fit for the site. It says the proposal is of an intensity and layout which is unacceptable and is asking too much of the site because it is too tightly packed and an overdevelopment.
- 4 The respondent, Ms Dianne Jansen (**objector**), agrees with Council and says the proposal is out of keeping with the character of the neighbourhood. She says the proposal risks increasing traffic safety with additional vehicle movements and car parking and will also be unable to place bins out for waste collection due to the extent of frontage taken up by crossovers and on-street parking.
- 5 The applicant refutes these concerns and says the proposal is an appropriate response to the concerns expressed in an earlier Tribunal decision and is an acceptable outcome that responds to the policy and provisions of the Brimbank Planning Scheme. The applicant says the site is in the General Residential Zone where housing growth and diversity are encouraged. The applicant says the proposal for nine (9) dwellings is a realistic and acceptable outcome in this area. This is because the site is on a corner location comprising three consolidated lots of more than 1,800 square metres. It is next to the opposite corner lot at 58 Selwyn Street, which has planning approval for three double storey dwellings in a similar format. The proposed density is reflective of recent approvals where three dwellings on a lot has been approved or developed. The applicant says it follows that nine (9) dwellings across three lots can also be considered a reasonable outcome.

PREVIOUS DECISION

- 6 As mentioned by the applicant, this is the second application to come before the Tribunal² to develop the site (**Keyway case**).
- 7 The Keyway case was determined by Senior Member Naylor and involved a similar development comprising nine (9) double storey dwellings on the site. The previous permit application, like the current matter, was refused by Council. The Tribunal affirmed the previous decision. The parties have variously referred to Senior Member Naylor's decision in their submissions.
- 8 The parties refer to the principles of 'repeat appeals', articulated in many Tribunal decisions and re-stated in *Zumpano*³ and *Sprut*.⁴ Relevant factors to consider when reviewing an application that is similar to a proposal that has been the subject of previous Tribunal findings are:
- significant changes in the application itself;
 - changes in the circumstances of the land and its surrounds;
 - changes in planning policy; and/or
 - changes in the interpretation of the facts or law relevant to the Tribunal's consideration.
- 9 As set out in *Sprut*, proceedings described as 'repeat appeals' are not determined by whether the proposal would have satisfied the earlier (and perhaps differently constituted) Tribunal, nor by summarily determining the matter solely by reference to the usually-applied principles or factors. Rather, the Tribunal must consider the new application before it on its merits. The Tribunal is not bound by the previous Tribunal decision but, in considering the merits of the new proposal, great weight should be given to the Tribunal's decision on the earlier application having regard to principles that have evolved for this purpose.
- 10 It is clear that, in respect of this matter, it is in the nature of a 'correcting' repeat appeal in that the proposal has made various changes in an attempt to address the earlier Tribunal's reasons for refusing to grant a permit.
- 11 I acknowledge that regarding the relevant factors of 'repeat appeals', there have been no significant changes in the circumstances of the site or surrounds, to planning policy or in the interpretation of the facts or law relevant to the Tribunal's consideration. However, there have been changes in the proposal itself.
- 12 In this case, the relevance and weight to be given to the previous decision must take into account what changes have occurred to the proposal.
- 13 The Keyway case outlined the following key findings:

² *Keyway Pty Ltd v Brimbank CC* [2019] VCAT 1900.

³ *Zumpano v Banyule City Council* [2016] VSC 420.

⁴ *Sprut Pty Ltd v Stonnington CC* [2012] VCAT 1675.



- That the layout of the proposed dwellings in general terms was acceptable.
- That the extent of attached form in Delmont Street and the use of a reverse living style of housing for dwelling 8 were aspects which did not acceptably respond and fit in to Delmont Street.
- That the requirement for one visitor car space is appropriate to waive.
- That the design of vehicle access to dwelling 7 in Delmont Street was not acceptable.
- That dwelling 1 did not comply with Standard B17 regarding setback from the southern side boundary and requires modification.
- That the flat and skillion roof forms and extent of cantilevered elements along Selwyn Street are acceptable.
- That the extent of attached form and cantilevered elements in Delmont Street were not acceptable and greater separation at ground and first floors and the extent of first floor cantilevering needed consideration and attention.
- That the reverse living layout for the dwellings fronting Selwyn Street was an acceptable feature of the proposal.

14 The current proposal has made the following design changes in response to the previous Tribunal concerns:

- Dwellings 7 and 8 have been re-oriented to front Selwyn Street allowing for a substantial first floor break between these dwellings and dwelling 9.
- Deletion of cantilevers along Delmont Street.
- Dwelling 8 oriented to face Selwyn Park in a reverse living format.
- The crossovers along Delmont Street positioned to ensure adequate clearance to the corner including an amalgamated crossing.
- Compliance with Standards B17 and B20 is fully achieved along the southern boundary (under existing conditions and when considering the future townhouse development at 58 Selwyn Street), achieved through the incorporation of greater setbacks and chamfered walls.

15 The applicant described additional changes as a result of responding to a request for further information and with the substituted amended plans. Some of these changes, as relevant, include:

- Revised entry design to dwellings 1 to 6 fronting Selwyn Street with all doors moved to face the driveway and large operable windows included to face the street directly which improve surveillance, daylight, and cross ventilation opportunities.



- Front setbacks increased to match the setback at 58 Selwyn Street of 6.5 metres with garages set deeper into the site making them more recessive and tandem parking spacious (setbacks ranged from 6.5 metres to 5.99 metres with variations to Standard B6 of 300 to 500mm mainly associated with dwellings 6, 7 and 8).
 - First floor north façade of dwellings 8 and 9 facing Delmont Street redesigned for a more traditional pitched roof look.
- 16 My decision considers the proposal before me on its merits, assessed against the relevant provisions and policies in the Brimbank Planning Scheme (**planning scheme**). The question before me is, does the proposal represent an acceptable planning outcome on its merits, such that a permit should be granted?

WHAT ARE THE KEY ISSUES?

- 17 The issues raised within the context of this review relate generally to the design response of the proposed development to the physical and policy context of the area, amenity, and traffic considerations. Having heard the submissions and inspected the site and locality, the key issues arising from this proposal are:
- Whether the proposal respects neighbourhood character?
 - Whether the site layout and amenity response is acceptable?
 - Whether parking is appropriate?
- 18 I must decide whether the proposal will produce an acceptable outcome having regard to the relevant policies and provisions in the planning scheme. Net community benefit is central in reaching a conclusion. Clause 71.02-3 – *Integrated Decision Making* of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development.

Test to be met – ‘acceptable planning outcome’

- 19 It needs to be understood that VCAT hearings have a particular purpose – to focus on the acceptability or otherwise of the particular design being presented to the Tribunal, now being the Revision V plans that I have substituted as the plans before me.
- 20 I say ‘acceptable’ on the basis of the Supreme Court case of *Knox City Council v Tulcan Pty Ltd*⁵ confirming this to be the standard that needs to be met by planning permit applications. So, planning proposals do not need to be ideal or perfect, but equally they cannot be sub-standard.
- 21 I note and agree with the comment of Senior Member Naylor in paragraph 2 of the Keyway case that:

⁵ [2004] VSC 375.



Assessing the merits of a planning application for multiple dwellings does not focus upon the number of dwellings. Rather, planning policies focus on the acceptability of the design. If the design response is acceptable, so too are the number of dwellings within the design.

- 22 Assessment of proposals is not a numbers game in terms of dwelling yield or a 'tick a box' approach in terms of responding to planning provisions. It is about the design response and this is what is called for by the planning scheme.

Summary of findings

- 23 With this proposed development I must decide whether a permit should be granted and, if so, what conditions should be applied. Having considered all submissions presented with regard to the applicable policies and provisions of the planning scheme, I find the proposal represents an unacceptable outcome and does not appropriately respond to its physical and policy context for the area.
- 24 I acknowledge that the proposal has made significant changes in a genuine attempt to address the concerns outlined in the Keyway case.
- 25 I accept the concept of the dwellings facing Selwyn Park and the use of 'reverse living' design that capitalises on this aspect. I also accept the earlier Tribunal's findings that waiver of the one visitor car parking space is acceptable.
- 26 However, I agree with Council that the changes have not fully addressed other design concerns with the proposal. I find there are a number of design features that, individually, may not be significant, but cumulatively, result in a sub-standard design outcome. In my view, these design features, together, represent a proposal that is seeking too much from the site and an overdevelopment. These design features include:
- A reliance on a chamfered wall design for dwelling 1 to the southern side boundary setback, as apart from first floor recession, that, although meets the requirements of Standard B17, continue to relate poorly to the existing dwelling to the south at 58 Selwyn Street and to the development approved for that site.
 - The failure to retain, as part of the design, two large canopy trees located at the rear of 56 Selwyn Street, which are identified, in an arboricultural sense, as having medium retention value, that does not respond to the policy for retaining existing canopy trees.
 - The lack of functional external access between the front and rear areas of dwellings 3 and 5 forcing future occupants to use internal areas such as bedroom 2 in each instance to access the rear open space areas for maintenance.

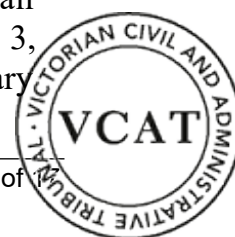


- The design response to the corner of Selwyn and Delmont Streets with dwelling 7 not having a more direct means of access between the garage and the dwelling and dwelling 8 lacking a service yard area that is out of view from the public realm. The design response to the corner generally requires further consideration.

27 Accordingly, I have decided to affirm the decision of Council and that a permit is not granted. My reasons follow.

WHETHER THE PROPOSAL RESPECTS NEIGHBOURHOOD CHARACTER?

- 28 The site is located in the General Residential Zone Schedule 1 – *Incremental Change Areas (GRZ1)* and is not affected by overlays that guide built form design. The GRZ1 supports housing diversity and growth. Clause 21.07-1 – *Residential Growth* seeks to accommodate appropriate residential growth in identified locations and supports increased residential densities in the GRZ.
- 29 However, residential growth is supported within a sphere of respecting neighbourhood character. Apart from State policy under Clause 15.01-5S – *Neighbourhood character*, local policies under Clause 21.07-3 – *Residential Design* reinforce this aspiration by acknowledging that new development will respect neighbourhood character in terms of siting, colours and finishes, setbacks, design detail, and landscape setting.
- 30 The planning scheme does not contain specified policies to guide preferred neighbourhood character, so any design response is required to respond to existing neighbourhood character. In this regard, Clause 21.07-3 seeks to promote development that is well designed, innovative and responds to its location and context. In this setting, the site is a large, relatively flat area of land with few development constraints. One of the few constraints is the presence of two canopy trees located at the rear of 56 Selwyn Street.
- 31 The GRZ1 and policy under Clause 21.07-3 encourages incremental change and recognises that change will occur. Change is evident in this area. The objector identified that the broader Albion area has strong historical links with the H.V. McKay ‘garden city’ movement of the early 1900s. Past development has occurred in the suburb which has been perceived as resulting in poor outcomes and a diminution of the ‘garden city’ design ethos and character of the area.
- 32 The site and surrounds currently exude a low scale, detached and spacious garden character that is very much evident of what occurred post-war and in the 1950s, 60s and 70s. However, there is also evidence of change with contemporary development evident, with modern additions to existing dwellings and medium density housing development.
- 33 The proposal is of a contemporary two-storey design. Dwellings 1 to 8 all front Selwyn Street and face Selwyn Park across the road. Dwellings 1, 3, 5, 7 and 8 all have been designed in a ‘reverse living’ format with primary



open space areas set aside as first-floor balconies looking towards Selwyn Park. I am comfortable with this form of design aspect.

- 34 I note Council did not support this design aspect, primarily from a policy position because Clause 21.07-1 only encourages reverse living in the Residential Growth Zone (**RGZ**). I note the concept of reverse living was accepted in the Keyway case and I also consider it an acceptable design response. First-floor living areas and balconies oriented towards Selwyn Park will provide an attractive outlook for occupants of the proposal, whilst also providing a level of passive surveillance over the street and parklands.
- 35 I also consider the use of materials, finishes and roof design to be a contemporary design that is respectful and an acceptable response.
- 36 Despite my view regarding the reverse living aspect of the proposal and the benefits of the orientation towards Selwyn Park, I am not convinced the approach to the side-by-side or terrace style layout of the proposal is acceptable. I say this because the site is on a prominent corner, which is a result of the hexagonal street network that surrounds Selwyn Park (refer to Figure 6). The combination of corner prominence and position opposite a large community parkland (Figure 7) highlights the sensitivity of the site to the public realm and heightens the importance of the policy intent for well-designed, innovative, and responsive design to location and context.



Figure 6: The prominence of the site on a corner approaching from the north

- 37 Council is concerned the design response to Selwyn Street is too tight with the extent of built form, minimal spacing, excessive hard paving in the street setbacks and lack of landscaping resulting in an outcome that is too imposing to the streetscape. It is the narrow built form of dwellings 1 to 6 which are limited to a garage door, window and an entry door that faces side-on to the driveway and is oblique to the street that creates a sense of tightness across the Selwyn Street frontage. Only dwellings 7, 8 and 9 provide a wider ground floor façade where ground floor surveillance is provided with habitable room windows.



Figure 7: The site viewed from Selwyn Park

- 38 Dwellings 1 to 6 present to Selwyn Street as three sets of attached built form to two-storeys separated by a combined width of 2 metres. Council says the combination of attachment with upper levels that are not significantly recessed, and which include cantilevered form and window and balcony boxing, adds to the sense of overpowering form and limited space for landscaping.
- 39 The lack of space for landscaping is reflected in the extent of hardstand. This is a combination of driveways and double crossovers and the lack of retention of mature canopy trees that add to the landscape character of the neighbourhood and complement the vegetation found within Selwyn Park.
- 40 With respect to the dominance of garages across the frontage, I am reminded of the decision by Member Liston in *Kostarakis v Moonee Valley CC* [2015] VCAT 1695 where consideration was given to the dominance of garages in an application for row houses, stating in paragraphs 12 and 13:

As described above, dwellings one and two and dwellings seven and eight are relatively narrow side-by-side dwellings located either end of the land. The issue in question is the dominance of the proposed garages in respect of these dwellings and their relationship to neighbourhood character.

The garage for dwelling one occupies 75% of its front facade and the garage for dwelling two occupies 62% of its front facade. These statistics would be similar for dwellings seven and eight. In my experience when these percentages are greater than 50%, then the

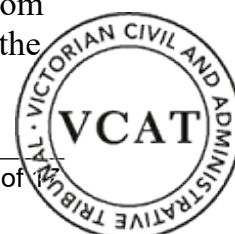
dominance of the garage is in the streetscape becomes a matter of concern.

- 41 Considering the proposal, I note that based on proposed garage widths of 3.5 metres, the percentage of front façade of each dwelling fronting Selwyn Street occupied by garages are approximately 50% for dwellings 1, 2 and 4, 54% for dwellings 3 and 5 and 58% for dwelling 6. These percentages reflect the threshold concerns referred to by Member Liston.
- 42 The applicant says the ground floor presentation to the street is addressed by using wide operable windows, which provide both daylight and solar access and offer an outlook to the street from the ground floor hallways of the dwellings. Despite this design response, I find the extent of occupation of the façade of each dwelling taken up by the proposed garages excessive and not consistent with the policy for them not to dominate streetscapes. Generally, with the exception of two of the townhouses at 50 Selwyn Street, this lack of ground floor street activation is not evident in the neighbourhood.
- 43 Council is also concerned that the extent of landscaping is insufficient and does not retain two large canopy trees at the rear of 56 Selwyn Street. These trees include a Brush Box (*Lophostemon confertus*) which has a height of 13 metres and canopy width of 9 metres and a Snow in Summer (*Melaleuca linariifolia*) which has a height of 10 metres and a canopy width of 9.5 metres. Both trees were assessed by the applicant's arborist as having medium retention value. Policy under Clause 21.07 recognises the value of landscaping and Standard B13 under Clause 55.03-8 – *Landscaping objectives* encourages the retention of mature vegetation on the site.
- 44 The proposal has not sought to retain these trees, yet their size is demonstrated to contribute, despite their location at the rear of 56 Selwyn Street, to the leafy character that is established by the extent of vegetation opposite the site and around Selwyn Park (refer to Figures 2 and 7). I acknowledge that there are no tree controls under the planning scheme. However, I accept that these types of large, mature canopy trees are of value, particularly when they are not in poor health and when they provide a backdrop to built form and can complement proposed landscaping and other existing canopy trees in the neighbourhood. The presence of large canopy trees in private gardens is not extensive and much of the large canopy tree presence in the neighbourhood is provided by either street trees or trees within Selwyn Park. The retention of these trees would achieve both maintenance of landscape character and assist with buffering the proposal to the residential property to the west.
- 45 The conclusion that I reach is that the proposal is too intense for the Selwyn Street frontage.



WHETHER THE SITE LAYOUT AND AMENITY RESPONSE IS ACCEPTABLE?

- 46 Council was critical of some of the detailed design aspects of the proposal including poor surveillance at ground floor level, lack of space for landscaping and poor functionality of dwellings due to lack of separation, inadequate setbacks, and limited landscaping.
- 47 Despite the proposed use of single garages and large operable windows facing the street, the small façade widths of each dwelling and the limited opportunity for habitable room windows at ground floor level results in a design that I consider fails to provide activation to the street. It fails to appropriately respect the neighbourhood character and policy direction under Clause 21.07-3 where housing in the locality provides good activation and surveillance from habitable room windows at ground floor level and not solely from first floor habitable room windows. I do acknowledge that the reverse living balconies would provide for some surveillance from living rooms associated with dwellings 1, 3 and 5, but at first floor level and not at ground floor level.
- 48 One of the constraints with a side-by-side attached built form typology on lots with an east-west orientation is that, inevitably there are dwellings located on the south side of the development which restricts solar access. I am comfortable that daylight access can be achieved, however, limited access to sunlight penetration into active habitable rooms can be problematic.
- 49 I note that the proposal was supported by a Sustainable Design Assessment (SDA), which was required by Clause 22.02 – *Environmentally Sustainable Development*, which identified a BESS score of 55% representing achievement of best practice for the proposal.
- 50 I note the proposal has attempted to address solar access deficiencies by using a reverse living format for dwellings 1, 3, 5 and 7 that are located on the south side of the attached built form formats. This alleviates the issue to a degree by allowing eastern or morning sunlight to penetrate the open space balconies and living room areas on the first-floor levels. Unfortunately, the kitchen areas in each of these dwellings, being located towards the back of the living area space, may present as lacking in solar access and without skylights or the like, will have poor daylight access and require lighting for functionality.
- 51 Improvements could be made including separation at first floor levels, however, this is not what is before me.
- 52 The functionality and amenity of dwellings 3, 5 and 6 is a concern with respect to the ability to access both the front and rear open space areas for maintenance without the benefit of external access. For these dwellings, an occupant would need to access the rear open space area through a bedroom or living room area. I consider this a reflection of poor functionality of the

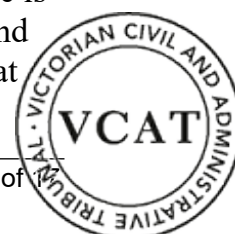


dwelling and representative of too intense a design response with regard to spacing between dwellings in a side-by-side typology.

- 53 Dwelling 8 lacks a service area that would be out of view of the public realm. It is the dwelling that hugs the corner of the site on Selwyn and Delmont Streets. I have recognised that it is a prominent corner and exposed to the public realm (refer to Figures 6 and 7). I note changes to lower the height of fencing on this corner and to allow greater visibility of proposed landscaping. However, there is no location for a clothesline and the applicant's response that a clothes hoist could be located on the balcony equally exposes an amenity issue to the public realm where this dwelling is more highly exposed as part of this development.
- 54 Generally, I find this is a poor design response and one that contributes in a cumulative sense to a proposal that is unacceptable in design outcome.
- 55 The setback and interface response to 58 Selwyn Street to the south is another matter that I have a concern with. This was an issue raised in the Keyway case and the applicant changed the design to introduce a chamfer roofline to achieve numerical compliance with Standard B17.
- 56 This is noted, but I remain uncomfortable that a more genuine response that includes increasing the side boundary setback at first floor level to make it more recessive was not applied. The sloping of the roofline is considered a change that does not go far enough and is minimal in nature.
- 57 Generally, the proposal seeks to retain its original concept and has sought to tweak some design aspects and included a re-arranged corner design that either fails to materially address design issues or introduces new ones.
- 58 Together the issues result in a proposal that does not appropriately respond to the characteristics and context of the neighbourhood and creates amenity and functionality issues that are not satisfactorily addressed.

WHETHER PARKING IS APPROPRIATE?

- 59 The proposal seeks a waiver of one car parking space for visitor purposes. As addressed in the Keyway case, I accept and agree with Senior Member Naylor's findings and support the visitor parking waiver.
- 60 I acknowledge that Council and the objector were concerned regarding traffic safety from additional vehicle movements and on-street parking and the effect of introducing three double crossovers to Selwyn Street and one double and one single crossover to Delmont Street. Safety issues were also highlighted by the width of the double crossovers to 5.8 instead of 6 metres and the effects that will have on space for on-street parking and the potential for conflict between residents' cars reversing out from driveways and any on-street parking.
- 61 Generally, I am not concerned these impacts will be significant. The site is close to forms of public transport including Sunshine Railway Station and vehicles manoeuvring between the site and the road network can occur at



slow speeds and with good sightlines to minimise potential traffic and pedestrian safety hazards.

OTHER MATTERS

- 62 There was concern about a tree located on adjoining land at 1 Delmont Street to the west of proposed dwelling 9 and impacts on the tree from the carport and driveway works associated dwelling 9 and the extent of encroachment. I am not so concerned with this because the existing shed and driveway at 52 Selwyn Street probably already affects the root system of that tree, which does not show signs of detrimental effect.

CONCLUSION

- 63 For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

Christopher Harty
Member





PERSPECTIVE 01

B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
H	TP RFI ISSUE SEPT 2020	JMG	21/09/2020
I	TP RFI ISSUE V2 NOV 2020	JMG	04/11/2020

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Attachment 12.2.5

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52-56 SELWYN STREET
ALBION
VICTORIA, AUSTRALIA
Project Number
17114

Drawing
PERSPECTIVE 01
Drawing Number
TP20
Project Status
TOWN PLANNING
Scale

Revision



PERSPECTIVE 02

B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
H	TP RFI ISSUE SEPT 2020	JMG	21/09/2020
I	TP RFI ISSUE V2 NOV 2020	JMG	04/11/2020





PERSPECTIVE 03

B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
H	TP RFI ISSUE SEPT 2020	JMG	21/09/2020
I	TP RFI ISSUE V2 NOV 2020	JMG	04/11/2020

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Drawing
PERSPECTIVE 03
Drawing Number
TP22
Project Status
TOWN PLANNING
Scale

Revision



PERSPECTIVE 04

B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
H	TP RFI ISSUE SEPT 2020	JMG	21/09/2020
I	TP RFI ISSUE V2 NOV 2020	JMG	04/11/2020





A	PRELIMINARY ISSUE	SW	28/07/2017
B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
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Drawing
PERSPECTIVE 10
Drawing Number
TP29
Project Status
TOWN PLANNING
Scale

Revision



A	PRELIMINARY ISSUE	SW	28/07/2017
B	PRELIMINARY ISSUE	SW	09/08/2017
C	TOWN PLANNING ISSUE	SW	02/11/2018
D	VCAT ISSUE	JMG	09/07/2019
E	UPDATED VCAT ISSUE	JMG	10/07/2019
F	UPDATED VCAT ISSUE	JMG	07/08/2019
G	NEW TP ISSUE MAY 2020	JMG	15/05/2020
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Drawing
PERSPECTIVE 11
Drawing Number
TP30
Project Status
TOWN PLANNING
Scale

Revision



NEW TOWN HOUSE DEVELOPMENT
52-56 SELWYN STREET, ALBION
REVISION V SEPTEMBER 2021
VCAT HEARING ISSUE



Revisions	Rev	Description	By	Date
	A	PRELIMINARY ISSUE	SW	11/10/2017
	B	TOWN PLANNING ISSUE	JMG	21/02/2018
	C	PRELIMINARY ISSUE	SW	23/03/2018
	D	TOWN PLANNING ISSUE	SW	02/05/2018
	E	TOWN PLANNING ISSUE	JMG	25/05/2018
	F	TOWN PLANNING ISSUE	JMG	04/06/2018
	G	NEW DESIGN ISSUE	JMG	29/10/2018
	H	TOWN PLANNING RE ISSUE	SW	15/11/2018
	I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019
	J	UPDATED VCAT ISSUE	JMG	09/07/2019
	K	UPDATED VCAT ISSUE	JMG	10/07/2019

Revisions				
Rev	Description	By	Date	
L	UPDATED VCAT ISSUE	JMG	07/08/2019	
M	REDESIGN V1	JMG	19/12/2019	
N	REDESIGN V2	JMG	26/02/2020	
O	NEW TOWN PLANNING ISSUE	JMG	18/05/2020	
P	NEW TOWN PLANNING ISSUE V2	JMG	26/05/2020	
Q	NEW TOWN R1 PLANNING ISSUE V2	JMG	09/09/2020	
R	NEW TOWN R1 PLANNING ISSUE V3	JMG	20/10/2020	
S	NEW TOWN R1 PLANNING ISSUE V4	JMG	04/11/2020	
T	FOR DISCUSSION	JMG	12/07/2021	
U	ISSUED TO CONSULTANTS	JMG	03/09/2021	
V	VCAT HEARING ISSUE	JMG	08/09/2021	

Project	Project Number
NEW TOWNHOUSE DEVELOPMENT 52-56 SELWYN STREET ALBION VIC	17123

Drawing	Project Status	Scale
COVERSHEET Drawing Number TP00 TOWN PLANNING / VCAT		

52-55 Selwyn street - Townhouse 6	Internal Area m ²	Garage Area m ²	External Area m ²
Living Room	25.42	22.42	
Kitchen Area	21.42		30.20
Front Garden and Driveway			15.47
Rear Garden & Services 2500			41.47
Area Total	108.45		86.79
Overall Plot Area	108.45		

52-56 Selwyn street - Townhouse 7	Harding Area m ²	Garage Area m ²	External Area m ²
Ground Floor	108.80	17.0	
First Floor	20.20		19.50
Front Garden and Driveway			57.55
Rear Garden & Services SP108			18.80
Area Total	139.00		105.85

52-58 Belwyn street - Townhouse #	Internal Area m ²	Garage Area m ²	External Area m ²
Ground floor	59.29	15.4	
First floor	59.30		14.81
Front Garden and driveway			17.82
Rear Garden & Services SPOT			3.80
Total Total	118.59		36.43

22-25 Selwyn street - Townhouse 2	Barrow Area m²	Garage Area m²	External Area m²
Garage floor	75.23	22.27	
Driveway	75.23		5.0
Front garden and driveway			22.20
Rear garden & Services SPOD			23.25
Total	150.46		50.45

Total Permeable Area (Ground Floor excl. driveways)	865.31	43%
Total Garden Area (incl. overhangs & driveways)	762.87	41%
Total Gross Area (Ground Floor)	872.87	
Total Site Area	1583	Total built area

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Drawing
SITE PLAN PROPOSED
Drawing Number
TP03
Project Status
TOWN PLANNING / VCAT
Scale

Revision
V

SELWYN STREET

SITE PLAN
SCALE 1:100 @ A1 1:200@A3

VCAT HEARING ISSUE

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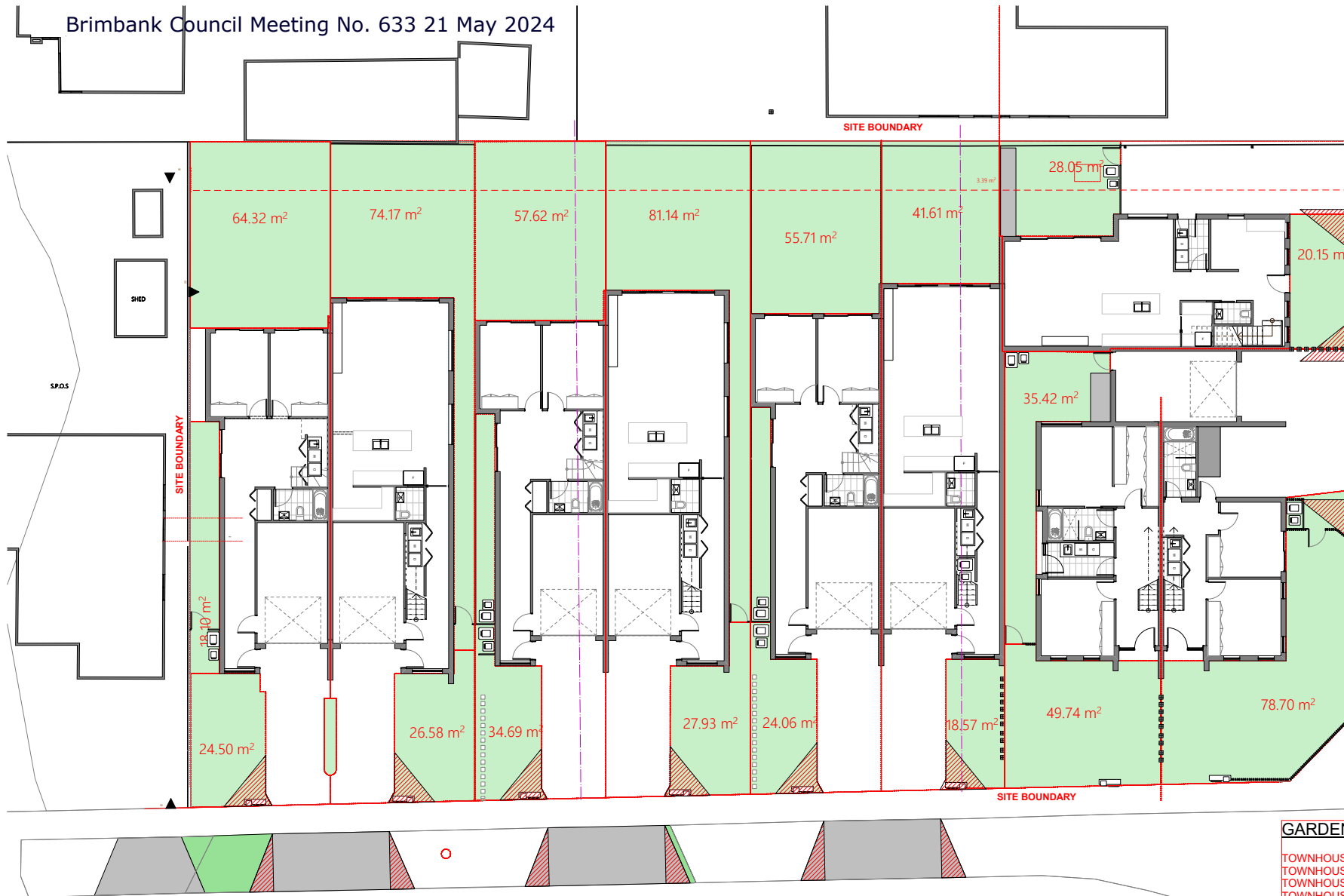
Revisions			
Rev	Description	By	Date
A	PRELIMINARY ISSUE	SW	11/01/2017
B	TOWN PLANNING ISSUE	JMG	21/02/2018
C	PRELIMINARY ISSUE	SW	23/03/2018
D	TOWN PLANNING ISSUE	SW	02/05/2018
E	TOWN PLANNING ISSUE	JMG	25/05/2018
F	TOWN PLANNING ISSUE	SW	04/06/2018
G	NEW DESIGN ISSUE	JMG	29/10/2018
H	TOWN PLANNING RH ISSUE	SW	15/11/2018
I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019
J	REVISED AT ISSUE	SW	19/07/2019
K	UPDATED WCAT ISSUE	JMG	10/07/2019

Revisions			
Rev	Description	By	Date
L	UPDATED VCAT ISSUE	JMG	07/08/2019
M	REDESIGN V1	JMG	19/12/2019
N	REDESIGN V2	JMG	26/02/2020
O	NEW TOWN PLANNING ISSUE	JMG	18/05/2020
P	NEW TOWN PLANNING ISSUE V2	JMG	26/05/2020
Q	NEW TOWN RFI PLANNING ISSUE V2	JMG	27/09/2020
R	NEW TOWN RFI PLANNING ISSUE V3	JMG	20/10/2020
S	NEW TOWN RFI PLANNING ISSUE V4	JMG	04/11/2020
T	FOR DECISION	JMG	12/01/2021
U	ISSUED TO CONSULTANTS	JMG	03/09/2021
V	VCAT HEARING ISSUE	JMG	08/09/2021

Project
NEW TOWNHOUSE DEVELOPMENT
52-56 SELWYN STREET
ALBION
VIC
Project Number
17123

Revision

V



GARDEN AREA PLAN
SCALE 1:100 @ A1 1:200@A3

VCAT HEARING ISSUE

GARDEN AREA PLAN CALCULATION

TOWNHOUSE 1 GARDEN AREA	= 106.92M ²
TOWNHOUSE 2 GARDEN AREA	= 100.75M ²
TOWNHOUSE 3 GARDEN AREA	= 92.31M ²
TOWNHOUSE 4 GARDEN AREA	= 109.07M ²
TOWNHOUSE 5 GARDEN AREA	= 79.77M ²
TOWNHOUSE 6 GARDEN AREA	= 60.18M ²
TOWNHOUSE 7 GARDEN AREA	= 85.16M ²
TOWNHOUSE 8 GARDEN AREA	= 78.70M ²
TOWNHOUSE 9 GARDEN AREA	= 48.21M ²

TOTAL GARDEN AREA	= 761.07M ²
SITE AREA	= 1863M ²
PERCENTAGE GARDEN AREA	= 40.9%



Rev	Description	By	Date
A	PRELIMINARY ISSUE	SW	10/10/2017
B	TOWN PLANNING ISSUE	JMG	21/02/2018
C	PRELIMINARY ISSUE	SW	23/03/2018
D	TOWN PLANNING ISSUE	SW	02/05/2018
E	TOWN PLANNING ISSUE	SW	25/05/2018
F	TOWN PLANNING ISSUE	SW	04/06/2018
G	NEW DESIGN ISSUE	JMG	29/10/2018
H	TOWN PLANNING RI ISSUE	SW	15/11/2018
I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019
J	UPDATED VCAT ISSUE	JMG	09/07/2019
K	UPDATED VCAT ISSUE	JMG	10/07/2019

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L	UPDATED VCAT ISSUE	JMG	01/08/2019
M	REDESIGN V1	JMG	10/10/2019
N	REDESIGN V2	JMG	26/02/2020
O	NEW TOWN PLANNING ISSUE	JMG	18/05/2020
P	NEW TOWN PLANNING ISSUE V2	JMG	26/05/2020
Q	NEW TOWN RI PLANNING ISSUE V2	JMG	22/09/2020
R	NEW TOWN RI PLANNING ISSUE V3	JMG	20/10/2020
S	NEW TOWN RI PLANNING ISSUE V4	JMG	04/11/2020
T	FOR DISCUSSION	JMG	15/07/2021
U	ISSUED TO CONSULTANTS	JMG	03/09/2021
V	VCAT HEARING ISSUE	JMG	08/09/2021

Project	NEW TOWNHOUSE DEVELOPMENT
52-56 SELWYN STREET	ALBION
VIC	
Project Number	17123

Drawing
GARDEN AREA PLAN
Drawing Number
TP04
Project Status
TOWN PLANNING / VCAT
Scale



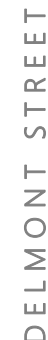
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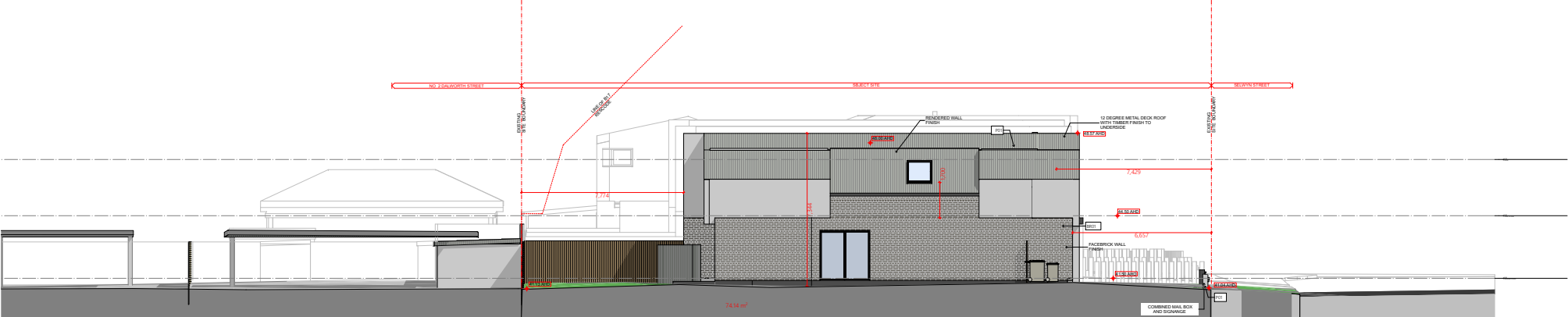
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Revisions			Revisions			Project		Drawing
Rev	Description	By Date	Rev	Description	By Date	Project	Drawing	
A	PRELIMINARY ISSUE	SW 10/02/2007	U	UPDATED VCAT ISSUE	JAG 07/08/2009	NEW TOWNHOUSE DEVELOPMENT	GROUND FLOOR PLAN	
B	TOWN PLANNING ISSUE	JMG 01/02/2008	M	REDESIGN V1	JMG 19/02/2009	52-56 SELWYN STREET	Drawing Number	
C	PRELIMINARY ISSUE	SW 23/03/2008	N	REDESIGN V2	JAG 26/02/2009	AUBURN	Revision	
D	TOWN PLANNING ISSUE	JMG 26/05/2008	O	NEW TOWN PLANNING ISSUE	JAG 18/05/2009	VIC	TP05	
E	TOWN PLANNING ISSUE	SW 25/05/2008	P	NEW TOWN PLANNING ISSUE V2	JAG 26/05/2009	Project Number	Project Status	
F	TOWN PLANNING ISSUE	SW 04/06/2008	Q	NEW TOWN P1 PLANNING ISSUE V3	JAG 22/06/2009	17123	TOWN PLANNING / VCAT	
G	NEW DESIGN ISSUE	SW 29/02/2008	R	NEW TOWN P1 PLANNING ISSUE V2	JAG 20/07/2009		Scale	
H	TOWN PLANNING P1 ISSUE	SW 15/10/2008	S	NEW TOWN P1 PLANNING ISSUE V4	JAG 08/09/2009			
I	REVISED DESIGN FOR DISCUSSION	JMG 19/04/2009	T	FOR DISCUSSION	JAG 12/07/2009			
J	UPDATED VCAT ISSUE	JMG 09/07/2009	V	VCAT HEARING ISSUE	JMG 08/09/2009			
K	UPDATED VCAT ISSUE	JAG 04/07/2009						

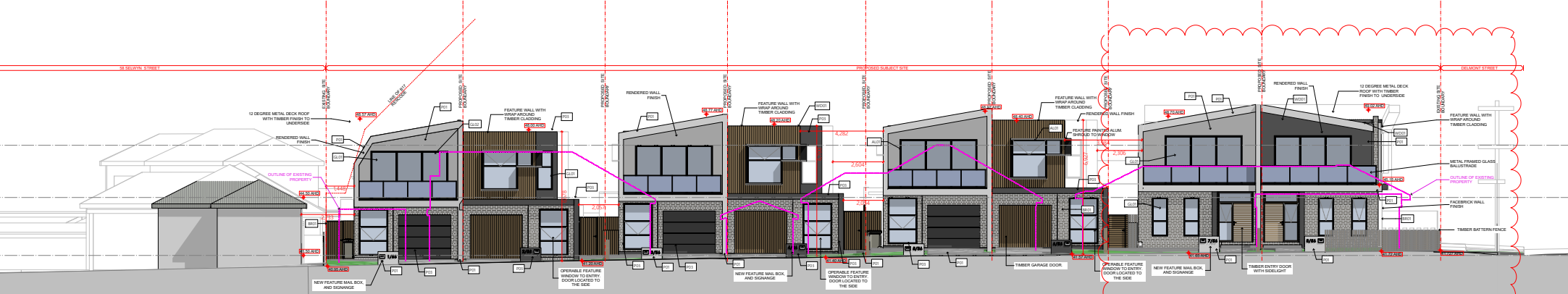


VCAT HEARING ISSUE



SOUTH ELEVATION
SCALE 1:100 @ A1 1:200@A3

NOTE : FOR EXTERNAL FINISHES
SCHEDULE, PLEASE REFER TO URBAN
CONTEXT BOOKLET



EAST ELEVATION
SCALE 1:100 @ A1 1:200@A3

VCAT HEARING ISSUE



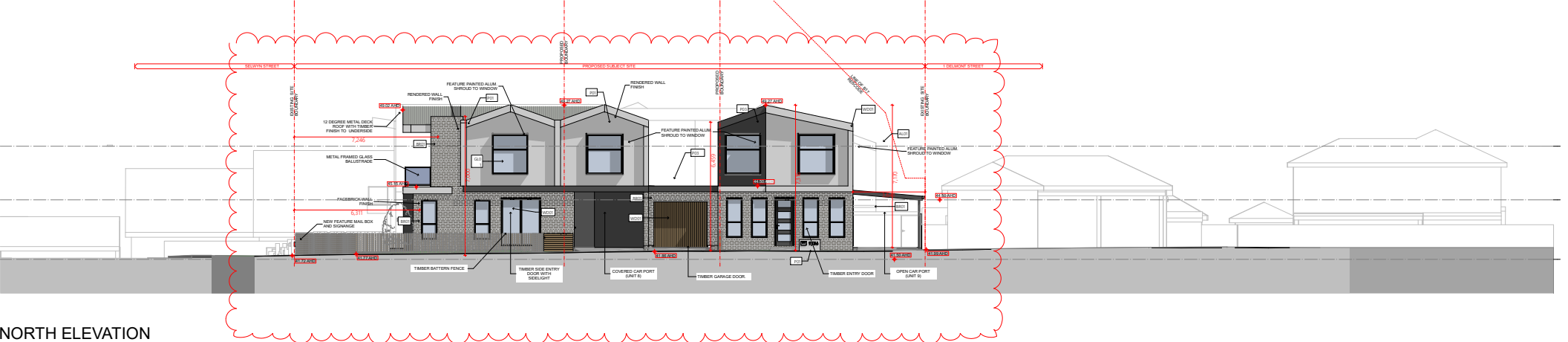
Revisions	Rev	Description	By	Date
A	PRELIMINARY ISSUE	SW	11/10/2017	
B	TOWN PLANNING ISSUE	JMG	21/02/2018	
C	PRELIMINARY ISSUE	SW	23/03/2018	
D	TOWN PLANNING ISSUE	SW	02/05/2018	
E	TOWN PLANNING ISSUE	JMG	25/05/2018	
F	TOWN PLANNING ISSUE	SW	04/06/2018	
G	NEW DESIGN ISSUE	JMG	29/10/2018	
H	TOWN PLANNING RFI ISSUE	SW	15/11/2018	
I	REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019	
J	UPDATED VCAT ISSUE	JMG	09/07/2019	
K	UPDATED VCAT ISSUE	JMG	10/07/2019	

Revisions				
Rev	Description	By	Date	
L	UPDATED VCAT ISSUE	JMG	07/08/2019	
M	REDESIGN V1	JMG	19/12/2019	
N	REDESIGN V2	JMG	26/02/2020	
O	NEW TOWN PLANNING ISSUE	JMG	18/05/2020	
P	NEW TOWN PLANNING ISSUE V2	JMG	26/05/2020	
Q	NEW TOWN RFI PLANNING ISSUE V2	JMG	22/09/2020	
R	NEW TOWN RFI PLANNING ISSUE V3	JMG	20/10/2020	
S	NEW TOWN RFI PLANNING ISSUE V4	JMG	04/11/2020	
T	FOR DISCUSSION	JMG	12/07/2021	
U	ISSUED TO CONSULTANTS	JMG	03/09/2021	
V	VCAT HEARING ISSUE	JMG	08/09/2021	



WEST ELEVATION
SCALE 1:100 @ A1 1:200@A3

NOTE : FOR EXTERNAL FINISHES
SCHEDULE, PLEASE REFER TO URBAN
CONTEXT BOOKLET



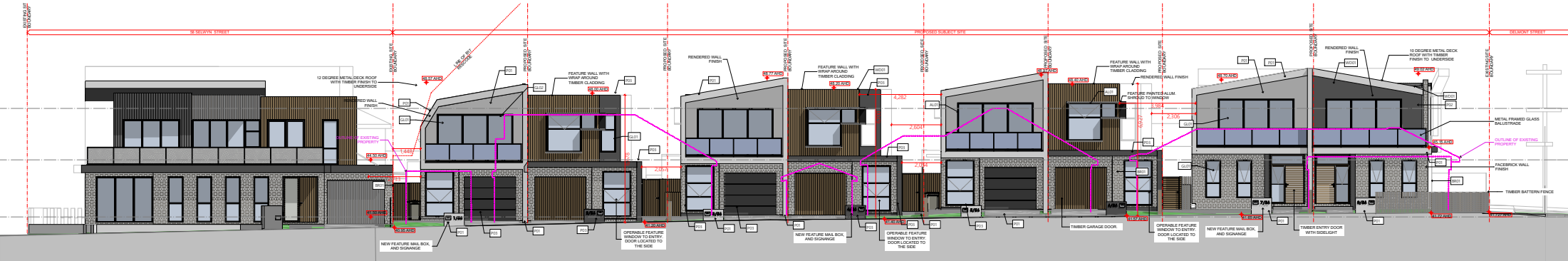
NORTH ELEVATION
SCALE 1:100 @ A1 1:200@A3

VCAT HEARING ISSUE

Revisions	Rev	Description	By	Date	Revisions	Rev	Description	By	Date
A		PRELIMINARY ISSUE	SW	10/10/2017	L		UPDATED VCAT ISSUE	JMG	07/08/2019
B		TOWN PLANNING ISSUE	JMG	21/02/2018	M		REDESIGN V1	JMG	10/10/2019
C		PRELIMINARY ISSUE	SW	23/03/2018	N		REDESIGN V2	JMG	26/02/2020
D		TOWN PLANNING ISSUE	SW	03/05/2018	O		NEW TOWN PLANNING ISSUE	JMG	18/05/2020
E		TOWN PLANNING ISSUE	SW	25/05/2018	P		NEW TOWN PLANNING ISSUE V2	JMG	26/05/2020
F		TOWN PLANNING ISSUE	SW	04/06/2018	Q		NEW TOWN RI PLANNING ISSUE V2	JMG	22/09/2020
G		NEW DESIGN ISSUE	JMG	29/10/2018	R		NEW TOWN RI PLANNING ISSUE V3	JMG	20/10/2020
H		TOWN PLANNING RI ISSUE	SW	15/11/2018	S		NEW TOWN RI PLANNING ISSUE V4 FOR DISCUSSION	JMG	04/11/2020
I		REVISED DESIGN FOR DISCUSSION	JMG	16/04/2019	T		ISSUED TO CONSULTANTS	JMG	15/07/2021
J		UPDATED VCAT ISSUE	JMG	09/07/2019	U		ISSUED TO CONSULTANTS	JMG	03/09/2021
K		UPDATED VCAT ISSUE	JMG	10/07/2019	V		VCAT HEARING ISSUE	JMG	08/09/2021



PART EAST ELEVATION (WITH APPROVED DEVELOPMENT AT 58 SELWYN STREET SHOWN)
SCALE 1:100 @ A1 1:200@A3



EAST ELEVATION (WITH APPROVED DEVELOPMENT AT 58 SELWYN STREET SHOWN)
SCALE 1:100 @ A1 1:200@A3

VCAT HEARING ISSUE

Detailed Assessment

Application Number:	P516/2023
Location:	52, 54 & 56 Selwyn Street Albion
Proposal:	Construction of ten (10) double storey dwellings and a reduction to the standard car parking requirement (visitor spaces)
Applicant:	GRAYKINNANE
Zoning/Overlay:	General Residential Zone Schedule 1 Development Contributions Plan Overlay Schedule 2
Adjoining Zoning/Overlay:	All surrounding residential land is zoned General Residential and is affected by a Development Contributions Plan overlay. Selwyn Park to the east on the opposite side of Selwyn Street is zoned Public Park and Recreation Zone and is within a heritage overlay
Potential Contamination:	A detailed history search of the subject site has not revealed any industrial or potentially polluting uses. No further assessment is required.
Proximity to former Land Fill sites:	The site is located outside the recommended buffer distance from the nearest former landfill. Accordingly, no landfill gas assessment of this site is required prior to the proposed development.
Cultural Heritage Management Plan:	A Cultural Heritage Management Plan, is required by the Aboriginal Heritage Regulations 2007 & the Aboriginal Heritage Act 2006. An approved CHMP was submitted with this application, (CHMP approval No.1676). The applicant provided advice from a qualified aboriginal archaeologist that the CHMP has not expired as the activity (residential development) remains the same.
Restrictive Covenant:	No covenant is registered on the title.
Section 173 Agreement:	There is no Section 173 Agreement registered on the title.
Planning History:	<u>P371/2018 – Construction of nine double storey dwellings and a reduction in the standard car parking requirement</u> P371/2018 proposing the construction of nine double storey dwellings was refused by Council under Delegation on 28 February 2019. VCAT upheld this delegated decision in Order No. P675/2019 dated 2 December 2019. The VCAT Decision and associated plans upon which that decision was made form Attachment 4 to this report. The main features of that proposed development included: • All dwellings were double storey; • 6 dwellings facing Selwyn Street (three reverse living layout, three conventional layout) and three dwellings facing Delmont Street (two reverse living layout, one conventional layout) • All garages facing the street with three double crossovers on Selwyn Street and a single crossover and double crossover on Delmont Street • Modern contemporary design for all dwellings with flat roof design and balconies facing both Selwyn Street/ Delmont Street • West portion of the site predominantly set aside for rear secluded private open space for the dwellings

The VCAT decision included the following reasons for upholding the refusal made by Council under Delegation:

- Design of vehicle access to townhouse 7 is not acceptable.
- The extent of attached form and the extent of cantilevered elements in Delmont Street are not acceptable.
- Greater separation between dwellings at ground and first floors and the extent of first floor cantilevering over the ground floor in the street frontage needs to be considered.
- Reverse living not appropriate for Delmont Street

The VCAT decision also included the following commentary.

- Planning does not focus on the number of dwellings rather than the acceptability of the design. If the design response is acceptable, so too are the number of dwellings within the design.
- The use of reverse living is acceptable on Selwyn Street
- The waiver of one car parking space for visitor purposes is considered acceptable.
- The flat and skillion roof forms and the extent of cantilevered elements along Selwyn Street are acceptable

P340/2020 – Construction of nine (9) double storey dwellings and a reduction in the standard car parking requirement

P340/2020 proposing the construction of nine double storey dwellings and a reduction in the standard car parking requirement was refused by Council under Delegation on 04 February 2021. VCAT upheld Council's decision in Order No. P532/2021 dated 8 September 2021. The VCAT Decision and associated plans considered form **Attachment 5** to this report. The main features of this dwelling included:

The main features of this dwelling included:

- All dwellings are double storey;
- 8 dwellings facing Selwyn Street (four reverse living layout, and four conventional layout) and one dwelling facing Delmont Street (conventional layout)
- All garages/ carports facing the street with three double crossovers on Selwyn Street and a single crossover and double crossover on Delmont Street
- Modern contemporary design for all dwellings including flat/ skillion roof and balconies facing both Selwyn Street
- West portion of the site predominantly set aside for rear secluded private open space for the dwellings

The VCAT decision included the following reasons for upholding the refusal made by Council under Delegation:

- Poor relation of the south dwelling (dwelling 1) to the existing dwelling to the south at 58 Selwyn Street;
- The lack of functional external access between the front and rear areas of dwellings 3 and 5 forcing occupants to use internal areas such as bedrooms to access the rear open space areas for maintenance.
- The design response to the corner of Selwyn and Delmont Street with dwelling 7 not having a more direct means of access between the garage and the dwelling and dwelling 8 lacking a service yard area

	that is out of view from the public realm. The design response to the corner generally requires further consideration. • The failure to retain two large canopy trees at the rear of 56 Selwyn Street which are identified, in an arboricultural sense, as having medium retention value, that does not respond to the policy for retaining existing canopy trees. The retention of these trees would achieve both maintenance of landscape character and assist with buffering the proposal to the residential property to the west. • The extent of occupation of the façade of each dwelling taken up by the garages is excessive and not consistent with the policy for them not to dominate streetscapes. • Despite the proposed use of single garages and large operable windows facing the street it fails to appropriately respect the neighbourhood character and policy direction under Clause 21.07-3 where housing in the locality provides good activation and surveillance from habitable room windows at ground floor level and not solely from first floor habitable room windows. Whilst the reverse living balconies would provide for some surveillance from living rooms associated with dwellings 1, 3 and 5, at first floor level but not at ground floor level. • Lack of ground floor street activation due to small façade widths of each dwelling and the limited opportunity for habitable room windows at ground floor level results. The VCAT decision also included the following commentary. • Planning does not focus on the number of dwellings rather than the acceptability of the design. If the design response is acceptable, so too are the number of dwellings within the design. • The use of reverse living is acceptable on Selwyn Street • The use of materials, finishes and roof design to be a contemporary design that is respectful and an acceptable response • The waiver of one car parking space for visitor purposes is considered acceptable. The two VCAT decisions are discussed throughout the report.
Considered Plans:	Advertised / Considered Documents and Plans received on 22/12/2023 with the updated WMP and ESD documentation received on 09/01/2024 After advertising was completed: Indicative landscape plan: Following a review of the objections the applicant provided an indicative landscape plan to provide more native species to the area on 4 March 2023 in response to the objections raised. This plan is included in Attachment 8. Indicative garden plan: Council officers raised concerns that the advertised plans, despite including a garden area plan stating the mandatory garden area had been met fell slightly short of that required. As a result of the above an indicative plan was submitted on 9 April 2024 to increase front setbacks and marginally reduce the size of dwellings as follows: <u>Dwelling 1</u> Reducing the internal floor area of dwelling 1 by: • Ground floor south wall setback from the south boundary from 1.75 metres to 1.915 metres • Porch canopy setback an additional 575mm from Selwyn Street • The setback from the west boundary increased from 6.785 metres to 7.585 metres and increasing the main secluded private open space

	from 40 square metres to 50.6 metres <u>Dwellings 2 – 8</u> Reducing the internal floor area of dwellings 2 to 8 by: • At ground floor porches setback an additional 550mm from Selwyn Street; • At upper floor balconies setback an additional 320mm from Selwyn Street; <u>Dwelling 9</u> Reducing the internal floor area of dwelling 9 by: • Porch canopy setback an additional 600mm from Delmont Street • North study wall setback an additional 360mm from Delmont Street; • East wall setback an additional 850mm increasing the main secluded private open space from 35 square metres to 42 square metres <u>Dwelling 10</u> Reducing the internal floor area of dwelling 10 by: • Porch canopy setback an additional 400mm from Delmont Street • West wall setback an additional 550mm from internal accessway increasing the secluded private open space from 31.48 square metres to 36 square metres. These changes are discussed throughout the report and these plans are included as Attachment 9 of this report.
Permit Required Pursuant to:	<u>Definition of Use</u> Pursuant to Clause 73.03 of the Brimbank Planning Scheme the proposed use is defined as a dwelling. <u>Use</u> Pursuant to the table at Clause 32.08-2 under the General Residential Zoning provision, a dwelling is a Section 1 Use and does not require a planning permit. <u>Development</u> A planning permit is required pursuant to Clause 32.08-6 under the General Residential Zoning provision for the following: • <i>Construct two or more dwellings on a lot.</i> <u>Other:</u> A planning permit is required pursuant to 52.06-3 to Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
Proposal Details:	The proposal involves the construction of ten double storey dwellings. Seven of the dwellings contain 3 bedrooms and are provided with 2 car parking spaces in the form of a either a tandem garage or a single garage or carport with tandem car space. The remaining three dwellings contain 2 bedrooms and are provided with one car parking space in the form of a single garage. All dwellings have been designed to have direct interface to the street which allow the main pedestrian access for the dwellings from either Delmont Street or Selwyn Street. Three of the dwellings (Dwelling 1 at the south of the site and dwellings 9 & 10) at the north of the site facing Delmont Street are a “conventional layout” which include dining/ living kitchen facilities at ground floor and bedrooms at upper floor whilst the remaining dwellings are “reverse living” including a bedroom at ground floor and additional bedrooms/ living/ kitchen areas at upper floor.

	There are three single crossovers proposed. There is a crossover at the south east corner of the site on Selwyn Street providing access to dwelling 1's carport, a crossover at the north east of the site on Selwyn Street providing access to dwelling 9's garage and finally a shared crossover at the north west corner on Delmont Street providing shared access to the car parking facilities for the remaining dwellings with the accessway extending along the west boundary of the subject site. Front setbacks are generally consistent with the minimum setback at ground floor, 5.43 metres from Dwelling 8's portico to Selwyn Street to the east. Dwelling 9's side setback is 4.16 metres from Selwyn Street and 2.92 metres to the intersection splay. The minimum front setback from Delmont Street is 3.065 metres from Dwelling 9's front portico. Front setbacks allow landscaping (including canopy trees) for each dwelling. Minimum setbacks are over 5.0 metres from the western boundary with the carport wall of dwelling 1 built on the south boundary. For dwellings 1, 9 & 10 which have a conventional layout, open space, at grade, exceeds over 80 square metres with the main secluded private open space areas to the east or west side of the dwellings. For the remaining dwellings these are provided with "reverse living" layouts incorporating balconies accessed from living areas at upper floor with a minimum area of just below 12 square metres and minimum dimension of 1.97 metres. The design is contemporary with Dwellings 1 and 3 on the south side of the site separated from the remaining dwellings by a 2.5 metre communal pathway running from Selwyn Street to the shared accessway to the rear. The dwellings including predominantly skillion roofs and flat roof profile. The materials proposed are predominantly brick and cladding at ground floor and at upper floor render and cladding. The dwellings are articulated through varied ground and upper floor setbacks, as well as the provision of balconies for dwellings 2 – 8 with significant fenestration facing the streets and defined entries providing a sense of address for each dwelling. Whist cantilevering is proposed at upper floor on the front façade this is restricted to balcony overhangs facing Selwyn Street and to the rear of the dwellings over the communal accessway/ car parking.
Site & Surrounds:	<u>Subject Site</u> The subject site is located on the western side of Selwyn St, on the southern side of the intersection with Delmont Street. The site consists of three adjoining lots with 52 Selwyn Street on the north side, 54 Selwyn Street centrally located and 56 Selwyn Street lying to the south of the site. The site is regular in shape, has a gentle slope of under 1m and has a frontage of 54.57m on Selwyn Street to the east, a secondary frontage of 28.7m on Delmont Street to the north, and an intersection splay of 3.05 metres, with a total site area of 1,863sqm. Each lot includes a single storey dwelling with hipped roof all orientated east towards Selwyn Street. The weatherboard dwelling on 52 Selwyn Street has a garage accessed from Delmont Street at the north west corner of the site, the brick dwelling on 54 Selwyn Street has a garage accessed from Selwyn Street centrally located on site whilst the weatherboard dwelling on 56 Selwyn Street has a garage accessed from Selwyn Street located at the south east corner of the site. There is vegetation including trees scattered across the lot.

	<u>Surrounding Area</u> There are two distinct lot patterns in this locality which are delineated by the western and eastern sides of the park. The site is located within a block with a grid layout and lots are generally regular in their shape and configuration. To the eastern side of the park, lots have an irregular configuration with angled frontages created by angled road alignments. The surrounding area remains predominantly single storey detached residential dwellings although double storey built form is a common feature in the area. Characteristics of the traditional stock in the area, include a modest original building footprint, provision of a side access that leads to a detached garage with the rear providing open space often containing multiple outbuildings. Dwellings are set off both side boundaries, and buildings are generally double fronted generally finished in brick/ weatherboard and have pitched roofs (tiled/ metal) whilst Directly to the south (58 Selwyn Street), the site construction is near completion for three contemporary attached double storey dwellings. There are other medium density developments in the immediate and wider area including three attached double storey dwellings at the corner of Dalworth Street/ Selwyn Street (two blocks south of the subject site) and three attached double storey dwellings and a rear single storey dwelling directly north east of the subject site at the corner of Delmont Street/ Selwyn Street. The more modern developments introduce contemporary lightweight materials including render and cladding with skillion and flat roof elements. Directly opposite the site to the east is Selwyn Park, a local reserve which contains formal recreational facilities as well as extensive open space areas with walking tracks. The park has an unusual configuration being an octagonal shape, and is bounded by Selwyn Street. Albion Community House is a service operating from a single storey building located to the south of the subject site, within Selwyn Park. The site is proximate to a number of services and public transport including: • Bus services running along Ballarat Road (215 bus service Caroline Springs/ Highpoint, 456 bus service Sunshine/ Melton and 426 bus service Caroline Springs/ Sunshine Station), 600 metres to the north; • Selwyn Park directly opposite the site; • Albion Primary School, 800 metres to the north west; • St Theresa’s Primary School, 800 metres to the east • Albion Station 1.5 km to the east; • Sunshine Activity Centre approximately 2km to the east;												
Notification:	As it was considered that the proposal may cause material detriment, the application was advertised to owners and occupiers of adjoining properties in accordance with Section 52 of the Planning and Environment Act 1987. Advertising was undertaken by the following means: <table><tr><td>On Site Notice</td><td>Yes</td><td></td></tr><tr><td>Mail</td><td>Yes</td><td></td></tr><tr><td>Newspaper</td><td>No</td><td></td></tr><tr><td>Objections:</td><td>Yes</td><td>No. 30</td></tr></table> The objections are summarised as follows:	On Site Notice	Yes		Mail	Yes		Newspaper	No		Objections:	Yes	No. 30
On Site Notice	Yes												
Mail	Yes												
Newspaper	No												
Objections:	Yes	No. 30											

Density/ Character issues

- Too high density within the General Residential Zone / 9 dwellings would be better suited on site
- Contrary to neighbourhood character/ no other part of the immediate gird has more than 3 dwellings
- Overdevelopment / bulk/ mass
- Setbacks need to reflect adjoining properties on Delmont Street
- Request that all second story render façade listed as B Material (white render) be replaced with C Material (weathergroove smooth), including on the western elevation.
- Front fence treatments for all of the Units required in keeping with the characteristic front fences in Albion, e.g. picket or wire

Landscaping

- Lack of landscaping – not enough areas for gardens/ trees
- There will be a much greater heat island effect with the hard surfaces and building footprint.
- Would request an amended planting list, consisting of only indigenous species local to western Melbourne.
- Landscape plan low in diversity
- Removal of trees on site will impact enjoyment of adjoining dwellings compromise native wildlife through habitat destruction, decimate native and established greenery contrary to Brimbank Habitat Connectivity Plan.
- Loss of trees (*Lophostemon confertus* and *Grevillea robusta*) unacceptable
- Arborist report wrongly identifies tree on Delmont Street nature strip which questions the integrity of report - requests secondary arboriculture report.
- Dispute 35% of the area will be covered by vegetation

ESD concerns

- Bare minimum standards have been reached, and looking at BESS reported categories only passed 4 of the 9 targets- not best practice.
- Rain gardens should be considered, especially in the central walkway between dwellings 3 and 4 to minimise storm water runoff.
- Too much of the proposed building material is dark colour which retains more heat than lighter coloured materials.

Car Parking/ Traffic

- Existing on street car parking issues will be exacerbated/ illegal parking prominent already
- Against loss of visitor car parking in this busy area, opposite a well used public park
- This current proposal does provide additional on-street spaces in Selwyn Street, in comparison to previous plans, and so concerns about the 'waive' are reduced.
- Traffic report misleading (Visitors will not only attend during evening/ weekdays/ No current car parking on the street). Not highly accessible and not walkable to public high school or Sunshine market/ there is "no standing" on the Selwyn Park side not correctly noted
- Impede access to emergency vehicles
- Selwyn Street too narrow to accommodate this amount of cars
- Exacerbate existing issues with cars parking illegally and blocking driveways

- Garages will be used for storage rooms/ redesign to include double garages to allow for one car space one storage space
- Traffic safety issues – using one accessway for so many vehicles will be dangerous with cars entering and leaving rear accessway/ will create an intersection hazard/ dangerous for children/ pedestrians crossing
- Fenced yard for dwelling 9 is dangerous as will block the line of sight to Delmont Street as it will block line of site for traffic exiting Delmont St. Request removal of the fence, or a low fence in line with other dwellings
- Traffic turning an issues- How can unit 2 and 3 turn their vehicles around to exit? Unit 4 can drive-in to their garage and reverse a vehicle westwards before driving forward to the east to exit. If unit 2 and 3 were to try and exit the same way they would reverse through the fence into the backyard of unit 1.
- Benefit to install line marking along Selwyn St abutting the development to ensure efficient use of the available kerbside parking.
- Headlights will impact front rooms of 6 Delmont Street
- Suggested Landscape treatment for the Owner of 6 Delmont Street, if desired due to traffic movements

General Impact on surrounding residents

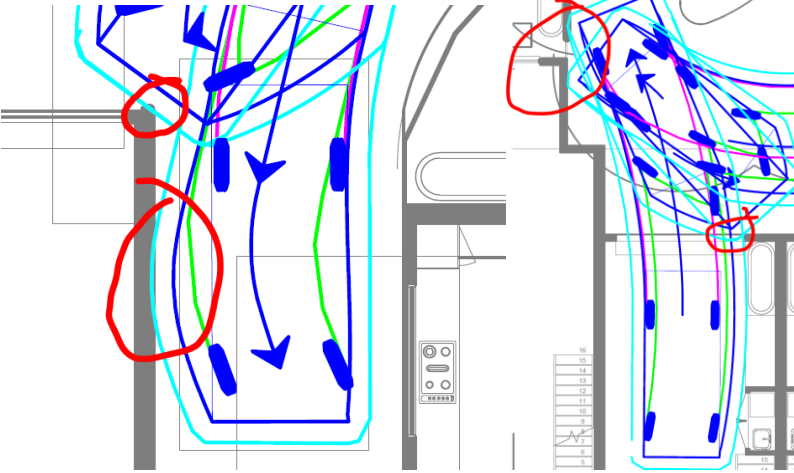
- Noise issues
- Loss of sunlight
- Loss of daylight to windows including north facing windows.
- Privacy issues - Request all West facing second storey windows looking into 1 Delmont St, and 2 Dalworth be fixed obscure glazed windows. North facing second story windows on dwellings 9 and 10, looking across to 4 and 6 Delmont St request removal of all floor to ceiling second story North Facing windows. Master Bedroom of dwelling 9, and master bedroom and stairwell on dwelling 10 should be reduced in line with window size and sill heights of bedroom 1 in dwelling 9

Impact on adjoining property to west

- No fencing noticed provided for proposed 1 Delmont Street, eastern boundary fence. Proposed reduction in fence at height north end of 1 Delmont's Street east boundary fence line will compromise safety, habitable bedroom and the front yard. Proposed height increase to rest of the fence line severely compromises sunlight to one East facing habitable bedroom. No fencing notice provided for 1 Delmont Street
- An acoustic fence for the extent of the abuttal of the multi-car driveway, to the residence at 1 Delmont Street;
- Loss of trees will impact the enjoyment of the secluded private open space/ privacy
- Need tree protection measures in place to protect adjoining trees
- Laneway hard up on the fence line of 1 Delmont Street – who maintains?

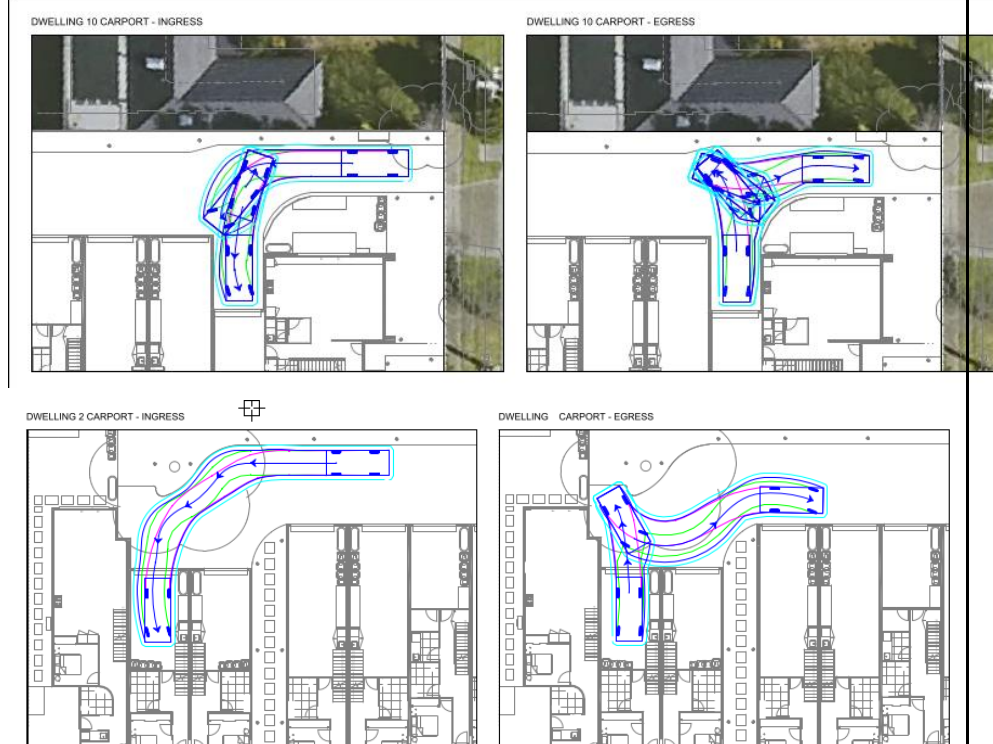
Other Issues raised

- Impact for residents due to location of transformer/ powerlines
- Rubbish collection concerns with existing problems regarding bins left on the street - No mention of recycling/ will lead to more hard rubbish
- Studies clearly third bedroom

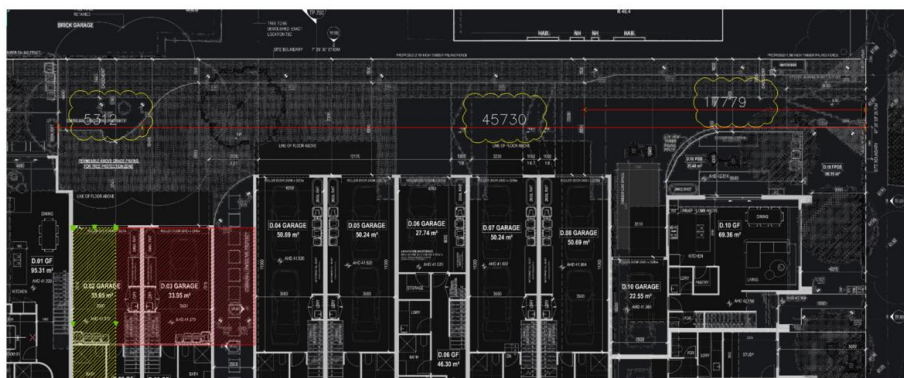
	• Lack of diversity as all double storey dwellings should include single storey/ discriminate against those with physical limitations • A new Cultural Heritage Management Plan required as, this report submitted was done in 2019. • Current blocks in disrepair
Referrals:	<u>Referrals</u> <u>Engineering (Infrastructure)</u> • EC01: Access to Site • EC02: Stormwater Retention • EC03: Drainage and Sewerage Connection • EC05: Services to be Shown • Council will only consider readily removable structures e.g. light weight cladding structure over the easement • A separate approval for the construction of Meter box, paving and fencing over/in Council's easement is required from Council's Engineering Services department <u>Engineering (Traffic)</u> Council's Traffic Engineers provided the following comments in relation to the layout: • Raised issues relating to convenience of tandem garages; • A passing is required at the entrance as per 52.06, accessway serves more than ten vehicles and 50m long access way • Vehicle movements are shown to require precision driving and very tight manoeuvres Dwellings 4 to 8 reduce landscaping by 200mm to increase the access way to 6.0m to allow better ingress/egress into garages • Dwellings 2 & 10 tandem car space should be widened to allow for better manoeuvrability or set back the tandem car space and garage further east. Vehicle clearance buffers appear to show intersecting walls and structures/obstructions  <u>ESD</u> <i>In terms of ESD following conditions are recommended:</i> <u>Plans</u> • Provide north-facing openable clerestory windows over the dining/living area of Units 1-2, and Units 4-8. • Indicate the thermal performance star rating, • All glazed doors and windows in habitable rooms are to be double-

	glazed. • Provide at least one openable sash per habitable room including in addition to any glazed door. • Provide an openable window to the upper hall of Unit 9 (with remote operation if out of reach). • Note all windows can be locked open. • Provide skylights (<0.5 m²) to allow daylight: - To all first floor rooms that have no windows - Near the end of upper halls in Unit 1- 8 - At the hall end furthest from windows. - Indicate locations on the roof plan and show dashed over on the floor plan. • Provide external shading devices in accordance with 'Brimbank ESD Guidance: Effective External Shading', and protect skylights >0.5 m² in glazed area. • Indicate a retractable or fixed clotheslines (not rack) per dwelling that has a minimum width and height above ground to hang bed linen. Positioned under rain-protection is encouraged. • Indicate the location of a secure, at grade, undercover bicycle park per dwelling. • Provide one visitor bicycle rack hoop in the "Communal Landscape Property" adjacent to the driveway and within a secure fence line. • Note electric vehicle charging points (per SDA). • Provide a WSUD Plan in the main drawing set: - Indicate the treated and non-treated portion of all new and altered catchments and the area of each. - Indicate treatment devices and annotate with a description (e.g. buffer-strip area, detention depth, tank capacity and reuse connections) per the WSUD modelling. - Locate buffer-strips away from side boundaries and building footings. - Indicate the portion of paving to be treated by the device and show indicative falls to it. - Provide in-ground planting for any buffer-strips, and dimension a minimum 0.6 m travel across vegetation (e.g. lawn/garden) before collection in a surface drain. - Note the surface drains are to be connected to the internal stormwater drainage system. SDA Amend the SDA to provide the following to the satisfaction of the responsible authority: • Provide preliminary NatHERS ratings for each distinct dwelling type and orientation. • Best practice in stormwater management is to be demonstrated with a revised stormwater strategy that: - Achieve 100% STORM rating, rainwater tank treatment 'reliability' no higher than 85% to avoid untreated water overflow - Avoids raingardens wherever possible (e.g. by increasing rainwater tank size; adding laundry reuse connection, and utilising buffer strips aside driveways). Where connecting washing machine taps to rainwater tanks indicate an extra 'occupant' per dwelling in STORM to acknowledge the additional reuse demand. - Where raingardens can be demonstrated unavoidable: ○ provide the limited number possible and locate in shared property to treat runoff from shared driveway rather than catchments associated with individual dwellings ○ provide a typical detail for an in-ground raingarden which includes a description of soil/filter media, drainage connection, lining to prevent infiltration, appropriate species and density, minimum
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	detention depth, anti-scouring measures, etc. ○ provide a simple table committing to a maintenance regime for any raingarden to ensure its on-going effectiveness. Include inspection frequency, cleanout procedures, and remediation requirements at a minimum. - Provide a current URL for the referenced erosion and sediment control measures to be employed during construction. • Provide a recycling target to ensure waste avoidance, reuse and recycling of materials during demolition and construction. • Provide electric outlets in each garage for electric vehicle charging (15 Amp minimum). • Include a full copy of the published BESS report within the SDA to include: - A detailed outline of the Builder Users Guide to be provided to enhance the sustainability of the building's use and maintenance per the guidance provided in the BESS Tool Notes (or unclaim the credit). WSUD Condition The performance of any Water Sensitive Urban Design (WSUD) device must be monitored and maintained such that it continues to meet Best Practice standards. In the event that the device fails to meet Best Practice standards it must be repaired or replaced with an alternate at the cost of the owner/operator to the satisfaction of the Responsible Authority. <u>Urban Design</u> Urban Design provided the following comments: • The design is high quality and maintains a consistent street interface along Selwyn Street. The public realm intent is a standout feature, with landscaping and inviting walkways enhancing the pedestrian experience. • Would prefer all vehicular access from the rear. <u>Parks Services</u> Parks Services has raised no objection to the removal of the street tree on Selwyn Street. <u>Response to referral comments</u> In terms of the comments above the following is raised: • Engineering (Infrastructure): The recommendations will form conditions of permit. • Engineering (Traffic): In terms of Council's Traffic comments the following is raised: - The proposed tandem arrangement is standard practice for residential developments, not discouraged under the relevant provisions of the Scheme and have been approved previously by Council and at VCAT and are not unlike any tandem arrangement. - Updated swept paths were provided to demonstrate that turning moves do not intersect walls for vehicles accessing and egressing the parking spaces of dwellings 2 and 10.
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- In terms of the passing area requirements of the Scheme further information has been provided by Traffix Group traffic engineers on behalf of the applicant:
 - o The need for a passing area is generally essential where there is a single accessway with no opportunity provided for passing thus a passing area at the front entrance is the only opportunity as well as visibility through an extended accessway obscured. In this instance there is opportunities available through the 5,800mm wide section of the accessway which begins 17.8m from the property boundary and extends to the end of the accessway thus negating the need for a passing area at the front. There is adequate visibility between entering and exiting vehicles to facilitate a give-way arrangement.
 - o In relation to passing, AS 2890.1:2004 provides the following commentary:
"As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 m. On long driveways, passing opportunities should be provided at least every 30 m."
 The accessway serves 8 dwellings with anticipated traffic generation of up to 5 vehicle movements per hour (significantly less than the 30 movements referenced in the Australian Standards. Accordingly, a passing area is not warranted under the Australian Standards.
 - o The length of accessway that provides "shared" access is only 45.7m long i.e. the last 5.3m is used solely to access the last dwelling. Referencing the shared length of the accessway, the proposal arguably does not exceed the 50m trigger. This is shown below:



Whilst the above is noted in order to address Council's Traffic Engineering concerns regarding constrained movements within the site a condition of permit will require the accessway fronting dwellings 4 - 8 be increased from 5.8 metres to 6.1 metres by reducing the floor area of dwellings 4 - 8. This will create a passing area 6.1 metres wide for 29 metres in length. In addition the following standard conditions of permit will apply:

- CC01B: Car Parking Construction – Residential
- CC03: Vehicular Crossing
- CC04: Vehicle Crossing, Nature Strip and Footpath Reinstatement
- CCO5: Provision of Kerb Barriers
- Should Council impose car parking restrictions in this street, the owners and / or occupiers of the dwellings within this development would not be eligible for a Council parking permit to allow for on-street parking.

Following the above submission Council's Traffic Engineers reviewed the information and support the application subject to a condition being placed on any permit to issue that requires a 6.1m aisle width to accord with the Planning scheme aisle width requirement for a passing area which will also resolve the turning areas to ensure vehicles can enter and exit the garages.

- **ESD:** The majority of ESD recommendations will form conditions of permit albeit a number will be reworded in order to form legal conditions. Skylights have already been provided for a number of hallways and a note is already include on the plans that habitable windows will be double glazed. Regarding the requirements for north-facing openable clerestory windows over the dining/living area of Units 1-2, and Units 4-8, the design has been specifically chosen to ensure all dwellings face the street and currently provide a high quality contemporary design that will enhance the streetscape and overall the concept is considered acceptable. In order to improve the development's access to northern light for habitable areas skylights will be required over the dining/ living areas for each dwelling and due to the low profile all dwellings' will benefit from an aspect of northern light. The condition relating to clothesline will require these are not within dwellings' balconies visible to the street.
- **Council's Urban Design Department** acknowledges the positive aspects of the development in terms of the design enhancing the streetscape. Whilst the accessway comments are noted only two crossovers are provided on the extended Selwyn Street frontage and one crossover on Delmont Street frontage which is one of the main attributes to the design in terms of traffic safety, landscaping opportunities and ensuring adequate frontage is available for waste pick up. The number of vehicle crossovers is therefore supported.

Planning Scheme Requirements:	Planning Policy Framework Clause 11 – Settlement Clause 12 – Environmental and Landscape Values Clause 14 – Natural Resource Management (Water Conservation) Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 18 – Transport Clause 19 – Infrastructure (Design and Provision) Local Planning Policy Framework Clause 21 – Municipal Strategic Statement Clause 21.06 – Built Environment Clause 21.07 – Housing Clause 21.07-1 - Residential Growth Clause 21.07-2 – Housing Diversity Clause 21.07-3 – Residential Design Clause 21.10 – Transport and Infrastructure Clause 22.02 – Environmentally Sustainable Development (ESD) Zoning Provisions Clause 32.08 – General Residential Zone (Schedule 1) Overlay Provisions Clause 45.06 – Development Contributions Plan Overlay Schedule 2 (DCPO) Particular Provisions Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development Clause 55 – Two or More Dwellings on a Lot and Residential Buildings General Provisions Clause 65 – Decision Guidelines
Comparison against Planning Controls:	Planning Policy Framework <u>Clause 11: Settlement</u> • <i>Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.</i> • <i>Planning is to recognise the need for, and as far as practicable contribute towards:</i> • <i>Health, wellbeing and safety.</i> • <i>Diversity of choice.</i> • <i>Adaptation in response to changing technology.</i> • <i>Economic viability.</i> • <i>A high standard of environmental sustainability, urban design and amenity.</i> • <i>Climate change adaptation and mitigation.</i> • <i>Prevention of land, water, air and noise pollution.</i> • <i>Protecting, conserving and improving biodiversity, waterways and other natural resources.</i> • <i>Accessibility.</i> • <i>Land use and transport integration.</i> • <i>Waste minimisation and resource recovery.</i> • <i>Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.</i> • <i>Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure</i>

and services.

Clause 11.01-S: Settlement

Objective

- To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause.11.01-1R: Settlement - Metropolitan Melbourne

Strategies

- Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.
- Focus investment and growth in places of state significance, including:
 - Metropolitan Melbourne Central City.
 - National Employment and Innovation Clusters.
 - Metropolitan Activity Centres.
 - State-Significant Industrial Precincts.
 - Transport Gateways.
 - Health and Education Precincts.
 - Major Urban-Renewal Precincts.
- Develop the Suburban Rail Loop through Melbourne's middle suburbs to facilitate substantial growth and change in major employment, health and education precincts and activity centres beyond the central city at an appropriate scale to address the needs of Melbourne's rapidly growing population.
- Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.
- Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.

Clause 11.02-1S: Supply of Urban Land

Objective

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate

supply of well-located land for energy generation, infrastructure and industry.

- *Restrict rural residential development that would compromise future development at higher densities.*

Clause 15: Built Environment and Heritage

- *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*
- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.*
- *Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.*
- *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- *Planning should promote excellence in the built environment and create places that:*
 - *Are enjoyable, engaging, and comfortable to be in.*
 - *Support human health and community wellbeing.*
 - *Accommodate people of all abilities, ages and cultures.*
 - *Contribute positively to local character and sense of place.*
 - *Reflect the particular characteristics and cultural identity of the community.*
 - *Enhance the function, amenity and safety of the public realm.*
- *Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.*
- *Planning should facilitate development that:*
 - *Is adapted and resilient to climate related hazards.*
 - *Supports the transition to net zero greenhouse gas emissions.*
 - *Minimises waste generation and supports resource recovery.*
 - *Conserves potable water.*
 - *Supports the use of, and access to, low emission forms of transport.*
 - *Protects and enhances natural values.*
 - *Minimises off-site detrimental impacts on people and the environment.*

Clause 15.01-1S: Urban design

Objective

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private*

spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Objective

- *To create a distinctive and liveable city with quality design and amenity.*

Strategies

- *Support the creation of well-designed places that are memorable, distinctive and liveable.*
- *Integrate place making practices into road space management.*
- *Strengthen Melbourne's network of boulevards.*
- *Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.*
- *Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.*

Clause 15.01-2S: Building design

Objective

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
 - *Passive design responses that minimise the need for heating, cooling and lighting.*
 - *On-site renewable energy generation and storage technology.*
 - *Use of low embodied energy materials.*
- *Restrict the provision of reticulated natural gas in new dwelling development.*
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the*

	<i>function and amenity of the public realm.</i> • <i>Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.</i> • <i>Ensure development is designed to protect and enhance valued landmarks, views and vistas.</i> • <i>Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.</i> • <i>Encourage development to retain existing vegetation.</i> • <i>Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.</i> <u>Clause 15.01-4S: Healthy neighbourhoods</u> Objective • <i>To achieve neighbourhoods that foster healthy and active living and community wellbeing.</i> Strategies • <i>Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:</i> • <i>Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.</i> • <i>Streets with direct, safe and convenient access to destinations.</i> • <i>Conveniently located public spaces for active recreation and leisure.</i> • <i>Accessibly located public transport stops.</i> • <i>Amenities and protection to support physical activity in all weather conditions.</i> <u>Clause 15.01-4R: Healthy neighbourhoods - Metropolitan Melbourne</u> Strategy • <i>Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.</i> <u>Clause 15.01-5S: Neighbourhood character</u> Objective • <i>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</i> Strategies • <i>Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i> • <i>Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.</i> • <i>Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:</i> • <i>Pattern of local urban structure and subdivision.</i> • <i>Underlying natural landscape character and significant vegetation.</i> • <i>Neighbourhood character values and built form that reflect community identity.</i> <u>Clause 15.03-1S: Heritage conservation</u> Objective
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- *To ensure the conservation of places of heritage significance.*

Strategies

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance*
- *Encourage appropriate development that respects places with identified heritage values. Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place. Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*
- *Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

Clause 16: Housing

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include the provision of land for affordable housing.*

Clause 18: Transport

- *Planning should ensure a safe, integrated and sustainable transport system that:*
 - *Provides access to social and economic opportunities to support individual and community wellbeing.*
 - *Facilitates economic prosperity.*
 - *Actively contributes to environmental sustainability.*
 - *Facilitates network-wide efficient, coordinated and reliable movements of people and goods.*
 - *Supports health and wellbeing.*

Response

The subject site is located within an established residential area within the General Residential Zone and is proximate to a number of services and public transport. It is an appropriate location for a medium density development supporting the settlement policies for intensification in urban areas and the healthy neighbourhood principles and housing policies of creating 20 minute neighbourhoods and walkability. The introduction of a smaller dwelling type in including a "reverse living concept" and a mixture of two and three bedroom dwellings supports the concept of mixed used neighbourhoods at varying densities and dwelling diversity.

In terms of the built environment and neighbourhood character policies Council's Urban Design Department acknowledges that principally the design is high quality with the development utilising both its corner location and direct interface to Selwyn Park by proposing all dwellings to

	retain a street frontage. The design is a high quality contemporary finish and the low roof forms, use of brick at ground floor and lightweight materials at upper floor respond to characteristics of the area as well as providing a design outcome that will enhance the streetscape. The use of significant fenestration and balconies on front elevations will help improve safety and passive surveillance towards the adjoining streets and Selwyn Park. The plans have been revised in terms of ESD policy requirements, by Council's ESD Officer and subject to conditions the development will achieve high standards of ESD design. In terms of landscaping, whilst there is a loss of large tree at the north west corner of the site (discussed further below) the fact only three crossovers are proposed allows significant opportunities for vegetation and significant canopy tree planting along site frontages which will provide a strong landscape edge to the development when viewed from the public interface. The site is located within an area of Aboriginal Heritage Significance, an approved CHMP has been submitted with this application. The application has been assessed against the Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Brimbank Planning Scheme. Local Planning Policy Framework <u>Clause 21.02: Key Land Use Issues</u> Built Environment • <i>Throughout the municipality the quality of the built environment, streetscapes and development along our river valleys and escarpments are significant issues. Improving the public realm and creating a sense of identity in the municipality by the community is a priority for Council.</i> • <i>Well-designed development which contributes to the desired neighbourhood character, contributes to the community's sense and pride of place will be encouraged.</i> • <i>High quality urban design is the key to achieving a sustainable future for Brimbank. Quality urban design will be a driving force in the assessment of future development.</i> • <i>A sense of Brimbank's history is reflected in the heritage places that were founded upon the early rural development of the municipality and the later industrial development of Albion and Sunshine. Heritage places dating back to the early 1900s are located throughout the municipality. The recognition, retention, enhancement and preservation of these historic assets are a priority.</i> Housing • <i>Housing type is generally characterised by Pre-war and Post-war style dwellings in the established suburbs of Sunshine, St Albans and Deer Park and contemporary styles in the recently developed suburbs of Cairnlea, Sydenham, Hillside and Derrimut.</i> • <i>The expected ageing population will create an increased demand for smaller dwellings and aged care accommodation and services.</i> • <i>Housing within Brimbank is expected to increase from approximately 61,411 dwellings in 2006 to 72,570 dwellings in 2026, with the average household size falling from 2.94 to 2.77 residents per household.</i>
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- *There are no greenfield development sites remaining within Brimbank and it is expected that population growth will be contained within infill medium and higher density developments, in activity centres, the General Residential Zone and Residential Growth Zone.*

Transport and Infrastructure

- *Brimbank has a disconnected public transport system that does not effectively connect the entire municipality.*
- *Bus usage in Brimbank is higher than some neighbouring municipalities. The provision of bus services has lagged behind the development of new residential estates, further compounding the reliance on private vehicles. The rail network is overcrowded and only services a limited area of the municipality.*
- *Council will advocate for more sustainable transport options, including a connected walking and cycling network and reduced reliance on private vehicles.*
- *Council's ageing stormwater and drainage system will need improvement to meet the needs of the expected increase in population.*

Clause 21.06: Built Environment

Clause 21.06-4: Landscaping

- *Landscaping is an important component that helps to define the character and appearance of the municipality and improve the appearance of properties, streets and districts.*
- *Landscaping can also play an important role in making outdoor spaces useful, enjoyable and attractive, contributing positively to the amenity, safety and comfort of the places we live, work and play in.*
- *Landscaping has an important environmental role to play in reducing the impacts of urban development on the local ecosystem.*

Objective 1

- *To ensure landscaping within new developments respects the natural environment and landscape character of the surrounding area.*

Strategies

- *Landscaping should incorporate indigenous, drought tolerant species contained within the Brimbank Landscape Guidelines, July 2001.*
- *Landscaping should be designed to complement the landscape treatments of adjoining public realm areas.*
- *Permeable hard surfaces are encouraged.*
- *Landscaping should be integrated into a development to improve the appearance of the built form and contribute positively to the development*
- *Landscaping should not include environmental weeds.1.5 Landscaping within the Melbourne Airport Environs Overlay Schedule 1 and Schedule 2 areas should not be bird attracting and comply with the Melbourne Airport Urban Landscape Plantings Guide. 1*

Objective 2

- *To ensure landscaping along active interfaces incorporates crime prevention measures.*

Strategies

- *Encourage pedestrian-scale lighting along pathways.*
- *Encourage low-level fencing or vegetation around areas of private ownership.*
- *Encourage low-level planting adjacent to windows, fencing and pathways to define private and public land*

	<u>Clause 21.06-5: Environmentally Sustainable Design</u> Objective 1 - Development should achieve best practice in environmentally sustainable development from design through to the construction and operation stages. Strategies - Implement the Environmentally Sustainable Development Policy at Clause 22.02 which applies throughout Brimbank to residential and non-residential development that requires a planning permit. <u>Response</u> The development has responded to both the landscaping and ESD policies and subject to conditions will provide landscaping that will significantly enhance the public realm and achieve a high standard of environmentally sustainable development. <u>Clause 21.07-1: Residential Growth</u> <i>In response to the Metropolitan Strategy, the Western Regional Housing Statement was developed to identify opportunities for residential development in Brimbank and the western region. It was identified that the City of Brimbank could accommodate an increase of some 7,800 additional households to the year 2030. The study anticipated that 4,500 households will be in the form of dual occupancy and medium density housing. The Victoria in Future 2012 analysis undertaken by the State Government suggests that these figures are understated and that households are expected to increase in excess of 19,138 households to the year 2051.</i> <i>There are no longer large scale greenfield sites within the municipality available for substantial residential development. Any future development is likely to be located in key strategic development sites, surplus industrial areas, and within activity centres. Future structure planning will provide direction for the provision of increased residential development within the activity centres.</i> <i>Housing intensification can increase the urban heat island effect. Increased tree planting and green open spaces can reduce urban temperatures and can help to manage this impact and will be required in to be included in all new medium and higher density developments.</i> <i>The Brimbank Housing Strategy, 'Home and Housed' specifies locations of substantial, incremental and limited change, and recommends preferred built form and design outcomes.</i> Objective 1 - To accommodate appropriate residential growth in identified locations. Strategies - Support lower density housing in the Neighbourhood Residential Zone. - Support increased residential densities in the General Residential Zone. - Encourage higher residential densities within the Residential Growth Zone. Encourage higher residential densities within activity centres which are well serviced by public transport, services and community facilities. - Encourage reverse living only in the Residential Growth Zone <u>Response</u>
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Given the site's proximity to services and public transport within an established residential area the increase in density from three to ten dwellings on a site of over 1800 square metres is acceptable within its location within the General Residential Zone. This is generally consistent with other medium density developments in the area with three unit developments built on the adjoining lots with an original area of just over 600 square metres.

Whilst reverse living is generally encouraged in a Residential Growth Zone, this concept is considered acceptable due to the site having a direct interface to Selwyn Park to the east with the previous VCAT decision associated with P0340/2020 stating:

"That the reverse living layout for the dwellings fronting Selwyn Street was an acceptable feature of the proposal."

Clause 21.07-2: Housing Diversity

Housing in Brimbank is dominated by detached dwellings, which generally consist of three or more bedrooms.

The current demographic trends within the municipality show almost one in five people live in single households, the population is ageing and household size is decreasing. Encouraging diversity and adaptability in housing, in terms of housing type, size, form and affordability is identified as major issue.

The Ageing Well Strategy 2004 – 2016 (prepared for the Cities of Maribyrnong & Brimbank and the Shire of Melton) identified the need for Brimbank to address the shortage of older persons housing for the anticipated increase of people over the age of 55 years from the year 2016 to 2031.

Objective

- *To ensure a range of housing types are available to meet the diverse needs of residents.*

Strategies

- *Encourage dwellings that are adaptable to changing housing needs.*
- *Encourage new multi-unit residential developments to incorporate a diversity of housing types to meet the needs of different households.*
- *Encourage the provision of affordable housing in new larger scale residential developments.*
- *Encourage student accommodation to locate within walking distance of tertiary institutions at Victoria University campuses at Sunshine and St Albans.*

Response

The proposal provides a smaller dwelling typology than then predominant housing type in Brimbank of detached dwellings with three or more bedrooms on large blocks. The 10 dwellings are varied including:

- Three, two bedroom dwellings and seven, three bedroom dwellings;
- Seven reverse living dwellings and three traditional style dwellings

Clause: 21.07-3: Residential Design

The residential areas throughout Brimbank feature an eclectic mix of architectural styles, building quality and designs that have combined to form the character of our neighbourhoods. A key characteristic of residential neighbourhoods are side setbacks and the large open space areas located at the frontage and rear of detached housing. This is a typical feature of middle ring suburbs.

Council considers that increasing the focus on the design, function and appearance of residential buildings and streetscapes will contribute to the development and maintenance of a strong sense of identity and character that improves pride in our local neighbourhoods.

Council acknowledges that residential areas within the Residential Growth Zone have the potential to experience substantial change over time. The preferred character will consist of high quality design that responds to surrounding housing development in terms of appropriate building setbacks, colours and finishes, design detail, and landscape setting. The General Residential areas will allow unit and town house development facilitating incremental change over time. New development will respect neighbourhood character in terms of appropriate siting, colours and finishes,, setbacks, design detail, and landscape setting. The Neighbourhood Residential areas will protect neighbourhood character, heritage areas and the suburban lifestyle our residents enjoy. Dwelling yield will be limited to 2 dwellings per lot and new dwellings will have larger backyards. New development will respect neighbourhood character terms of appropriate siting, colours and finishes,, setbacks, design detail, and landscape setting.

Objective

- *To promote development that is well designed, innovative and responds to its location and context.*

Strategies

- *Ensure new development reflects the objectives in character studies and design guidelines adopted by Council.*
- *Ensure new development provides an address to the street and incorporates articulated facades.*
- *Encourage new development to incorporate high quality urban design, architectural detail and use of robust materials.*
- *Ensure new development respects neighbourhood character.*

Objective

To facilitate the development of attractive, safe, high amenity neighbourhoods that have a strong sense of identity and neighbourhood character.

Strategies

- *Ensure new development integrates with its surrounding environment and does not detract from the rhythm of the streetscape in terms of building design, height, massing, location of garages and setbacks.*
- *Encourage only one vehicle crossing per dwelling to ensure the preservation of on-street car parking and limit pedestrian conflict points.*
- *Ensure accessways are located to minimise any impact on existing street trees.*
- *Encourage roof forms to reflect the broad forms, pitch and eave detail of roofs that predominate in the neighbourhood*
- *Ensure fencing and boundary treatments are compatible with the architectural style of the dwelling and the street.*
- *Ensure new development provides an active interface to the public realm to provide passive surveillance and to stimulate street life.*
- *Ensure driveways and hard stand areas do not dominate the frontage of dwellings.*
- *Ensure at grade private open space is located behind the front façade of dwellings within the Neighbourhood Residential Zone and General Residential Zone.*

Objective 3

- *To ensure new development demonstrates best practice environmentally sustainable design.*

Strategies

- *Encourage new development to incorporate water sensitive urban design and other environmentally sustainable design initiatives.*
- *Ensure new development is orientated to achieve maximum passive solar access to living areas.*
- *Ensure new dwellings incorporate canopy tree planting in the front and rear setbacks.*

Policy Guidance (criteria for the exercise of discretion)

It is policy that, as appropriate:

- *New development should sit harmoniously within the streetscape in terms of scale, proportion and design. Residential development in or close to activity centres should include appropriate noise attenuation to protect the amenity of residents.*
- *Private open space should not be located within the frontage of new developments unless it is integrated within an apartment complex.*
- *New development should use high quality robust building materials.*
- *Covered car parking spaces should include a significant setback behind the façade of the dwelling.*
- *New development should provide active street frontages and avoid blank walls facing streets. New development should provide for significant landscaping opportunities within front and side setbacks and between dwellings.*
- *External services and equipment such as plumbing, heating, ventilation, lift over-runs and other plant should be incorporated into the building design and be concealed from public view to minimise amenity impacts on surrounding residential areas.*
- *Residential subdivisions should be encouraged to incorporate underground power and solar street lighting.*
- *Waste collection areas should be sited in unobtrusive locations and be adequately screened from the streetscape view.*
- *Waste collection areas in cul de sacs and other constrained locations should be accessible by waste collection vehicles.*
- *New subdivisions should provide multiple through-block connections to provide for efficient pedestrian and cycling connections that are well overlooked and safe.*
- *New subdivisions should incorporate adequate street widths to provide for waste collection and emergency vehicles, public transport and walking and cycling infrastructure.*
- *New development and subdivisions should incorporate best practice storm water management practices.*
- *New streets should link together and where possible new cul de sacs and dead-end streets should be avoided.*

Response

The proposal is considered compliant with the policies whereby:

- The development is located directly opposite a Park with a dual frontage. This allows all dwellings to have a direct interface with the adjoining streets providing an active interface to the public realm. This is enhanced through the significant fenestration on the front of all dwellings, including habitable windows at both ground and upper floor and balconies facing Selwyn Park to the east. Whilst not all dwellings are provided with at grade private open space, the "reverse living" approach utilising balconies will vastly improve passives surveillance to Selwyn Park and provide an attractive outlook for future residents.

- The design is high quality and will enhance the streetscape. The proposal is highly contemporary utilising low skillion roofs and some flat roof elements. The principle of a contemporary design approach has been accepted in previous VCAT decisions pertaining to the site with VCAT decision associated with P0371/2018 stating:

"The proposed dwellings do not feature hipped or gable roofs in Selwyn Street and have cantilevered elements at first floor level. These differences by themselves are not sufficient reason to find that the design is not respectful of the neighbourhood character. As the planning practice note states, respecting does not mean replicating what exists. Change is encouraged, hence the flat and skillion roof forms and the extent of cantilevered elements along Selwyn Street are acceptable"

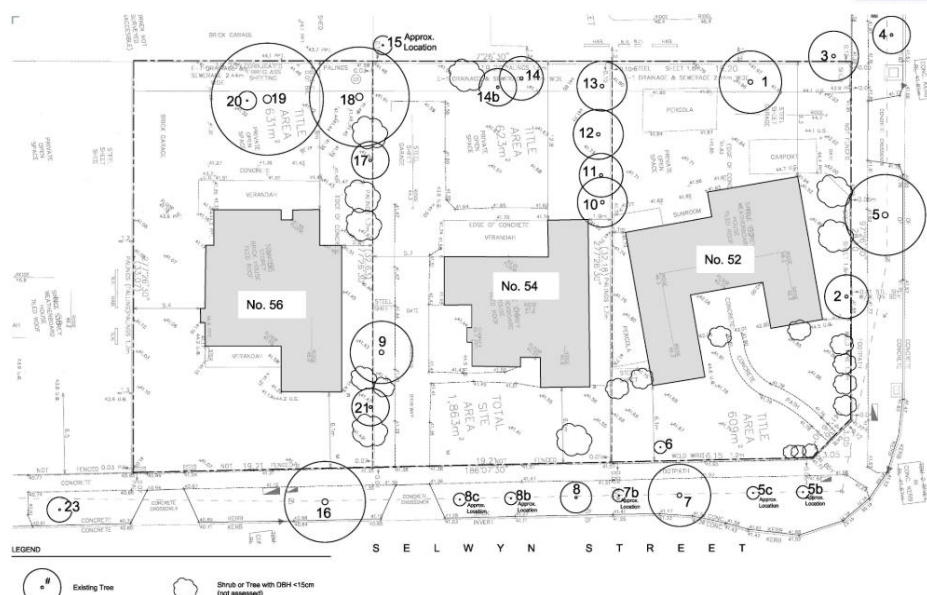
and the VCAT decision associated with P0340/2020 stating:

"I also consider the use of materials, finishes and roof design to be a contemporary design that is respectful and an acceptable response."

Whilst the proposal includes attached built form there is physical separation at both ground and upper floor proposed between Units 1 and 2 and the remaining dwellings facing Selwyn Street. Both the ground floor and upper floor contain significant articulation through setbacks, change of roof profile, fenestration and balconies.

The materials proposed are robust and respond to the character of the surrounding area. The use of brick at ground floor respects the traditional character of the area. The other predominant material in the area weatherboard is also reflecting through the horizontal cladding at upper floor and render is proposed which has been incorporated in a number of the modern medium density development including the lots directly south to the dwelling. The lightweight materials proposed at upper floor (together with the articulated built form) helps reduce the scale and massing of the development when viewed from surrounding properties. This design response to the street including contemporary design, materials proposed and significant articulation to the streets is one of the features of the proposed development.

- Only three crossovers are proposed to service the development with 8 of the 10 dwellings having their garages located at the rear of the development accessed from a shared crossover at the north east corner on Delmont Street. The remaining dwellings 1 and 9 both have single crossovers proposed on Selwyn Street (which has an extended frontage of 54.55 metres). The crossovers proposed are significantly below the one vehicle per crossover encouraged and the parking will not dominate the frontage. This will also allow adequate room for waste collection by Council on both Delmont Street and Selwyn Street.
- As crossovers are limited this allows a strong landscape buffer to be provided between the development and adjoining streets due to the setbacks proposed from the streets. A landscape plan has been provided which shows significant canopy tree planting within the front setback area of each dwelling and the side setback of dwelling 9 facing Selwyn Street. Landscaping has also been provided along the west boundary between the accessway and adjoining lot.
- Two existing trees on site are identified as medium arborist value at the north west of the site within the submitted arborist report shown below at trees 18 "Brush Box" & 19 "Snow in Summer".



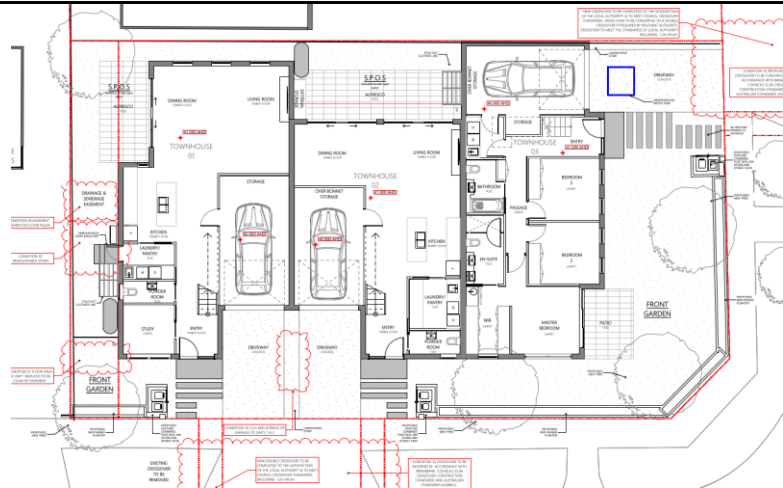
Whilst one of these medium trees, "Snow in Summer" is to be retained the Bush Box is to be removed. Regarding these trees the VCAT decision associated with P0340/2020 stated:

However, I accept that these types of large, mature canopy trees are of value, particularly when they are not in poor health and when they provide a backdrop to built form and can complement proposed landscaping and other existing canopy trees in the neighbourhood. The presence of large canopy trees in private gardens is not extensive and much of the large canopy tree presence in the neighbourhood is provided by either street trees or trees within Selwyn Park. The retention of these trees would achieve both maintenance of landscape character and assist with buffering the proposal to the residential property to the west.

In addition a large tree at the north east corner of the site abutting the western boundary a semi-mature "Silky Oak" (tree 1 above) is also proposed to be removed. It would be preferred to retain all healthy mature trees as part of a development. That being said, with the "Snow in Summer" to be retained, additional replacement planting along the western boundary and an additional canopy tree being planted to the rear of dwelling 1 at the south west corner of the site this will help reduce the impact of the development on the adjoining lots to the south and west.

The trees to be removed are not identified within Council's Significant Tree Register and are located at the rear of the site. The proposal has significantly changed the design in comparison to the previously considered designs at VCAT with only three crossovers proposed. This allows significant opportunities for landscaping including canopy tree planting across the entire site frontages which will improve the landscape character of the site, providing a strong landscape edge along the public interfaces. On balance it is considered that the landscaping proposed will provide a high quality landscape setting to the development.

- The proposed development albeit on a larger scale, clearly reflects the design principles of the 3 unit development near completion on the lot directly to the south at 58 Selwyn Street, at the intersection with Dalworth Street/ Selwyn Street approved under Planning Permit P0787/2017 shown below.



Endorsed Ground Floor Plans (P0787/2017): 58 Selwyn Street, Albion

Endorsed



Upper

Floor Plans (P0787/2017): 58 Selwyn Street, Albion



Endorsed Elevation Plans (P0787/2017): 58 Selwyn Street, Albion

Similar to proposed the development the adjoining development includes:

- All dwellings facing the street with attached built form broken up through articulated frontages, upper floor separation and material

composition.

- Conventional layouts for the dwellings facing Dalworth Street with reverse living including front cantilevering for the balcony facing Selwyn Park to the west.
- A contemporary design including skillion and mono-pitch roofs and use of brick/ render and cladding.
- Front setbacks able to accommodate landscaping including a 3.0 metre setback from Dalworth Street and a more generous setback from Selwyn Street.

Clause 22.02: Environmentally Sustainable Design

Clause 22.02-3: Policy

- *It is policy to ensure innovative technology, design and processes positively influence the sustainability of all development.*
- *It is policy that applications for the types of development listed in Table 1 be accompanied by information which demonstrates how relevant policy objectives will be achieved.*

Clause 22.02-5: Decision guidelines

In determining an application, the responsible authority will consider as appropriate:

- *The extent to which the development meets the objectives and requirements of this policy from the design stage through to construction and operation.*
- *Whether the proposed environmentally sustainable development performance standards are functional and effective to minimise environmental impact.*
- *Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints.*
- *Whether an appropriate assessment method has been used.*
- *Whether an ESD plan or framework has previously been approved by the responsible authority (whether under a planning control or otherwise)*

Response

ESD information was in accordance with the Scheme requirements. Council's ESD Officer did not object to the development subject to a number of changes, the majority which will be incorporated as conditions of permit.

The application has been assessed against the Local Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Brimbank Planning Scheme.

Zoning and Overlay Provisions

Clause 32.08 – General Residential Zone (Schedule 1)

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Response:

The proposal has adequately responded to the purposes above. *PPN91: Using Residential Zones* issued by the State Government includes the following in terms of the role and application of General Residential Zones:

Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.

Whilst three storey is not proposed in this instance the design has been designed as two storey to help integrate the design with adjoining dwellings and relate the scale of the development to its prominent location opposite Selwyn Park.

Clause 32.08-4 – Construction or extension of a dwelling, small second dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot, must provide the minimum garden area at ground level as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 – 500 sqm	25%
Above 500 – 650 sqm	30%
Above 650 sqm	35%

Response

Based on the site area of 1862 square metres, the minimum percentage of the lot required to be set aside for garden area is 35%. Whilst a garden area plan was provided stating the 35% of the garden area was met this was 646.3 square metres (34.7%) falling short of the mandatory requirement.

An indicative plan was provided on 9 April 2024 to address the shortfall. All changes proposed are minor, reducing the impact on adjoining dwellings and the streetscape by increasing building setbacks from adjoining boundaries and street frontages as well as increasing secluded private open space areas for dwellings 1, 9 and 10. The requirement for the indicative plan **Attachment 9** should form a condition of permit.

Clause 32.08-11 – Maximum building height for a dwelling, small second dwelling or residential building

This clause specifies the following requirements:

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

Response

As there is no schedule the maximum height permitted is 11 metres and 3 storeys. In this instance the maximum height is 8.245 metres and are double storey.

Clause 32.08-13 - Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Dwellings, small second dwellings and residential buildings

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Response

There are no solar energy systems on surrounding dwellings that will be impacted by the development. A full assessment against the standards and decision guidelines of Clause 55 is included below.

Clause 45.06 - Development Contributions Plan Overlay (Schedule 2)

The purpose of the Development Contributions Plan Overlay is:

- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Response

It applies to all new development that results in additional demand units, meaning the levy amount is based on the proposed increase in the number of dwellings on a site. A condition will be included on any permit to issue requiring the payment of the development contribution, in accordance with the requirements of this overlay.

The application has been assessed against the relevant zoning and overlay provisions and it is considered that the proposed development is consistent with the purpose of the zoning and overlay controls contained within the Brimbank Planning Scheme.

General Provisions

The application has been assessed against the Decision Guidelines, in particular Clause 65.01 (Approval of an Application or Plan) and it is considered that the proposed development meets the relevant decision guidelines contained within this section of the Brimbank Planning Scheme.

Particular ProvisionsClause 52.06: Car Parking**Purpose**

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-5: Number of car parking spaces required under Table 1

Clause 52.06-5 sets out the following requirements for car parking on site for dwellings:

- *1 car space to each 1 or 2 bedroom dwelling;*
- *2 spaces to each 3 or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms);*

And

- *1 visitor's space to every 5 dwellings (for development of 5 or more dwellings), unless the land is located within the Principal Public Transport Network Area, then no visitor space required.*

Clause 52.06-7: Application for requirements and decision guidelines for permit applications**For applications to reduce the car parking requirement**

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- *new use; or*
- *increase in the floor areas or site area of the existing use; or*
- *increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be*

generated by the proposed use.

- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

Response

The following car parking is provided for the development:

- Dwelling 1 (three bedrooms) – A single carport and a tandem space
- Dwellings 2, 3 and 6 (two bedrooms) – A single garage
- Dwellings 4, 5, 7, 8, 9, 10 – A single garage and a tandem space
- Visitor spaces: 0

Each dwelling is provided with adequate car parking in accordance with the numerical requirements with all two bedrooms including a garage and all three bedrooms provided with a covered space (either garage or carport) and associated tandem space. However as there are 10 dwellings, 2 visitor spaces are required on site which has not been provided.

Therefore a car parking dispensation is proposed to waive the visitor spaces. In accordance with the above a traffic impact assessment was provided. The reduction in visitor car spaces is considered acceptable based on the following reasons:

- The site has reasonable access to public transport. There are 6 bus services running along both Ballarat Road to the north and Forrest Street to the south within 900 metres of the site with Albion Station 1.1 km to the north east. In addition the Kororoit Creek Bike Trail runs south of the subject site. Therefore there are alternative transport modes available for future residents and visitors.
- The subject site is located opposite Selwyn Park. Therefore the demand for on street car parking spaces for the residential properties are only for dwellings on one side of the road only. The traffic report provided expects overflow of the two visitor spaces during evening and weekends with reduced demand at other times (a lower demand of one space would occur during the daytime and business hours). A traffic survey was provided on Wednesday 12th January 2023 which demonstrates there are significant on street spaces throughout the day with a low occupancy rate which can accommodate the additional demand generated for the two visitor spaces. Looking at the various nearmap images on different days over the last 6 months this appears consistent with the traffic report.





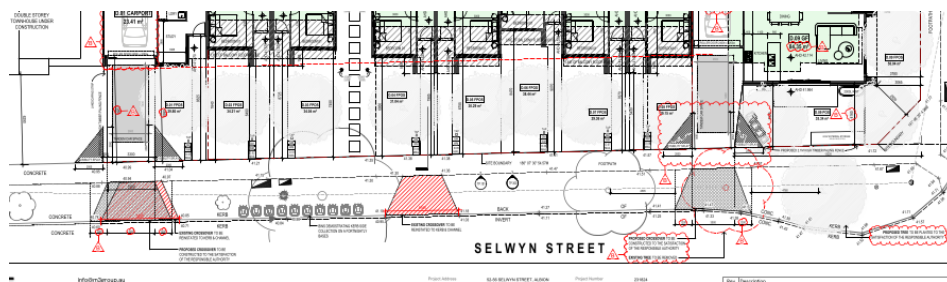
- In terms of the previous applications on the site these were for 9 dwellings thus requiring one visitor space only. In the VCAT decision associated with planning application P0371/2018 the Member concluded:

"Given this, I find the loss of on-street parking because of the proposed crossovers and the waiver of one visitor car space is acceptable."

Whilst the VCAT decision associated with P0340/2020 the Member concluded:

"The proposal seeks a waiver of one car parking space for visitor purposes. As addressed in the Keyway case, I accept and agree with Senior Member Naylor's findings and support the visitor parking waiver."

Whilst the decisions above relate to a car parking reduction of one visitor space only, not two as proposed, the current development only proposes one additional dwelling than previously considered thus unlikely to increase the demand for visitor car parking significantly. In both previous applications due to the number of crossovers this involved the loss of on street spaces on both Delmont Street and not lose any car parking on Delmont Street and due to removing a centrally located crossover on Selwyn Street and relocating it further west it will increase on street car parking fronting the site.



For the reasons above the car parking reduction is deemed acceptable in this instance.

Clause 52.06-9: Design Standard for car parking

- *The car parking provision also includes design standards that car parking spaces and accessways must meet. These standards are outlined under Clause 52.06-9.*

Response

A discussed in the referral provisions whilst updated swept paths have been provided, and justification has been provided why a passing area has not been provided as required under the standard (the accessway serves ten or more car parking spaces and is more than 50 metres long), minor changes to the accessway fronting dwellings 4 – 8 can be made to allow the accessway to be increased from 5.8 metres to 6.1 metres.

Clause 53.18: Stormwater Management in Urban Development

Purpose

- To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Council's ESD Officer and Engineering (Infrastructure) Engineer has reviewed the information and subject to conditions stormwater will be adequately managed in accordance with the above.

Clause 55: Two or More Dwellings on a Lot and Residential Buildings

B1 Neighbourhood Character

Objective

- *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *To ensure that development responds to the features of the site and the surrounding area.*

Assessment

The area consists of predominantly single storey detached residential

		dwellings although double storey built form is also a common feature in the area. Characteristics of the traditional stock in the area, include a modest original building footprint, provision of a side access that leads to a detached garage and generous rear open space. Dwellings are set off both side boundaries, and buildings are and finished in brick/ weatherboard and have pitched roofs (tiled/ metal). There are also growing medium density developments in the area with the modern dwellings introducing attached built form, contemporary lightweight materials including render and cladding with pitch, skillion and flat roof elements. Directly opposite the site is Selwyn Park. The proposal is considered to respond to its location and context. The development is located directly opposite a Park and has a dual frontage allowing all dwelling to have a direct interface with adjoining streets providing an active interface to the public realm with habitable windows and balconies facing Selwyn Park supporting principles of passive surveillance. The dwellings respond well to adjacent dwellings proposing double storey built form as per the adjoining dwellings both to the south and the north east corner at 50 Selwyn Street. The proposal is highly contemporary utilising low roofs profiles. The material proposed are robust and respond to the character of the surrounding area. The use of brick at ground floor respects the traditional character of the area. The other predominant material in the area weatherboard is reflected through the horizontal cladding at upper floor and render a lightweight material proposed at upper floor helping reduce the scale and massing of the development when viewed from surrounding properties. The attached articulated built form materials and roof profiles proposed as well as the balconies facing Selwyn Street have been incorporated into the design of the medium design development directly to the south on 58 Selwyn Street. The car parking has been designed as a secondary element to the development with only three crossovers proposed and 8 out of 10 dwellings having garages to the rear. As per the character of the area this allow generous front setbacks for all dwellings which will accommodate landscaping including canopy trees. Therefore taking the above into consideration the proposal is considered to respect the neighbourhood character and respond to the features of the site and surrounding area. Complies
B2	Residential Policy	<u>Objective</u> <i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i> <i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i> <u>Assessment</u> The application was accompanied by a written statement which addresses all the requirements contained within the Brimbank Planning Scheme, in particular the provisions of Clause 55. Complies
B3	Dwelling Diversity	<u>Objective</u> <i>To encourage a range of dwelling sizes and types in developments of</i>

		<i>ten or more dwellings.</i> <u>Assessment</u> The proposal responds to the housing diversity policies above. The area is predominantly characterised by detached dwellings with three or more bedrooms. The proposal this introduces dwellings on smaller lots providing a mix of two and three bedroom reverse living/ traditional dwellings in accordance with the above. Complies
B4	Infrastructure	<u>Objective</u> <i>To ensure development is provided with appropriate utility services and infrastructure.</i> <i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i> <u>Assessment</u> The subject site is located within an existing residential area and will be able to connect to reticulated services, including sewerage, drainage, electricity. Complies
B5	Integration with the Street	<u>Objective</u> <i>To integrate the layout of development with the street.</i> <u>Assessment</u> The dwellings have been sited to ensure they face the respective street, have unobscured entries and good vehicle and pedestrian links. Complies
B6	Street Setback	<u>Objective</u> <i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i> <u>Numerical requirement</u> <i>Walls should be setback from the front street where:</i> <i>The site is on a corner.</i> <i>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i> <i>Where the site is on a corner, walls should be setback from the side street as follows:</i> <i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i> <i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i> <u>Assessment</u> In terms of the above the following numerical setbacks are required based on the standard:

		• Front setback from Selwyn Street for dwellings 1 - 8: The required front setback from Selwyn Street is 6.29 metres based on the setback of the adjoining dwelling immediately to the south. • Side Setback from Selwyn Street of Dwelling 9: The side setback from the side wall of dwelling 9 from Selwyn Street is 2.0 metres. • Front Setback from Delmont Street for Dwellings 9 – 10: The required front setback from Delmont Street is 3.0 metres. The development has been designed with the following setbacks proposed. • Front setback from Selwyn Street for dwellings 1 - 8: The minimum setback for the dwellings on Selwyn Street is 5.43 metres to the front porch of Dwelling 8 (this will be increased to 6.0 metres as per the indicative plan addressing garden area). • Side Setback from Selwyn Street of Dwelling 9: The minimum side setback for dwelling 9 on Selwyn Street is 4.16 metres (this will be increased to 5.01 metres as per the indicative plan addressing garden area). • Front Setback from Delmont Street for Dwellings 9 – 10: The minimum setback for the dwellings on Delmont Street is 3.065 metres to the front porch of Dwelling 9 (this will be increased to 3.18 metres as per the indicative plan addressing garden area). Whilst the front setbacks for the dwellings facing Delmont Street and the side setback of dwelling 9 from Selwyn Street exceed the minimum requirements a variation to the minimum front setback of the dwellings facing Selwyn Street is proposed. This is considered acceptable for the following reasons: • In terms of the variation to the front setback this relates to the porches of dwellings 4 – 8 and the balcony of dwelling 8 only (as per the indicative plan addressing garden area). All setbacks to main walls exceed the minimum setback of 6.29 metres with the area of non-compliance over 20 metres from the adjoining lot to the south. • Dwelling 1 which abuts the adjoining dwelling to the south has been specifically designed so walls in proximity to the shared boundary are setback further from the street than the adjoining two storey dwelling to the south. The ground wall abutting the boundary is over 7.0 metres from the street whilst the flat roof upper floor component closest to the boundary is over 10 metres from Selwyn Street. • The setbacks have responded to the adjoining lot and due to the elongated frontage which extends over 50 metres towards Delmont Street this allows a minor encroachment to the numerical requirements without impacting the streetscape. The highly contemporary design, lightweight materials used and the significantly landscape opportunities along the Selwyn Street frontage will also ensure the development respects the neighbourhood character. It is considered that the setbacks of the buildings from a street respect the neighbourhood character and make efficient use of the site. Variation sought and supported subject to conditions
B7	Building Height	This standard is replaced with the maximum building height provisions specified in the zone requirements. Refer to earlier assessment under the zoning section of this report.
B8	Site Coverage	<u>Objective</u> • <i>To ensure that the site coverage respects the existing or preferred</i>

		<i>neighbourhood character and responds to the features of the site.</i> <u>Numerical requirements</u> <i>The site coverage should not exceed 60%.</i> <u>Assessment</u> The proposal incorporates site coverage of 47%, significantly below the 60% permitted. The site coverage respects the neighbourhood character. Complies
B9	Permeability	<u>Objective</u> <i>To reduce the impact of increased stormwater run-off on the drainage system.</i> <i>To facilitate on-site stormwater infiltration.</i> <u>Numerical requirements</u> <i>The site area covered by the pervious surfaces should be at least 20%.</i> <u>Assessment</u> The proposed development results in 34% of the site area being covered by pervious surfaces in accordance with the standard. This is considered sufficient to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration. Complies
B10	Energy Efficiency	<u>Objective</u> <i>To achieve and protect energy efficient dwellings, residential buildings and small second dwellings.</i> <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> <u>Assessment</u> The proposal has given due consideration to the orientation of the lot and provides an appropriate layout to make appropriate use of solar energy where possible. All secluded private open space areas "at grade" are orientated to the east or west sides of the respective dwellings with balconies located to the east. Council's ESD Officer has reviewed the proposal and subject to recommended changes this will ensure that the objectives above are met. Complies
B11	Open Space	<u>Objective</u> <i>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</i> <u>Assessment</u> Selwyn Park is located adjacent to the subject site. The proposal has been designed to appropriately integrate with this space with significant fenestration facing the Reserve with the reverse living concept proposed for dwellings 2 -8 also encouraging passive surveillance to the Park. Complies
B12	Safety	<u>Objective</u> <i>To ensure the layout of development provides for the safety and security of residents and property.</i> <u>Assessment</u>

		The development has been designed to take into account safety and security with the entries to each dwelling being clearly visible from Selwyn Street and provide shelter for the future residents. Complies
B13	Landscaping	<u>Objective</u> • <i>To encourage development that respects the landscape character of the neighbourhood.</i> • <i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i> • <i>To provide appropriate landscaping.</i> • <i>To encourage the retention of mature vegetation on the site.</i> <u>Numerical requirements</u> The schedule to the General Residential Zone specifies the following requirement in relation to this standard: • <i>A minimum of 1 medium-sized tree of 6-12 metres (at maturity) should be provided in the front setback.</i> • <i>A minimum of 1 small to medium sized tree up to 6 metres (at maturity) should be provided in private or secluded private open space greater than 25 square metres in area.</i> • <i>Planting to be provided along the length of any driveway.</i> • <i>Where new building bulk visually impacts on adjoining dwellings, a landscaped vertical screen should be provided.</i> <u>Assessment</u> The development will allow for landscaping to enhance the neighbourhood character and amenity of adjoining and future residents. A landscape plan has been submitted showing the requirements of the schedule above are met including a canopy tree within the front setback of each dwellings and planting along the shared accessway. All dwellings with "at grade" secluded private open space area include a tree a part for dwelling 10, where a tree can be accommodated due to the dimensions proposed (which is further increased within the indicative plan to address garden area). This will require to form a condition of permit. As discussed a mature trees are being removed at the north west of the site and adjacent to the western boundary. Whilst the trees are not identified within Council's Significant Tree register as per the objectives above, preference would be to retain these. However with only three crossovers proposed this allows significant opportunities for landscaping which will improve the landscape character of the site, particularly along public interfaces. In a response to one of the objections raised an indicative landscape plan was provided after advertising which forms Attachment 8 revising the species to native varieties. This approach is supported which will further enhance the landscape character of the area and conditions of permit will relate to this. Complies subject to conditions
B14	Access	<u>Objective</u> • <i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i> <u>Numerical requirements</u> <i>The width of accessways or car spaces should not exceed:</i> • <i>33 per cent of the street frontage, or</i>

		<i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i> Assessment The car parking facilities will be accessed via two crossovers on Selwyn Street and one crossover on Delmont Street. The crossovers will occupy approximately: • 10.5% of the frontage on Delmont Street; • 11% of the frontage on Selwyn Street. One single width crossover is provided dwellings 1 and 9 and a shared single width crossover is provided for the remaining dwellings in accordance with the standard. It is considered that the number and design of vehicle crossovers respect the neighbourhood character. Complies
B15	Parking Location	Objective • <i>To provide convenient parking for resident and visitor vehicles.</i> • <i>To protect residents from vehicular noise within developments.</i> Numerical requirements <i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</i> Assessment The shared accessway is located 1.5 metres from windows of habitable rooms in accordance with the standard. The car parking is considered convenient for both resident and visitor vehicles and will avoid parking and traffic difficulties. Concerns have been raised in objections due to the proximity of the shared accessway from the adjoining property to the west. In order to mitigate impacts the applicant has agreed to include an acoustic fence (1.8 metres high) discussed below. Complies subject to conditions
B17	Side and Rear Setbacks	Objective • <i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</i> Numerical Requirements <i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</i> • <i>At least the distance specified in a schedule to the zone, or</i> • <i>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> <i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i>

		Assessment The required setbacks from the south boundary in this instance are 1 metre at ground floor and 1.72 metres given the wall heights of 3.445 metres at ground floor and 6.0 metres at upper floor (noting the dwellings are set over 5.0 metres from the western boundary.), The setback of Dwelling 1 is a minimum of 1.75m at the ground floor level (noting this setback will be increased to 1.915 metres from the south boundary as per the indicative plan addressing garden area) and 3.55m at the first floor level from the south boundary accordance with the standard. It is considered that the height and setback of the proposed buildings respect the neighbourhood character and limits the impact on the amenity of the dwellings. Complies
B18	Walls on Boundary	Objective <i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</i> Numerical Requirements <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</i> <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or;</i> <i>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i> <i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i> <i>A building on a boundary includes a building set back up to 200mm from a boundary. The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i> Assessment Only a carport is proposed on the south boundary which is open on the south elevation with a roof. The carport abuts the south boundary for approximately 7.154 metres with the roofed section extending 5.0 metres with a height of 2.9 metres This is significantly below the maximum length of wall permitted along this boundary of 15.77 metres with the southern boundary 33.07 metres long. It is considered that the location, length and height of a wall along the boundaries respect the neighbourhood character and limits the impact on the amenity of existing dwellings Variation Sought and Supported
B19	Daylight to Existing Windows	Objective <i>To allow adequate daylight into existing habitable room windows.</i> Numerical requirements

		<i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</i> <u>Assessment</u> All existing windows will maintain a minimum 3m² light court in accordance with the standard. It is considered that adequate daylight is provided into existing habitable windows. Complies
B20	North Facing Windows	<u>Objective</u> <i>To allow adequate solar access to existing north-facing habitable room windows.</i> <u>Numerical requirements</u> <i>If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i> <u>Assessment</u> North facing habitable windows are facing the site on the rear unit (3/58 Selwyn Street) of the medium density development to the south. Based on the wall heights of 3.445 metres at ground floor and 6.0 metres at upper floor the walls are required to be setback a minimum of 1.0 metre at ground floor and 2.44 metres at upper floor. The setback of Dwelling 1 is a minimum of 1.75m at the ground floor level (noting this setback will be increased to 1.915 metres from the south boundary as per the indicative plan addressing garden area) and 3.55m at the first floor level from the south boundary accordance with the standard. It is considered that the proposal has been designed to allow adequate solar access to existing north-facing habitable room windows Complies
B21	Overshadowing Open Space	<u>Objective</u> <i>To ensure buildings do not significantly overshadow existing secluded private open space.</i> <u>Numerical requirements</u> <i>Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i> <u>Assessment</u> Overshadowing diagrams have been provided demonstrating that the proposal complies with the numerical standards above, particularly in relation to the three dwellings abutting the southern boundary. The proposal will not significantly overshadow the adjoining dwelling's areas of private open space. Complies/

B22	Overlooking	Objective - To limit views into existing secluded private open space and habitable room windows. Numerical Standards A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: - Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. - Have sill heights of at least 1.7 metres above floor level. - Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. - Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be: - Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. - Permanent, fixed and durable. - Designed and coloured to blend in with the development. This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary. Assessment The proposal has incorporated the following mitigation measures in accordance with the standard: - At ground floor fences are proposed that will ensure privacy is protected in accordance with the standard and a standard condition on permit will require that all side, rear and internal fencing must be a minimum height of 1.8m above the finished ground level to ensure no overlooking occurs to neighbouring. - At upper floor all habitable windows facing the adjoining dwellings to the south and west have sill heights of at least 1.7 metres above finished floor level. Complies
B23	Internal Views	Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. Assessment

		The proposal has incorporated measures to prevent overlooking in accordance with the standard (see numerical requirements of Standard B22 above). It is considered that the measures in place limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. Complies
B24	Noise Impacts	<u>Objective</u> <i>To contain noise sources in developments that may affect existing dwellings.</i> <i>To protect residents from external noise.</i> <u>Assessment</u> The noise generated from the development will be similar to what can reasonably be expected within a residential area. Complies
B25	Accessibility	<u>Objective</u> <i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i> <u>Assessment</u> The standard relates to dwelling entries of the ground floor of dwellings and residential buildings to be accessible or able to be easily made accessible to people with limited mobility. The dwelling entries can be easily made accessible to people with limited mobility. Complies
B26	Dwelling Entry	<u>Objective</u> <i>To provide each dwelling or residential building with its own sense of identity.</i> <u>Assessment</u> The dwelling entries are easily identifiable from both Delmont Street and Selwyn Parade and provide a good sense of individual address to the dwellings. Complies
B27	Daylight to New Windows	<u>Objective</u> <i>To allow adequate daylight into new habitable room windows.</i> <u>Numerical Requirements</u> <i>A window in a habitable room should be located to face:</i> <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</i> <i>A verandah provided it is open for at least one third of its perimeter, or</i> <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i> <u>Assessment</u> All new habitable room windows have been provided with a 3m² light court in accordance with the standard. It is considered that the proposal has been designed to allow adequate daylight into new habitable windows. Complies
B28	Private Open	<u>Objective</u>

	Space	- To provide adequate private open space for the reasonable recreation and service needs of residents. <u>Numerical Requirements</u> The schedule to the General Residential Zone specifies the following requirement in relation to this standard: - An area of 40 square metres, with one part of the private open space to consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 4 metres. - Secluded private open space should not be located in the front setback of a dwelling or residential building and should have convenient access from a living room. In terms of the balcony requirements the standard requires: - A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or <u>Assessment</u> The proposed dwellings are provided with the following areas of private open space in accordance with the standard: - All balconies proposed as the main secluded private open space areas for dwellings 2 to 8 are a minimum of 1.9 metres in depth and have an area exceeding 11.9 metres exceeding the minimum requirement. - The private open space proposed at grade for dwellings 1 and 9 are a minimum of 80 square metres with a secluded private open space exceeding 30 square metres with a minimum dimension of over 4.0 metres exceeding the minimum requirement. However dwelling 10's secluded private open space only provides 20 square metres with a 4.0 metre dimension below the schedule requirements. However the indicative plan submitted to address garden area will increase the secluded private open space with a minimum dimension of 4.0 metres to approximately 30 square metres in accordance with the Schedule to the Zone. It is considered that private open space has been provided for the reasonable recreation and service needs of the dwelling and each has convenient access from their respective living rooms. Complies subject to conditions
B29	Solar Access to Open Space	<u>Objective</u> To allow solar access into the secluded private open space of new dwellings and residential buildings. <u>Numerical Requirements</u> The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall. <u>Assessment</u> All secluded private open space areas are located to the east or west of the respective dwellings. It is considered that the development has been designed to allow adequate solar access into the secluded private open space of the dwellings. Complies
B30	Storage	<u>Objective</u> To provide adequate storage facilities for each dwelling.

		Numerical Requirements <i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i> Assessment Each dwelling has access to at least 6 cubic metres of external storage space with dwellings 1, 9 & 10 with external storage provided within the secluded private open space areas and with the remainder of dwellings provided with storage within garage areas (with dwelling 6 provided with a storage area within the dwelling. It is considered that the development incorporates adequate storage facilities. Complies
B31	Design Detail	Objective <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i> Assessment The layout which includes attached built form orientated towards the street is similar to a number of medium density developments in the street including the two sites directly to the south. The physical separation between groups of dwellings on Selwyn Street, as well as at the significant articulation at both ground and upper floors helps break up the scale and massing of the development helping it integrated into the street and wider area. The low roof profile including skillion/ flat roof elements is similar in profile to the adjoining three dwelling development to the south which also incorporates balconies orientated to the Selwyn Street. The materials proposed respond to the character of the surrounding area with the brick at ground floor common to the surrounds horizontal cladding at upper floor reflects the traditional weatherboard material used in the area and render is also proposed which has been incorporated in a number of the modern medium density development. The design also includes significant fenestration on the front elevations that promotes passive surveillance to the public area. The lightweight materials and colours proposed at upper floor together with the articulated built form helps reduce the scale and massing of the development when viewed from surrounding properties.. It is considered that design respects the neighbourhood character. However no roof colours are nominated. A condition will require this to be light coloured to incorporate ESD principles. Complies subject to conditions
B32	Front Fences	Objective <i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i> Assessment Low front fences are a feature of the area. A condition of permit will require fences to be provided fronting each dwelling which has been agreed by the applicant following a suggestion from one of the representations received. . Complies subject to conditions
B33	Common Property	Objective <i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i>

		<i>To avoid future management difficulties in areas of common ownership.</i> <u>Assessment</u> Common property is proposed to be confined to the internal accessway and adjacent landscaped areas and will be able to be easily managed and maintained. Complies
B34	Site Services	<u>Objective</u> <i>To ensure that site services can be installed and easily maintained.</i> <i>To ensure that site facilities are accessible, adequate and attractive.</i> <u>Assessment</u> Bin areas, clotheslines and mailboxes are provided to each dwelling. The electrical meter boxes will be required to be appropriately treated to Council's satisfaction. Due to the length of the frontage there is significant areas for waste collection on both Selwyn Street and Delmont Street. Complies
Officer Comments: (response to grounds of objection)		<u>Response to Grounds of objections:</u> The following includes an assessment against the relevant grounds of objection: Density/ Character issues <i>Too high density within the General Residential Zone / 9 dwellings would be better suited on site</i> Response: Density itself is not a planning consideration. What is proposed are two storey dwellings on a sizeable lot of over 1800 square metres. The proposal is compliant with the various provisions of Planning Scheme including in relation to setbacks from boundaries/ permeability/ site coverage. Based on the detailed assessment above the number of dwellings are considered appropriate or the site. <i>Contrary to neighbourhood character/ no other part of the immediate gird has more than 3 dwellings</i> <i>Overdevelopment / bulk/ mass</i> Response: The site incorporates three separate lots. The proposal has responded to the neighbour character of the area with all dwellings have a direct street interface, with habitable windows and balconies facing Selwyn Park supporting principles of passive surveillance. The dwellings respond well to adjacent dwellings proposing double storey built form, The design is high quality and will enhance the streetscape using brick and weatherboard style cladding and the emerging render at upper floor. As per the medium density development directly to the south, the low skillion roof is a modern acceptable interpretation on the traditional hipped roofs in the area and car parking has been designed as a secondary elements with only three crossovers proposed and the majority of dwellings "rear loaded". Front setbacks will accommodate landscaping including canopy trees. <i>Setbacks need to reflect adjoining properties on Delmont Street</i> Response: The setback from Delmont Street requires to be 3.0 metres based on Standard B6 of Clause 55 of the Brimbank Planning Scheme with the setbacks proposed from the street for dwellings 9 and 10 exceeding this minimum requirement. (Under the Brimbank Planning Scheme for Standard B6 where the numerical requirement is

met the objective is achieved.) The front setbacks allow landscaping and canopy tree planting to buffer the impact of the development.

- *Request that all second story render façade listed as B Material (white render) be replaced with C Material (weathergroove smooth), including on the western elevation.*

Response: Whilst noting the preference above the render proposed is not considered detrimental to the design or a departure from the neighbourhood character. The render is a lightweight material that will help break up the massing of the development in comparison to the ground floor brick. Render has been used for other developments including the medium density developments directly to the south and at 50 Selwyn Street further to the north east facing Selwyn Park.

- *Front fence treatments for all of the Units required in keeping with the characteristic front fences in Albion, eg picket or wire*

Response: The applicant has reviewed the concern above and has agreed to incorporate low front fences as part of the development for the dwellings. This will be required as a condition of permit.

Landscaping

- *Lack of landscaping – not enough areas for gardens/ trees/*
- *There will be a much greater heat island effect with the hard surfaces and building footprint.*

The landscaping layout proposed is considered acceptable and will enhance the development, particularly when viewed from the street frontages. Whilst development will always intensify the existing site conditions, the site coverage proposed at 47% is below the maximum 60%. Importantly with only three crossovers the landscape layout meets the various requirements set out within the Planning Scheme including:

- Trees are required in the front setbacks of each dwelling with 11 trees proposed facing the streets;
- All dwellings with “at grade” secluded private open space area provided with a tree within the secluded private open space part for dwelling 10, where a tree can be accommodated due to the dimensions proposed. This will require to form a condition of permit.
- A landscaping buffer has been along the western boundary with the shared accessway. This allows the retention of a mature tree at the north west of the site as well as the ability for *additional tree and vegetation planting along the boundary.*

- *Would request an amended planting list, consisting of only indigenous species local to western Melbourne.*
- *Landscape plan low in diversity*

Response: The applicant in response to the objection above provided a revised indicative landscape plan revising the species proposed, prepared by a landscape architect to address the above which is included as **Attachment 8**.

- *Removal of trees on site will impact enjoyment of adjoining dwellings compromise native wildlife through habitat destruction, decimates native and established greenery contrary to Brimbank Habitat Connectivity Plan.*
- *Loss of trees (Lophostemon confertus and Grevillea robusta) unacceptable*

Response: Whilst it would be ideal to protect all trees on site, the trees to be removed are not identified within Council's Significant Tree Register and are located away from the public interfaces. The main benefit of the proposed design is to have a rear loaded access for the majority of dwellings and this allows significant opportunities for landscaping including canopy tree planting across the entire site frontages as per comments relating to the proposed landscape plan and compliance with the landscape policies within the Scheme.

- *Arborist report wrongly identifies tree on Delmont Street nature strip which questions the integrity of report - requests secondary arboriculture report.*

Response: Whilst the above is acknowledged the tree s on the nature strip and it is proposed to be retained. This is an error and does not question the overall integrity of the report.

- *Dispute 35% of the area will be covered by vegetation*

Response: The 35% "garden area" requirement set out in the Zoning requirements of the Planning Scheme is a requirement specifically relating to areas excluding car parking, accessways and buildings not vegetation. It was determined after the advertising process was complete that the garden area plan submitted fell slightly short of the mandatory 35% garden area required under the provisions of the Scheme. An indicative garden area plan (**Attachment 9**) was provided including marginally increasing setbacks from the south boundary and front setbacks of the dwellings as well as the secluded private open space of dwellings 1, 9 and 10 which will further improve the landscaping of the subject site.

ESD concerns

- *Bare minimum standards have been reached, and looking at BESS reported categories only passed 4 of the 9 targets- not best practice.*
- *TRain gardens should be considered, especially in the central walkway between dwellings 3 and 4 to minimise storm water runoff .*
- *Too much of the proposed building material is dark colour which retains more heat than lighter coloured materials.*

Response: Council's ESD Officer has reviewed the proposal and subject to a number of recommendations that will form conditions of permit and includes recommendations relating to rainwater gardens, WSUD and stormwater improvements. The material and colours are considered to enhance the streetscape and provide light coloured materials predominantly at upper floor. That being said the roof colours which are not nominated will require to be light to ensure respond to ESD requirements.

Car Parking/ Traffic

- *Existing on street Car parking issues will be exacerbated/ illegal parking prominent already*
- *Against loss of visitor car parking in this busy area, opposite a well used public park*
- *This current proposal does provide additional on-street spaces in Selwyn Street, in comparison to previous plans, and so concerns about the 'waive' are reduced.*
- *Traffic report misleading (Visitors will not only attend during evening/ weekdays/ No current car parking on the street). Not highly accessible and not walkable to public high school or Sunshine market/ there is "no standing" on the Selwyn Park side not correctly noted*
- *Impede access to emergency vehicles*
- *Selwyn Street too narrow to accommodate this amount of cars*

	<i>Exacerbate existing issues with cars parking illegally and blocking driveways</i> Response: The car parking reduction proposed is for the visitor spaces only. All future residents of the dwellings have car parking provided on site based on the requirements of the Scheme. The principle of not providing one visitor space is already established in the two previous VCAT decision for the site (both for 9 dwellings) and whilst two visitor spaces are required for this development, only one more additional dwelling than previously considered forms the current proposal. With only three crossovers provided as part of the development, on street car parking for the visitor car spaces remains available at the front of the site on both Delmont Street and Selwyn Street. Both the traffic report and a review of nearmap photography demonstrates there is an availability to accommodate these visitor spaces on the street during various days. Whilst existing illegal car parking is identified as a concern there is an expectation all residents and visitors associated with any dwelling do not park illegally including within "no standing areas", block crossovers or inhibit emergency vehicles. <i>Garages will be used for storage rooms/ redesign to include double garages to allow for one car space one storage space</i> Response: Tandem garages accepted layouts with the dimensions complying with the numerical requirements set out Clause 52.06 of the Planning Scheme. Whilst it is acknowledged garages for any dwelling can often be used for storage, if approved standard planning permit conditions will require that all car parking on site is kept available for these purposes at all times. <i>Traffic safety issues – using one accessway for so many vehicles will be dangerous with cars entering and leaving rear accessway/ will create an intersection hazard/ dangerous for children/ pedestrians crossing</i> Response: A condition of permit will increase the shared accessway fronting dwellings 4 – 8 from 5.8 to 6.1 metres to allow a passing area to be provided within the site and to ensure traffic movements into respective garages are made easier. The design of the accessway allows all vehicles to enter and exit the site in a forward direction and thus unlikely to create issues with pedestrians crossing. The location of the crossovers are not within the prohibited area of the intersection. <i>Fenced yard for dwelling 9 is dangerous as will block the line of sight to Delmont Street as it will block line of site for traffic exiting Delmont St. Request removal of the fence, or a low fence in line with other dwellings</i> Response: Council's Traffic Engineers have raised no objections to the location of fence that is proposed to seclude the private open space of dwelling 9. The fence is not located on the site boundary at the splay intersection at Delmont Street/ Selwyn Street, but set further south into the site and will not impact the sightline at the intersection which is set further to the east than the property boundary. <i>Traffic turning an issues- How can unit 2 and 3 turn their vehicles around to exit? Unit 4 can drive-in to their garage and reverse a vehicle westwards before driving forward to the east to exit. If unit 2 and 3 were to try and exit the same way they would reverse through</i>
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the fence into the backyard of unit 1.

Response: Swept paths have been provided by a qualified Traffic Engineer demonstrating all vehicles can enter and exit the site in a forward manner.

- *Benefit to install linemarking along Selwyn St abutting the development to ensure efficient use of the available kerbside parking.*

Response: Council's is responsible for providing linemarking on public roads and this can be reviewed if there are parking issues that are identified within the area.

- *Headlights will impact front rooms of 6 Delmont Street*
- *Suggested Landscape treatment for the Owner of 6 Delmont Street, if desired due to traffic movements*

Response: The nearest windows of the dwelling on 6 Delmont Street is over 20 metres from the shared crossover proposed. As per the traffic report submitted the amount of vehicles movements created by 8 dwellings throughout the day is not significant. The comments in relation to the applicant providing additional landscaping for 6 Delmont Street is noted but as this is outside the application site on private property Council cannot impose such a requirement.

General Impact on surrounding residents

- *Noise issues*

Response: The noise generated is not expected to be over and above that expected in a residential area.

- *Loss of sunlight*

Response: Due to the setbacks proposed there will be no adverse overshadowing on adjoining dwellings with shadow diagrams provided showing the development complies with the numerical requirements of Standard B21: Overshadowing of Clause 55 of the Brimbank Planning Scheme.

- *Loss of daylight to windows including north facing windows.*

Response: Due to the setbacks proposed from the adjoining dwellings all windows on adjoining properties including north facing windows will retain adequate daylight in accordance with the numerical requirements of Standards B19: Daylight and Standard B20: North Facing Windows and Standard B27 of Clause 55 of the Brimbank Planning Scheme.

- *Privacy issues - Request all West facing second story windows looking into 1 Delmont St, and 2 Dalworth be fixed obscure glazed windows.*

North facing second story windows on dwellings 9 and 10, looking across to 4 and 6 Delmont St request removal of all floor to ceiling second story North Facing windows. Master Bedroom of dwelling 9, and master bedroom and stairwell on dwelling 10 should be reduced in line with window size and sill heights of bedroom 1 in dwelling 9
Response: In terms of privacy all windows that face towards adjoining dwellings have been designed to prevent overlooking in accordance with Standard B22: Overlooking of Clause 55 of the Planning Scheme In terms of upper floor north facing windows proposed for dwellings 9 and 10 these are located approximately 30 metres from the dwellings on the opposite side of 4 & 6 Delmont Street outside the 9.0 metre distance that is considered to create potential overlooking concerns as per Standard B22.

Specific Impact on adjoining property to west

- *No fencing noticed provided for proposed 1 Delmont Street, eastern boundary fence. Proposed reduction in fence at height north end of 1 Delmont's Street east boundary fence line will compromise safety, habitable bedroom and the front yard. Proposed height increase to rest of the fence line severely compromises sunlight to one East facing habitable bedroom. No fencing notice provided for 1 Delmont Street*
- *An acoustic fence for the extent of the abuttal of the multi-car driveway, to the residence at 1 Delmont Street;*
- *Loss of trees will impact the enjoyment of the secluded private open space/ privacy*
- *Need tree protection measures in place to protect adjoining trees*
- *Laneway hard up on the fence line of 1 Delmont Street – who maintains?*

Response: The following comment are made:

- The applicant has agreed to an acoustic fence to help mitigate noise from the accessway along the boundary. This will be 1.8 metres in height as requested. However this will be reduced at the front of the site to allow visibility splays as shown on the plans. This is important for safe access and egress and is a requirement for all medium density developments.
- The arborist report has identified all trees on adjoining land will be retained and the applicant has agreed that a tree management plan is provided as a condition of permit to set out measures to protect all trees to be protect on the land and on adjoining sites.
- Whilst trees are to be removed on site additional screen planting will be proposed along the western boundary and within secluded private open space "at grade" to provide a landscape edge towards the lot to the west. Upper floor windows have been treated to avoid overlooking onto adjoining properties.
- The accessway and associated landscape areas will be maintained though Body Corporate which is standard to shared areas and can be easily managed.

Other Issues raised

- *Impact for residents due to location of transformer/ powerlines*
Response: Whilst concerns are noted in relation to the powerlines these are located on the street and the dwellings all setback from the frontage. Any modifications to any assets on the street will require approval from the relevant authorities.
- *Rubbish collection concerns with existing problems regarding bins left on the street - No mention of recycling/ will lead to more hard rubbish*
Response: In terms of rubbish collection due to the elongated frontage on Selwyn Street with only two crossovers proposed and the fact that there is only one crossover on Delmont Street will ensure there is significant frontage in front of the site to accommodate waste collection.
- *Studies clearly third bedroom*
Response: There are two studies proposed within dwelling 1 and dwelling 9. The study for dwelling 1 is too small (1.985 metres x 2.88 metres) to be considered a bedroom. Whilst the study for dwelling 9 could potentially be used as a bedroom this would be incidental as with two car parking spaces both dwellings 1 & 9 could be used for

	either for three or four bedrooms. • <i>Lack of diversity as all double storey dwellings should include single storey/ discriminate against those with physical limitations</i> Response: Whilst all dwellings are double storey the majority of the existing housing stock in the area remains single storey. The proposal is considered to provide further dwelling diversity through a mix of smaller two and three bedroom dwellings and a "reverse living" concept. • <i>A new Cultural Heritage Management Plan required as, this report submitted was done in 2019.</i> Response: The applicant provided advice from a qualified aboriginal archaeologist that the CHMP has not expired as the activity (residential development) remains the same. • <i>Current blocks in disrepair</i> Response: The state of the block currently is not a consideration for this application.
Officer Comments: (response to previous VCAT decisions)	In terms of the previous VCAT decisions relating to this site for planning applications P371/2018 & P340/202 these have been referred to a number of times throughout the assessment above and form Attachments 4 & 5 to this report. A brief summary of the changes regarding the current plans under assessment against the previous decisions are provided below: As accepted in both VCAT Orders associated with the previous decisions: • The current plans propose reverse living dwellings on Selwyn Street only facing the Park to the east with a conventional layout proposed towards Delmont Street to the north. • In terms of the design the proposal continues the contemporary skillion/ flat roof profile deemed acceptable in the previous VCAT Orders. Regarding the street interfaces where cantilevering is proposed this is for balconies for dwellings facing Selwyn Street and as per the VCAT Order associated with the decision related to P371/2018 cantilevering at upper floor is avoided in the dwelling frontages facing Delmont Street. • Whilst acknowledging the proposal under consideration relies on the reduction of two spaces (as opposed to 1 space based on the plans associated with the two previous applications) this relates to visitor spaces which was principally supported in the previous VCAT Orders. In terms of other specific reasons for refusal set out in the previous VCAT Orders: • <i>Poor relation of the south dwelling (dwelling 1) to the existing dwelling to the south at 58 Selwyn Street;</i> Response: It is noted that the since the previous application was refused the adjoining lot to the south has been developed for 3 double storey contemporary dwellings. Dwelling 1 has been specifically designed to respond to the single storey garage abutting the shared boundary providing a single storey flat roof carport on the boundary with a lower flat roof upper floor component set back over 3.5 metres from the boundary transitioning into the higher monopitch roof form proposed for Dwelling 2 as per the snippet below.



- *The lack of functional external access between the front and rear areas of dwellings 3 and 5 forcing future occupants to use internal areas such as bedroom 2 in each instance to access the rear open space areas for maintenance.*

Response: As per the plans considered under planning application P0340/2022 dwellings 5 & 6 were designed where the only way rear open space could be accessed for maintenance was through bedrooms or living area. Under the current plans all "at grade" secluded private open space to the rear of dwellings have direct access to the street (dwellings 9 & 10) or through the garage (dwelling 1).

- *The design response to the corner of Selwyn and Delmont Streets with dwelling 7 not having a more direct means of access between the garage and the dwelling and dwelling 8 lacking a service yard area that is out of view from the public realm. The design response to the corner generally requires further consideration.*

Response: The current plans have been redesigned with the dwelling at the north east corner of the site orientated towards Delmont Street, with an open front setback with all garages for the development having direct access to the respective dwellings.

- *The extent of occupation of the façade of each dwelling taken up by the garages is excessive and not consistent with the policy for them not to dominate streetscapes.*
- *Despite the proposed use of single garages and large operable windows facing the street, it fails to appropriately respect the neighbourhood character and policy direction under Clause 21.07-3 where housing in the locality provides good activation and surveillance from habitable room windows at ground floor level and not solely from first floor habitable room windows. I do acknowledge that the reverse living balconies would provide for some surveillance from living rooms associated with dwellings 1, 3 and 5, but at first floor level and not at ground floor level.*
- *Lack of ground floor street activation is not evident in the neighbourhood due to small façade widths of each dwelling and the limited opportunity for habitable room windows at ground floor level results.*

Response: The major change between the current plans under consideration and the previous renditions is that there are only three single crossovers proposed with the majority of dwellings accessed

	from a rear loaded shared accessway. In terms of the above: - The majority of the frontage is now dedicated to landscaping with only two garages facing the street. - All dwellings now include habitable windows at ground floor as well as significant fenestration or balconies at upper floor. Providing ground floor surveillance. • <i>The failure to retain two large canopy trees at the rear of 56 Selwyn Street which are identified, in an arboricultural sense, as having medium retention value, that does not respond to the policy for retaining existing canopy trees. The retention of these trees would achieve both maintenance of landscape character and assist with buffering the proposal to the residential property to the west.</i> Response: One of the two trees referred to in the previous VCAT decision has been retained. However due to the changes in the layout there are now significant opportunities for landscaping including canopy tree planting across the entire site frontage which will improve the landscape character of the site, providing a strong landscape edge along the public interface. Additional replacement planting along the western boundary will help reduce the impact of the development on the lot to the west. Taking the above it is considered that the current plans under consideration have responded to the previous VCAT refusals on the subject site and have provided a development that complies with the majority of policies set out in the Brimbank Planning Scheme.
Conclusion and Recommendation	A comprehensive and detailed assessment of the application has been undertaken against the provisions of the Brimbank Planning Scheme, whilst also considering the previous VCAT decisions on site and taking into consideration the grounds of objection raised. On the merits of the proposal, it is recommended that it be supported and that a notice of decision to grant a planning permit be issued subject to the conditions listed within Attachment 7 to this report. Amended plans would then need to be provided in accordance with the Condition 1 requirements before they could be endorsed.



Proposed Conditions

Amended/Endorsed Plans

- (1) Before the use and/or development start(s), amended plans and / or reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and / or reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans and / or reports must be generally in accordance with the plans and / or reports submitted with the application (received by Council on 22/12/2023 & 09/01/2024) but modified to show:
 - (a) A 1.8 metre high acoustic fence along the western boundary;
 - (b) A revised garden area plan to meet the 35% minimum garden area in accordance with the indicative plan received on 9 April 2024 incorporating the following changes:
 - Dwelling 1: Reducing the internal floor area by:
 - Increasing the ground floor south wall setback from the south boundary from 1.75 metres to 1.915 metres
 - Porch canopy setback an additional 575mm from Selwyn Street
 - The setback of the dwelling from the west boundary increased from 6.785 metres to 7.585 metres and increasing the main secluded private open space from 40 square metres to 50.6 metres
 - Dwellings 2 – 8: Reducing the internal floor area by:
 - At ground floor porches setback an additional 550mm from Selwyn Street;
 - At upper floor balconies setback an additional 320mm from Selwyn Street;
 - Dwelling 9: Reducing the internal floor area by:
 - Porch canopy setback an additional 600mm from Delmont Street
 - North study wall setback an additional 360mm from Delmont Street;
 - East wall setback an additional 850mm increasing the main secluded private open space from 35 square metres to 42 square metres
 - Dwelling 10: Reducing the internal floor area by:
 - Porch canopy setback an additional 400mm from Delmont Street
 - West wall setback an additional 550mm from internal accessway increasing the secluded private open space from 31.48 square metres to 36 square metres.
 - (c) Plans updated to achieve Environmentally Sustainable Design principles with the following changes:
 - Provide skylights over the dining/living area of Units 1-2, and Units 4-8;
 - Indicate the thermal performance star rating of all dwellings on the plans;
 - Provide an openable window to the upper hall of Unit 9 (with remote operation if out of reach).
 - Ensure that all windows can be locked open and note this on the plans.
 - Clotheslines to be shown to each dwelling in a location not visible from the street.
 - Indicate the location of a bicycle parking space per dwelling.

- Provide one visitor bicycle rack hoop in the communal landscape area toward the rear of the common accessway.
 - Show one electric vehicle charging point per dwelling within its respective garage.
 - Provide external shading devices. Horizontal awnings/overhangs may be used on northern glazing where they have a minimum width of $\frac{1}{4}$ of the height from the underside of the awning to the sill. Overhanging elements are inadequate to protect east and west glazing from low-angle summer sun unless they are either a pergola, or the glazing is in a 'high-light' window directly under the eaves. Dimension the projection of horizontal shading on plans; show the extent of vertical shading on elevations; and note shading is not to be roller-shutters. The following glazed doors and windows require shading:
 - North – all habitable rooms
 - West – all habitable rooms
 - East – glazing with a total area over 2sqm in any living spaces
 - Where pergolas provide shading, note battens/rafters are to be spaced to block low angle sun.
 - Provide a WSUD Plan which:
 - Indicates the treated and non-treated portion of all new and altered catchments and the area of each.
 - Indicates treatment devices and annotate with a description (e.g. buffer-strip area, detention depth, tank capacity and reuse connections) per the WSUD modelling.
 - Locates buffer-strips away from side boundaries and building footings.
 - Indicates the portion of paving to be treated by the device and show indicative falls to it.
 - Provides in-ground planting for any buffer-strips, and dimension a minimum 0.6 m travel across vegetation (e.g. lawn/garden) before collection in a surface drain.
 - Notes the surface drains are to be connected to the internal stormwater drainage system.
- (d) SDA documentation updated to provide the following to the satisfaction of the Responsible Authority:
- Provide preliminary NatHERS ratings for each distinct dwelling type and orientation.
 - Best practice in stormwater management is to be demonstrated with a revised stormwater strategy that:
 - Achieve 100% STORM rating, rainwater tank treatment 'reliability' no higher than 85% to avoid untreated water overflow
 - Avoid raingardens wherever possible (e.g. by increasing rainwater tank size; adding laundry reuse connection, and utilising buffer strips aside driveways). Where connecting washing machine taps to rainwater tanks indicate an extra 'occupant' per dwelling in STORM to acknowledge the additional reuse demand. Where raingardens can be demonstrated unavoidable:
 - Provide the limited number possible and locate in shared property to treat runoff from shared driveway rather than catchments associated with individual dwellings
 - Provide a typical detail for an in-ground raingarden which includes a description of soil/filter media, drainage connection, lining to prevent infiltration, appropriate species and density, minimum detention depth, anti-scouring measures, etc.

- Provide a simple table committing to a maintenance regime for any raingarden to ensure its on-going effectiveness. Include inspection frequency, cleanout procedures, and remediation requirements at a minimum.
 - Provide a current URL for the referenced erosion and sediment control measures to be employed during construction.
 - Provide a recycling target to ensure waste avoidance, reuse and recycling of materials during demolition and construction.
 - Provide electric outlets in each garage for electric vehicle charging (15 Amp minimum).
 - Include a full copy of the published BESS report within the SDA to include:
 - A detailed outline of the Builder Users Guide to be provided to enhance the sustainability of the building's use and maintenance per the guidance provided in the BESS Tool Notes (or unclaim the credit).
- (e) Increasing the shared accessway fronting Units 4 to 8 from 5.8 metres to 6.1 metres by reducing the size of the dwellings at ground floor.
- (f) A revised landscape plan in accordance with condition 3.
- (g) The external schedule of colours and materials to specify the roof material which is to be a light colour.
- (h) Full details of front fence to be provided for each dwelling to be no greater than 1.5 metres high;
- (i) A note to be provided on the plans:
- That no pruning of the existing street trees to be retained located within the naturestrip shall be undertaken by any party other than Brimbank Tree Services.
 - That the naturestrip and street tree to be barricaded out using portable cyclone fencing for the duration of the development.
 - That no building materials are to be stacked and/or dumped on the naturestrip during construction.
- (2) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping

- (3) Prior to the endorsement of plans, and commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape plan submitted on except that the plan must show:
- (a) A revised planting schedule of all proposed trees, shrubs and ground covers to incorporate native species in accordance with species specified in the indicative landscape plan dated 4 March 2023
- (b) A minimum of 1 small to medium sized tree (minimum 2 metres tall when planted and up to 6 metres at maturity) must be provided in the secluded private open space of all dwellings.
- (4) Prior to the commencement of Occupation, unless otherwise agreed in writing with the Responsible Authority (e.g. to allow for seasonal planting), landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

- (5) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. This includes the (i.e. within 30 days) replacement of any dead, diseased or damaged plants.
- (6) A cash bond for \$5,000, plus a non-refundable 5% service charge of \$250 (Total of \$5,250), shall be lodged with the Responsible Authority prior to the release of endorsed plans to ensure the completion and establishment of landscaped areas. This cash bond will only be refunded after a 13 week establishment period beginning when the Responsible Authority is satisfied with the completed landscaping works, provided that the landscape is being maintained to the satisfaction of the Responsible Authority.

Tree Protection

- (7) Prior to endorsement of the plans required under Condition 1 of this permit, a Tree Management Plan must be prepared by a suitably qualified and experienced arborist to ensure the protection of all trees to be retained on the site, nature strip and adjoining sites that may be impacted by works. The Tree Management Plan must be submitted to Council for approval. Once approved it will be endorsed and will form part of this permit.
- (8) All works must be carried out in strict accordance with the endorsed Tree Management Plan.
- (9) The following measures must be adhered to for the protection of the street trees:
 - (a) The naturestrips and street trees within the Selwyn Street and Delmont Street frontages of the site must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder.
 - (b) No pruning of the existing street trees located within the naturestrip within the Selwyn Street and Delmont Street frontage of the site shall be undertaken by any party other than Brimbank Tree Services.
 - (c) No building materials are to be stacked, stored and/or dumped on any naturestrip during construction.
- (10) The Tree Protection Zone (TPZ) around the existing street trees must be fenced in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites. The following activities must not occur within the TPZ:
 - (a) Construction of any works without the supervision of a qualified arborist;
 - (b) Driving or parking of any vehicles or machinery;
 - (c) Stockpiling of building materials, debris or soil;
 - (d) Dumping of fuel, oil or chemicals;
 - (e) Altering of soil levels;
 - (f) Open trenching, including for the placement of pipes or wires;
 - (g) Attachment of wires, nails, screws or any other fixing device to the existing tree/s.

Supplementary watering must be provided to trees through dry periods and during and after the construction process.

Development Contribution Levy

- (11) A Development Contribution in accordance with the approved Development Contributions Plan must be paid to Brimbank City Council. Payment of the Development Infrastructure Levy (DIL) must:

- (a) Be paid prior to the commencement of any development or works on the land or prior to Statement of Compliance (SOC) for the subdivision of the land associated with the development permit, whichever comes first; OR
- (b) When a staged subdivision is sought, be paid prior to the issue of a Statement of Compliance based on the net increase in the number of new dwellings within each stage.

Payment of the Community Infrastructure Levy (CIL) must be paid prior to the issue of a building permit under the *Building Act 1993*.

Car Parking

- (12) Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed in concrete or asphalt – not bitumen;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Drained and
 - (d) MaintainedAll to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- (13) Prior to the commencement of the occupation / use hereby approved, a vehicular crossings must be constructed to the road to suit the proposed driveways in every location shown on the endorsed plans to the satisfaction of the Responsible Authority. A Vehicle Crossing Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.
- (14) Prior to the commencement of occupation, all disused or redundant vehicle crossings must be removed and replaced with kerb and channel, and the naturestrip and footpath reinstated to the satisfaction of the Responsible Authority. A permit must be obtained from Council's Engineering Department prior to the commencement of these works.
- (15) The owner/developer is responsible for determining the location of any road infrastructure or non-road infrastructure in the road reserve (e.g. pits, poles, water mains, gas mains, telecommunications cables etc.) that could be affected by the installation of the new crossovers or related works. Any existing road infrastructure or non-road infrastructure located within or adjacent to the new crossovers must be altered, relocated or reconstructed to the satisfaction of the Responsible Authority and/or the relevant utility provider or infrastructure manager at the expense of the owner/developer.
- (16) Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to Selwyn Street and Delmont Street other than via the vehicle crossings shown on the endorsed plans.

Engineering

- (17) Access to the site and ancillary road works must be constructed in accordance with the requirement of the Responsible Authority.
- (18) An on-site stormwater drainage retention/detention system must be installed on the subject land to the satisfaction of the Responsible Authority.
- (19) The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the Responsible Authority.

- (20) Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas and to control drainage flows.
- (21) Council will only consider readily removable structures e.g. light weight cladding structure. Separate approval for the construction of Meter box, paving and fencing over/in Council's easement is required from Council's Engineering Services department

Water Sensitive Urban Design (WSUD)

- (22) The performance of any Water Sensitive Urban Design (WSUD) device must be monitored and maintained such that it continues to meet Best Practice standards. In the event that the device fails to meet Best Practice standards it must be repaired or replaced with an alternate at the cost of the owner/operator to the satisfaction of the Responsible Authority.

Multi Unit Residential Development

- (23) Prior to the commencement of use / occupation, an acoustic fence must be erected along the western boundary of the site to a minimum height of 1.8 metres above natural ground level (except where visibility splays are required toward the front of the site). The design of the fence must be prepared in consultation with/by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority. The owner of the subject land must pay all costs associated with the construction of the fence, to the satisfaction of the Responsible Authority.
- (24) Prior to the occupation of the dwellings hereby permitted all other side, rear and internal fencing must be provided to a minimum height of 1.8m above the natural ground level (except where visibility splays are required toward the front of the site) and be in good condition to the satisfaction of the Responsible Authority. The owner of the subject land must pay all costs associated with the construction / modification of the fence(s), to the satisfaction of the Responsible Authority.
- (25) All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (26) Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.

Time Limit – Development

- (27) 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:

- (a) Within six months afterwards for commencement, or
- (b) Within twelve months afterwards for completion.

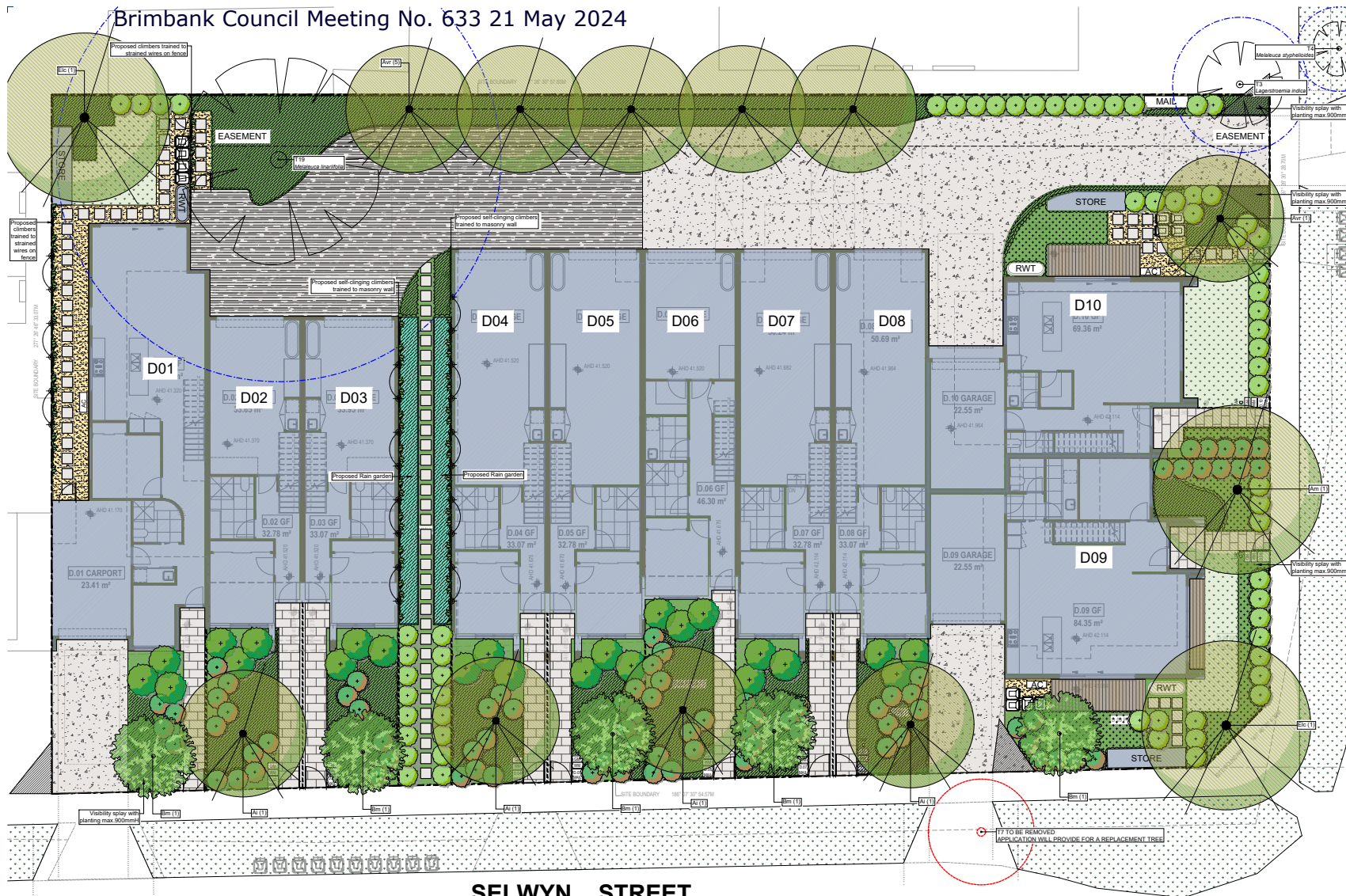
Notes

- (1) ***This is not a Building Permit.*** Please consult a Building Surveyor and ensure that a Building Permit is obtained prior to the commencement of works.
- (2) ***Building Surveyor Note:*** A siting assessment has already been undertaken and therefore an assessment under Part 5 of the Building Regulations 2018 is not required.
- (3) Approval must be obtained from Council's Engineering Department (Phone: 9249 4000) for the construction or alteration of any vehicle crossings prior to the commencement of any works on the site.
- (4) Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 9249 4000).
- (5) Mailboxes must be dimensioned, located and orientated to accord with the relevant [Australia Post Guidelines](#) as updated from time to time.
- (6) Prior to the removal of the street tree/s identified on the endorsed plans for removal, approval must be obtained from, and any associated fees and charges must be paid to, Council's Urban Design Department (Phone: 9249 4000).
- (7) Please refer to Council's website at: <https://www.brimbank.vic.gov.au/forms/property-drainage-design-and-onsite-detention-assessment-application-online-form> for further information and/or to apply for Property Drainage Design and Onsite Detention Assessment.
- (8) This permit for the development of the land includes the construction of buildings and works over an easement. It is the responsibility of the owner, through the services of the relevant building surveyor, to determine any necessary consent(s) from all those parties who may have a legal right over the easement and from any other appropriate authority to whom the easement may be vested. The provisions of Regulation 310 of the Building Regulations 2006 states that the consent and report of a service authority is required to construct a building over an easement vested in that service authority. Reference is drawn to the provisions of Section 12(5) of the Subdivision Act 1988. This section states that person(s) entitled to use the easement are not required to repair damage to buildings or works constructed or located within the easement that may be altered or removed for the execution of the works so as to interfere with the exercising of the rights conferred by the easement if reasonable care is taken in gaining access to and using the easement. This planning permit does not provide the consent from Council, service authorities or other persons or bodies for the construction of the building and works over the easement within the property.
- (9) Should Council impose car parking restrictions in this street, the owners and / or occupiers of the dwellings within this development would not be eligible for a Council parking permit to allow for on-street parking.
- (10) A copy of this permit and the endorsed plans must be provided to all builders and contractors who are to work on the site so that they are aware of the conditions to which this approval is subject.
- (11) If there is a change in ownership or any change in detail of the payee for the landscape bond, a 'Transferral of Bond' form can be obtained from Council's City Planning Unit (9249 4000) ensuring the details of new payee of the landscape bond are transferred to the application.

- (12) *Please refer to Council's website at: <https://www.brimbank.vic.gov.au/building-and-planning/development-contributions-plan> to calculate the indicative Development Contribution Plan (DCP) levy and to request a DCP invoice.*
- (13) *Works must cease immediately upon discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria shall immediately be notified of any such discovery.*
- (14) *Development on the subject land must cease immediately upon the discovery of any suspected human remains. The Police or State Coroners Office must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria*

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Soil Preparation
Crushed rock, concrete spillage and any other material restrictive to plant growth (e.g. large rocks) shall be removed from the site of any planting beds and semi-advanced trees. All trees to be removed shall be stumped ground and all rubbish/vegetative spoil is to be removed from site. Existing top soil in planting areas is to be preserved so that it does not receive additional compaction from site machinery and so that no rubble or building supplies are stored in these areas.
No imported top soil is to be used within the root zone of trees to be protected. Any properties of existing soil to be planted within these areas is to be done by hand only. Holes (e.g. as the result of plant removal) and uneven soil levels may be patched using sand as specified below.
Any imported topsoil is to be free of weeds, rubble and other materials damaging to plant growth and is to be of a medium texture (sandy loam) with a pH of 6.0-7.0. Top soil is to be laid over a prepared sub-base which has had any materials damaging to plant growth (e.g. rubble and large rocks) removed, spread to the appropriate depth and cultivated into the existing soil to a minimum depth of 150mm.
Imported top soil is to be lightly and uniformly compacted in 150mm layers to a minimum depth of 100mm on lawn areas and 300mm on non-succulent planting beds.

Weed Removal
All weeds shall be thoroughly removed. All vegetative material, including roots and rhizomes of non-woody perennials and woody suckering weeds, is to be removed or appropriately controlled using chemical means. The stumps of non-suckering woody perennials are to be stumped ground. All vegetative material shall be appropriately disposed of off site in a manner which will not allow their re-establishment elsewhere. Any chemical controls are to be used in accordance with manufacturer's instructions and standard occupational health and safety procedures.
Care must be taken to ensure that all trees to be retained are not damaged during weed removal. This also implies that any herbicides used are suitable for use around the vegetation to be retained.

Planting
Planting shall be carried out using accepted horticultural practices with all plants conforming to the species, size and quantities indicated on the Landscape Plan and Plant Schedule. Plants shall be thoroughly soaked through immersion in water prior to planting and if the planting soil is very dry then the planting hole is also to be filled with water and allowed to drain completely.
All plants shall be appropriately hardened off in the nursery. Use plants with the following characteristics: Large healthy root systems with no evidence of root cut or pot bound restriction or damage, vigorous, well established, free from disease and pests and of good form, consistent with the species or variety.
Planting holes for shrubs and groundcovers are to be of minimum size 75mm larger than the planting pot in all directions. Semi-advanced tree planting holes are to be the same depth as the rootball and 2-3 times its diameter, with the top of the rootball being at grade. A 75mm high berm is to be constructed at edge of root-ball to hold water. All plants are to be thoroughly watered after planting and slow release fertiliser added at the quantities specified by the manufacturer.
Run the cable horizontally along the length of the paling fence for the required length as indicated on the Landscape Plan. Space the cable evenly at 400mm centres - attach with galvanised or ss eyelets - tension cable with landscape plant turnbuckles to achieve the required tension.

Lawn - Turf
Turf (not Bermuda) turf (or similar) is to be supplied to lawn areas as shown. Turf is to be supplied by a specialist grower and is not to be allowed to dry out between cutting and laying. Turf should be laid in a stretcher pattern so that joints are staggered and is to be lightly tamped following laying. All lawn areas are to be thoroughly watered following planting and fertilised with an appropriate lawn starter at the quantities recommended by the manufacturer.

Mulch
Mulch is to be supplied to all garden beds and is to be an organic type laid to a minimum depth of 75mm, consisting of fine dark coloured chipped or shredded pine bark or hardwood with not more than 5% fines content by volume (preferably zero fines). The average size of the woodchip must be approximately 30mm x 20mm x 5mm and the maximum length is not to exceed 30mm. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be stockpiled and thoroughly weathered prior to delivery. Mulch is to be kept back 100mm from the stems of all plants to prevent collar rot.

Gravels
Gravels are to be installed where shown comprising of a 50mm layer of gravel (Tuscan Toppings or similar) over a base course of 75mm deep gently compacted Fine Crushed Rock. Each layer, including the subgrade is to be appropriately compacted.

Timber Edges
Provide 75 x 20mm treated pine edges to all orders between gravel mulch paths and garden beds using 75x25x300mm long treated pine stakes at 1200mm maximum centres. An additional stake is to be provided at joints in the plants.

Irrigation
An approved drip irrigation system is to be supplied to all planter boxes & garden beds. An approved pop-up spray system is to be supplied to all lawn areas. It is the responsibility of the contractor to ensure that all irrigation meets manufacturers specifications. The system is to be connected to mains supply and include a rain-shut off device. All drippers are to be buried with approx. 50mm of topsoil cover and shall be anchored at regular intervals to ensure the tubing cannot be dislodged.

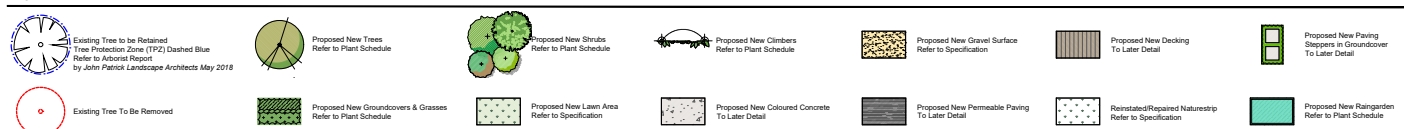
Repair/Restoration of damaged Naturestrips
Nature strips are to be restored to current grades with any depressions filled with topsoil to specifications above and lightly compacted in 100mm layers. Areas are then to be re-seeded using an appropriate and matching turf type and the area fenced off to allow the re-establishment of lawn. Re-seeded areas are to be well irrigated and the area supplied with a slow release fertiliser at the quantities recommended by the manufacturer.
Any areas of lawn which have failed to germinate (achieve an evenly green 95% covering of a consistent height) are to be re-seeded within one month of original sowing date.

Plant Establishment Period
There shall be a 12 weeks Plant Establishment Period following the approval of Practical Completion by the responsible authority. During this period the landscape contractor shall make good all defects in higher scope of works. Maintenance and Establishment means the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. This shall include, but shall not be limited to watering, fertilising, weeding, pruning, pest and disease control, cultivation, re-planting and replacement of any plants that fail with plants of the same species and size.

PLANT SCHEDULE

SYM	BOTANICAL NAME	COMMON NAME	DEVELOP	HEIGHT x WIDTH AT MATURITY	MIN SUPPLY SIZE	QTY
GRASSES						
A1	Acacia implexa	Light oak	BN	8 x 6m	30cm/1 stem	4
A2	Acacia melanocoryna	Black oak	BN	15 x 6m	30cm/1 stem	1
A3	Allocasuarina verticillata	Crushing Heath	BN	8 x 6m	30cm/1 stem	4
A4	Eucalyptus laevis	Medicinal Yellow Gum	BN	12 x 6m	30cm/1 stem	2
SHRUBS						
S1	Acacia acutata	Gold Dust Wattle	BN	2 x 2m	140mm pot	1
S2	Banksia integrifolia	Blue Banksia	BN	8 x 4m	140mm pot	1
S3	Cornus palmarum	Rock Cornus	BN	12 x 1.2m	140mm pot	1
S4	Gardenia	High Gardenia	BN	1 x 1.2m	140mm pot	1
GROUNDCOVERS AND DRAPERS						
G1	Brachycome dielsii	Little seed Daisy	BN	0.5 x 0.5m	50mm tube	1
G2	Chrysanthemum apiculatum	Common Broomfield	BN	0.5 x 0.5m	140mm pot	1
G3	Calceolaria	Lemon Beauty	BN	0.2 x 0.2m	50mm tube	1
G4	Diandra revoluta	Black Anther Fan Lily	BN	1 x 1m	50mm tube	1
G5	Phlox paniculata	Tussock Grass	BN	0.8 x 0.8m	140mm pot	1
G6	Poa annua	Common Rice-flower	BN	0.2 x 1m	140mm pot	1
CLIMBERS						
C1	Hamamelis virginica	False Spicebush/Purple Dog	BN	140mm pot	140mm pot	1
C2	Hamamelis virginica	False Spicebush/Purple Dog	BN	140mm pot	140mm pot	1

LEGEND



Attachment 12.2.8

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REVISION	DATE	BY
A To Council Request	15/10/2023	CY
A To Council Request	01/03/2024	CY

CLIENT
Alexco Pty Ltd
PROJECT
Proposed Development

DRAWING
Landscape Plan
for Town Planning

SCALE
1:100 @A1
DATE
OCT 2023
DRAWN
CY
CHECKED
JP
JOB NO
23-208
DWG NO
TP01
CAD FILE
23-208 TP Rev01.dwg

PROJECT SUMMARY

52-56 SELWYN STREET, ALBION

10x DOUBLE STOREY TOWNHOUSES

SHEET LIST

SHEET NO.	SHEET NAME	REV.	CURRENT REV.	REV. DESCRIPTION
TP.00	PROJECT SUMMARY	C	08.04.2024	Issue in Response to Garden Area concerns
TP.100	SITE ANALYSIS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.101	DESIGN RESPONSE	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.200	GROUND FLOOR PLAN	C	08.04.2024	Issue in Response to Garden Area concerns
TP.201	FIRST FLOOR PLAN	C	08.04.2024	Issue in Response to Garden Area concerns
TP.202	ROOF PLAN	C	08.04.2024	Issue in Response to Garden Area concerns
TP.300	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.301	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.302	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.303	ELEVATIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.304	FINISHES SCHEDULE	C	08.04.2024	Issue in Response Council RFI dated 9.11.2023
TP.400	CATCHMENT PLAN	B	6.12.2023	Issue in Response to Garden Area concerns
TP.500	GARDEN AREA PLAN	C	08.04.2024	Issue in Response to Garden Area concerns
TP.600	SHADOWS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.601	SHADOWS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.700	SECTIONS	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.800	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.801	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.802	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023
TP.803	DESIGN INTENT	B	6.12.2023	Issue in Response Council RFI dated 9.11.2023

DEVELOPMENT SUMMARY

NAME	AREA
AREA	1892.34 m ²

PERMEABLE AREA

NAME	AREA	(%) OF SITE
AREA	552.57 m ²	34

SITE COVERAGE

NAME	AREA	(%) OF SITE
AREA	860.30 m ²	47

GARDEN AREA

NAME	AREA	% OF SITE
AREA	852.48 m ²	35

D.01 AREA SCHEDULE	
NAME	AREA
D.01 GP	95.31 m ²
D.01 GARAGE	23.41 m ²
D.01 FF	51.99 m ²
	170.71 m ²

D.02 AREA SCHEDULE	
NAME	AREA
D.02 GP	32.78 m ²
D.02 GARAGE	39.19 m ²
D.02 FF	65.77 m ²
D.02 BALCONY	11.89 m ²
	144.19 m ²

D.03 AREA SCHEDULE	
NAME	AREA
D.03 GP	33.07 m ²
D.03 GARAGE	39.19 m ²
D.03 FF	65.77 m ²
D.03 BALCONY	12.20 m ²
	146.03 m ²

D.04 AREA SCHEDULE	
NAME	AREA
D.04 GP	33.07 m ²
D.04 GARAGE	39.19 m ²
D.04 FF	65.77 m ²
D.04 BALCONY	12.24 m ²
	139.24 m ²

D.05 AREA SCHEDULE	
NAME	AREA
D.05 GP	32.78 m ²
D.05 GARAGE	39.24 m ²
D.05 FF	78.19 m ²
D.05 BALCONY	13.26 m ²
	173.51 m ²

D.01 OPEN SPACE SCHEDULE	
NAME	AREA
D.01 FPOS	29.85 m ²
D.01 POS	62.89 m ²
	92.58 m ²

D.02 OPEN SPACE SCHEDULE	
NAME	AREA
D.02 FPOS	34.21 m ²
D.02 POS	34.21 m ²
	68.42 m ²

D.03 OPEN SPACE SCHEDULE	
NAME	AREA
D.03 FPOS	34.04 m ²
D.03 POS	34.04 m ²
	68.08 m ²

D.04 OPEN SPACE SCHEDULE	
NAME	AREA
D.04 FPOS	31.04 m ²
D.04 POS	31.04 m ²
	62.08 m ²

D.05 OPEN SPACE SCHEDULE	
NAME	AREA
D.05 FPOS	30.29 m ²
D.05 POS	30.29 m ²
	60.58 m ²

D.06 AREA SCHEDULE	
NAME	AREA
D.06 GP	45.30 m ²
D.06 GARAGE	27.74 m ²
D.06 FF	68.65 m ²
D.06 BALCONY	11.95 m ²
	153.64 m ²

D.07 AREA SCHEDULE	
NAME	AREA
D.07 GP	52.78 m ²
D.07 GARAGE	59.24 m ²
D.07 FF	77.07 m ²
D.07 BALCONY	12.35 m ²
	173.54 m ²

D.08 AREA SCHEDULE	
NAME	AREA
D.08 GP	53.07 m ²
D.08 GARAGE	59.69 m ²
D.08 FF	77.19 m ²
D.08 BALCONY	12.23 m ²
	173.67 m ²

D.09 AREA SCHEDULE	
NAME	AREA
D.09 GARAGE	Not Placed
D.09 GP	54.25 m ²
D.09 FF	22.55 m ²
D.09 FF	76.07 m ²
	176.87 m ²

D.10 AREA SCHEDULE	
NAME	AREA
D.10 GP	69.38 m ²
D.10 GARAGE	22.93 m ²
D.10 FF	72.84 m ²
	164.85 m ²

D.06 OPEN SPACE SCHEDULE	
NAME	AREA
D.06 FPOS	38.44 m ²
D.06 POS	38.44 m ²
	76.88 m ²

D.07 OPEN SPACE SCHEDULE	
NAME	AREA
D.07 FPOS	29.35 m ²
D.07 POS	29.35 m ²
	58.70 m ²

D.08 OPEN SPACE SCHEDULE	
NAME	AREA
D.08 FPOS	29.15 m ²
D.08 POS	29.15 m ²
	58.30 m ²

D.09 OPEN SPACE SCHEDULE	
NAME	AREA
D.09 FPOS	55.04 m ²
D.09 POS	55.04 m ²
	110.08 m ²

D.10 OPEN SPACE SCHEDULE	
NAME	AREA
D.10 FPOS	55.15 m ²
D.10 POS	31.48 m ²
	86.63 m ²

COMMUNAL OPEN SPACE SCHEDULE

NAME	AREA
COMMUNAL	61.11 m ²



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M3 GROUP

Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
PROJECT SUMMARY
Drawing Issue
Town Planning
Client
KEYWAY

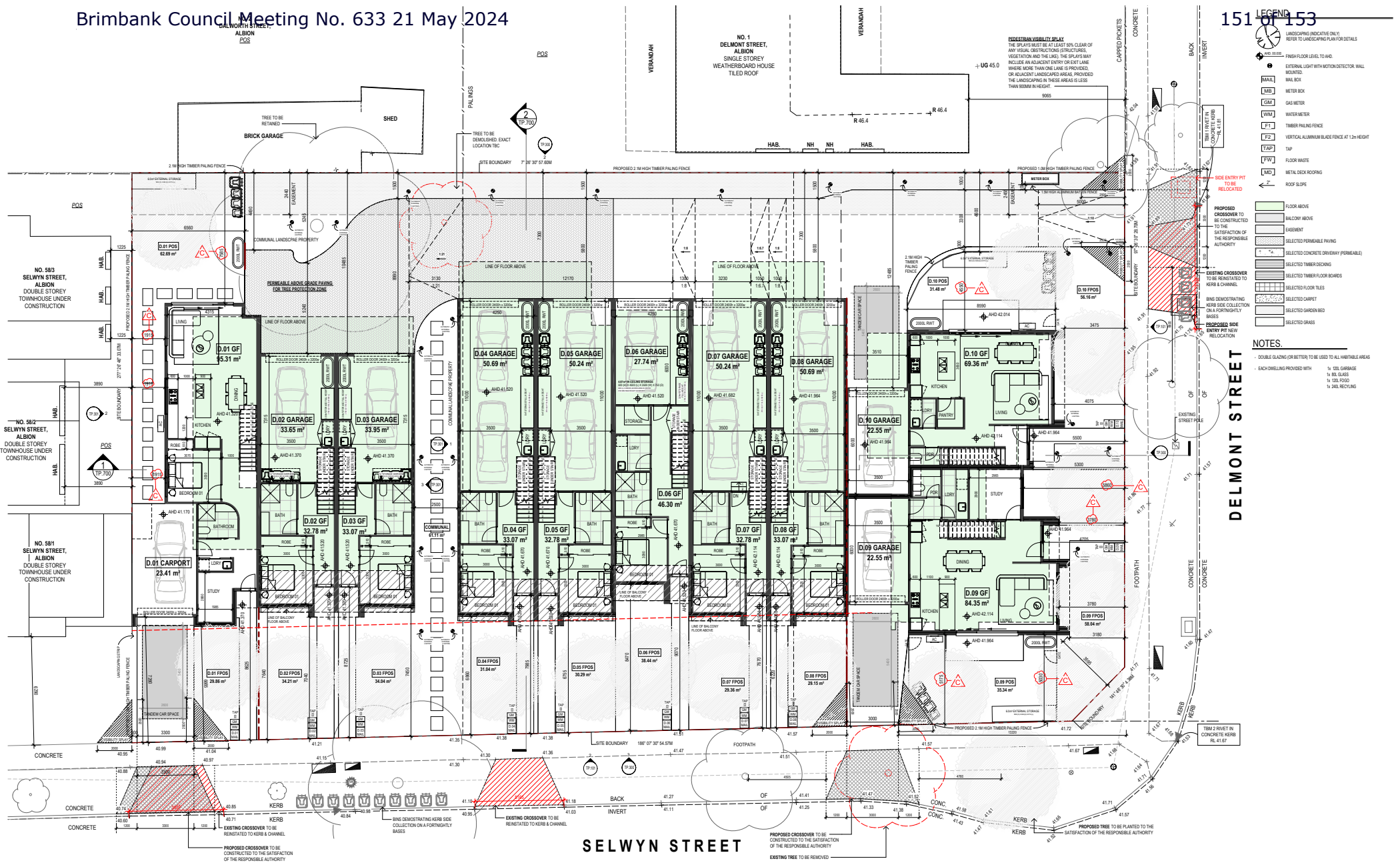
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231824
Drawing Number
TP.00
Issue Date
APR 2024
Revision Issue
C
Drawn by
DE
Checked by
GM
Scale
A3 /
A1 /

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
A	Issue for Lodgment	19.09.2023
B	Issue in Response Council RFI dated 9.11.2023	6.12.2023
C	Issue in Response to Garden Area concerns	08.04.2024

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Brimbank Council Meeting No. 633 21 May 2024



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Attachment 12.2.

Project Address
52-56 SELWYN STREET, ALBION
Drawing Title
GROUND FLOOR PLAN
Drawing Issue
Town Planning
Client
KEYWAY

North Point



Project Number
231824
Drawing Number
TP-200
Issue Date
APR 2024
Revision Issue
C
Drawn by
GM/DE
Checked by
GM
Scale
A1 /
1 : 100

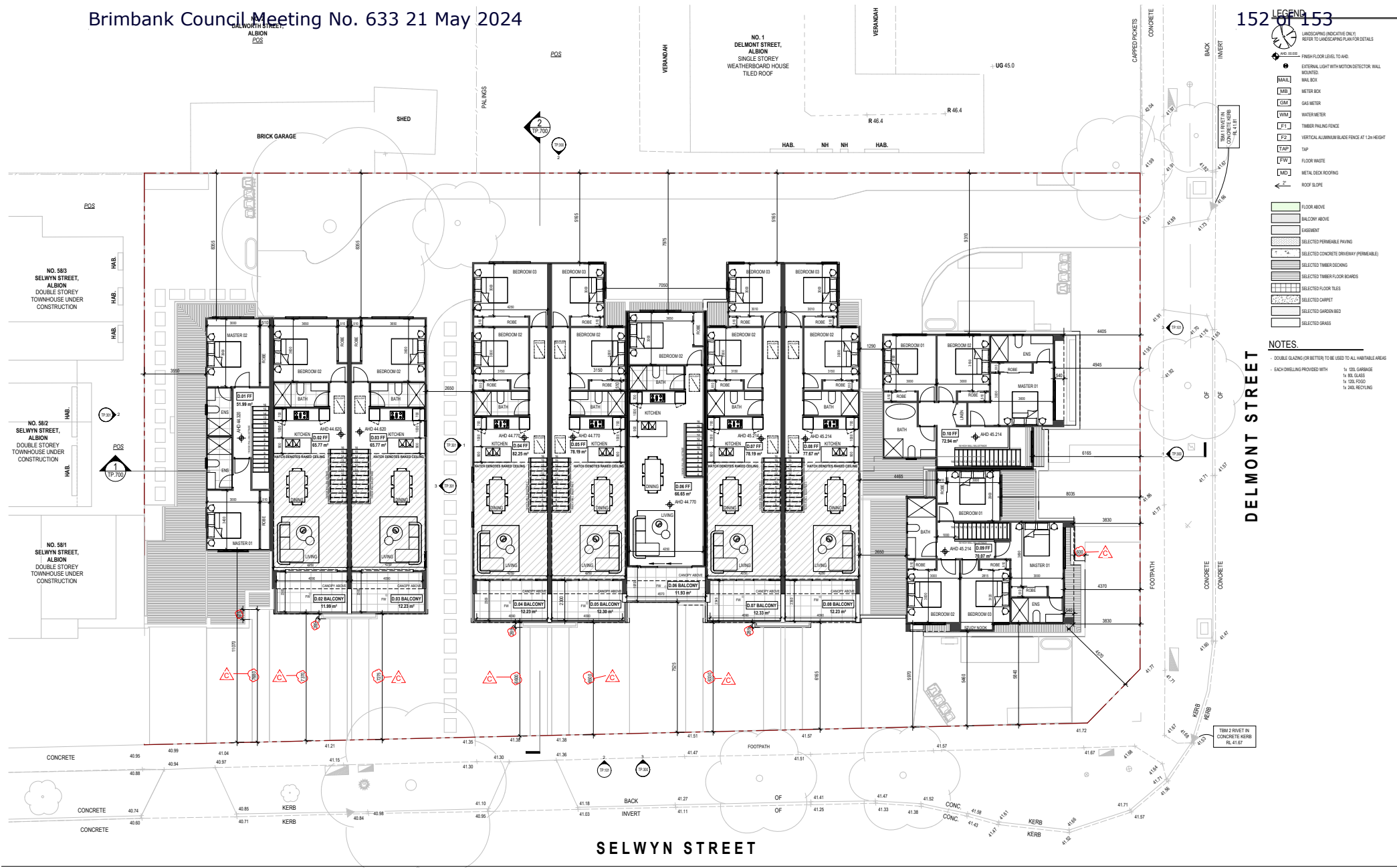
Rev	Description	Date
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Brimbank Council Meeting No. 633 21 May 2024

152 OF 153



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Attachment 12.2.

Project Address
Drawing Title
Drawing Issue
Client

52-56 SELWYN STREET, ALBION
FIRST FLOOR PLAN
Town Planning
KEYWAY

Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

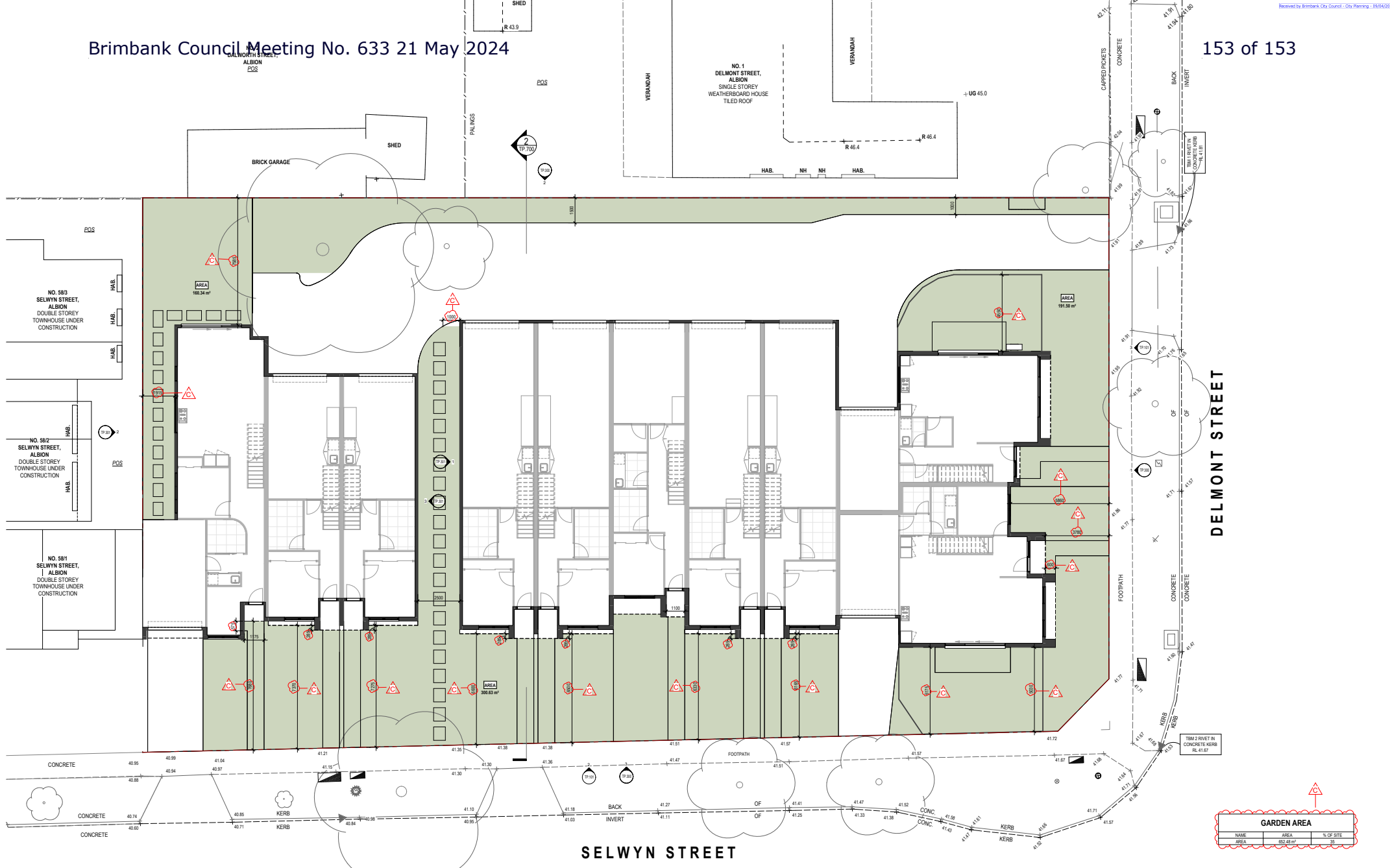
231824
TP 201
APR 2024
C
GM/DE
A3 /
A1 /

1 : 100

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
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Attachment 12.2.

Project Address
Drawing Title
Drawing Issue
Client

52-56 SELWYN STREET, ALBION
GARDEN AREA PLAN
Town Planning
KEYWAY

North Point



Project Number
Drawing Number
Issue Date
Revision Issue
Drawn by
Checked by
Scale

231824
TP.500
APR 2024
DE
GM
A3 /
A1 /
1 : 100

Rev	Description	Date
-	Issue for Pre-Application Meeting	5.06.2023
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