

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

Appendix 3 – Assessment against relevant Planning Scheme controls

| Planning Scheme Reference | Assessment |
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| Planning Policy Framework | |
| Clause 11 (Settlement) | <p>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.</p> <p>Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.</p> <p>The proposal will make efficient use of residential land which is fully serviced and has access to a wide range of infrastructure and services.</p> |
| Clause 15 (Built Environment and Heritage) | <p>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.</p> <p>Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.</p> <p>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.</p> <p>Planning should promote excellence in the built environment and create places that:</p> <ul style="list-style-type: none"> • Are enjoyable, engaging and comfortable to be in. • 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. <p>The proposal has been designed to appropriately respond to the context of the surrounding area and will accommodate people with a disability. The proposal generally complies with this clause.</p> |
| Clause 15.01-1S (Urban design) | <p>The objective of this clause is <i>“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”</i>.</p> <p>The proposal responds well to the surrounding urban environment and is consistent with this clause.</p> |
| Clause 15.01-2S (Building design) | <p>The objective of this clause is <i>“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”</i>.</p> |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | |
|--|---|
| | <p>The proposal will positively contribute to the local context and is consistent with this clause.</p> |
| <p>Clause 15.01-4S (Healthy neighbourhoods)</p> | <p>The objective of this clause is <i>“to achieve neighbourhoods that foster healthy and active living and community wellbeing”</i>.</p> <p>The proposal will be highly accessible to walking and cycling networks and public transport. The proposal is consistent with this clause.</p> |
| <p>Clause 15.01-5S (Neighbourhood character)</p> | <p>The objective of this clause is <i>“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”</i>.</p> <p>The design response is in keeping with the character of the area in terms of its scale, form and appearance.</p> |
| <p>Clause 15.02-1S (Energy and resource efficiency)</p> | <p>The objective of this clause is <i>“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions”</i>.</p> <p>The proposal is generally consistent with this clause.</p> |
| <p>Clause 16 (Housing)</p> | <p>Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.</p> <p>Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.</p> <p>Planning for housing should include the provision of land for affordable housing.</p> <p>The proposal is walkable to an activity centre and has excellent access to schools, public transport and open space.</p> |
| <p>Clause 16.01-1S (Integrated housing)</p> | <p>The objective of this clause is <i>“to promote a housing market that meets community needs”</i>.</p> <p>One of the strategies of this clause is to <i>“ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.”</i></p> <p>The proposal increases the supply of housing for people with a disability in an existing urban area that is currently well integrated with infrastructure and services.</p> |
| <p>Clause 16.01-2S (Location of residential development)</p> | <p>The objective of this clause is <i>“to locate new housing in designated locations that offer good access to jobs, services and transport”</i>.</p> <p>The proposal provides a housing development that is well located in relation to jobs, services and public transport. The proposal reduces the pressure for fringe development by developing a site within an established urban area.</p> |
| <p>Clause 16.01-3S (Housing diversity)</p> | <p>The objective of this clause is <i>“to provide for a range of housing types to meet diverse needs”</i>.</p> <p>The proposal will add to dwelling diversity to the surrounding area, particularly for people with a disability.</p> |

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Appendix 3 Assessment against Planning Scheme - undated

| | |
|--|---|
| Clause 16.01-4S (Housing affordability) | <p>The objective of this clause is <i>“to deliver more affordable housing closer to jobs, transport and services”</i>.</p> <p>The proposal is consistent with this clause.</p> |
| Clause 16.01-6S (Community care accommodation) | <p>The objective of this clause is <i>“to facilitate the establishment of community care accommodation and support their location being kept confidential”</i>.</p> <p>The proposal will facilitate the development of the land for community care accommodation.</p> |
| Clause 18.02-1S (Sustainable personal transport) | <p>The objective of this clause is <i>“to promote the use of sustainable personal transport”</i>.</p> <p>The proposal is located in an area with good access to walking and cycling networks and to public transport.</p> |
| Clause 18.02-4S (Car parking) | <p>The objective of this clause is <i>“to ensure an adequate supply of car parking that is appropriately designed and located”</i>.</p> <p>The proposal provides an adequate amount of car parking on site which is appropriately designed.</p> |
| Local Planning Policy Framework | |
| Clause 21 (Municipal Strategic Statement) | <p>The Melton City Council Municipal Strategic Statement contains a description of the present day municipality and the key influences and issues Council will face. It provides Council’s vision to create <i>“a thriving community where everyone belongs”</i>.</p> |
| Clause 21.02-2.3 (Settlement – Established areas – Objectives and strategies) | <p>The two objectives of this clause are:</p> <ul style="list-style-type: none"> To ensure a range of housing is available to meet changing demand and improve affordability and accessibility in established suburbs. To identify and protect the preferred neighbourhood character of residential areas. <p>The proposal will increase the range of housing in an established area, improving affordability and accessibility especially for people with a disability. The design response is in keeping with the character of the area in terms of its scale, form and appearance.</p> |
| Clause 21.07-1.3 (Built Environment and Heritage – Objectives and strategies) | <p>The relevant objectives of this clause are:</p> <ul style="list-style-type: none"> To create healthy and safe communities. To protect the preferred neighbourhood character in established residential areas of the municipality. To create communities that are attractive and desirable places in which to live, work and visit. <p>The proposal addresses the street and has an appropriate sense of scale. It is considered the proposed development will make a positive contribution to the residential streetscape.</p> |
| Clause 21.08-1-3 (Housing – Objectives and strategies) | <p>The relevant objectives of this clause are:</p> <ul style="list-style-type: none"> To increase housing diversity within the City of Melton. To promote affordable housing options for households of all income levels. To provide a sufficient range of social, retirement, aged-care and special needs housing types throughout the municipality. |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | |
|--|---|
| | <ul style="list-style-type: none"> To promote opportunities for site consolidation and support more intensive residential development close to activity centres and major public transport nodes. <p>The proposal is for two dwellings for community care accommodation for people with special needs. The development increases housing diversity within the municipality.</p> |
| <p>Clause 22.12 (Housing Diversity Policy)</p> | <p>The objectives of this clause are:</p> <ul style="list-style-type: none"> To encourage the provision of affordable housing options for households of all income levels. To protect and enhance the neighbourhood character of residential areas where appropriate. To facilitate a diverse range of housing to meet the needs of a diverse population and provide genuine choice in housing products. To support increased residential densities in locations with high levels of access to infrastructure, services and transport. To encourage innovative housing design and development that is adaptable, site responsive and environmentally sustainable. <p>It is policy to:</p> <ul style="list-style-type: none"> Encourage the development of a range of housing options throughout the municipality. Ensure that new development does not impact adversely on areas of recognised neighbourhood character. Encourage higher density development to locate in areas with high levels of accessibility to infrastructure and services. Encourage the redevelopment of well located infill sites. Encourage housing development that features innovative design and responds to the principles of sustainability. <p>The proposal is considered site responsive and is located in an area where development should be encouraged, with access to public transport and services. The proposal facilitates a more diverse range of housing, particularly for people with special needs. The design, scale and form of the dwellings is considered appropriate to the neighbourhood character of the area.</p> |
| <p>Zone General Residential Zone</p> | <p>The purpose of the General Residential Zone is:</p> <ul style="list-style-type: none"> 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. |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

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| | <p>The proposed use and development is consistent with the purpose of the zone.</p> |
| Urban Floodway Zone | <p>The purpose of the Urban Floodway Zone is:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding. To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting. To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989. To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria). <p>The proposal includes a fence to be constructed within the Urban Floodway Zone. The proposal is consistent with the purpose of the zone.</p> |
| Overlays | |
| Clause 43.04 (Development Plan Overlay) | <p>The purpose of the Development Plan Overlay is:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority. <p>Schedule 1 to the Development Plan Overlay requires the responsible authority to consider the following before approving a development plan:</p> <ul style="list-style-type: none"> The existing and possible future development and use of the land and of contiguous or adjacent land. The need for appropriate setbacks from residential areas. The provision of water, sewerage, drainage and electricity services. The orderly planning of the zone, including the management of traffic, the provision of pedestrian ways and open space. The need for financial or other contributions towards the provision of reticulated service infrastructure, community and social facilities and services, transport infrastructure and services. The provisions of the Melton East Strategy Plan and municipal planning policy. |

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| | <p>A development plan has been submitted and is being assessed concurrently with the planning permit application.</p> <p>It is considered the development plan submitted satisfies the relevant requirements to consider under the Development Plan Overlay.</p> |
| <p>Clause 45.08 (Melbourne Airport Environs Overlay)</p> | <p>The purpose of the Melbourne Airport Environs Overlay is:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. • To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield. • To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings. • To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure. <p>The purpose of Schedule 2 to the Melbourne Airport Environs Overlay is:</p> <ul style="list-style-type: none"> • To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure. <p>The proposed use and development meets the purpose of the Melbourne Airport Environs Overlay.</p> |
| <p>Particular Provisions</p> | |
| <p>Clause 52.06 (Car parking)</p> | <p>The purpose of this clause is:</p> <ul style="list-style-type: none"> • 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. <p>Pursuant to Clause 52.06-5, Community Care Accommodation is not a use listed under Table 1.</p> |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | |
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| | <p>Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.</p> <p>Given the intended use of the site as Community Care Accommodation, the residents will not drive. The car parking spaces are therefore provided for staff and visitors.</p> <p>Four car parking spaces in the form of a double space garage and a double space carport will be provided on site.</p> <p>It is intended each dwelling will have a vehicle allocated for staff to use with an additional car parking space available for visitors to the site. Residents will have access to taxi services via the NDIS funding model.</p> <p>The amount of car parking spaces provided is considered adequate for the proposal.</p> |
| <p>Clause 52.22 (Community Care Accommodation)</p> | <p>The purpose of this clause is:</p> <ul style="list-style-type: none"> • To facilitate the establishment of community care accommodation. • To support the confidentiality of community care accommodation. <p>The proposed use does not meet the exemption listed under Clause 52.22-2 as the proposal is a use that is not funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.</p> |
| <p>Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)</p> | <p>The purpose of this clause is:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. • To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character. • To encourage residential development that provides reasonable standards of amenity for existing and new residents. • To encourage residential development that is responsive to the site and the neighbourhood. <p>The proposal generally complies with the requirements of Clause 55. A detailed assessment of the proposal against the provisions of Clause 55 is detailed in Table 1.</p> |
| <p>General Provisions</p> | |
| <p>Clause 65 (Decision Guidelines)</p> | <p>The provision outlines that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> • The matters set out in Section 60 of the Act. |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | |
|--|---|
| | <ul style="list-style-type: none"> • The Municipal Planning Strategy and the Planning Policy Framework. • The purpose of the zone, overlay or other provision. • Any matter required to be considered in the zone, overlay or other provision. • The orderly planning of the area. • The effect on the amenity of the area. <p>The proposal is considered to be generally consistent with the Planning Policy Framework, Local Planning Policy Framework, Zones, Overlays and Particular Provisions.</p> |
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Table 1, Clause 55 Assessment (ResCode)

| Clause 55 – Two or More Dwellings on a Lot and Residential Buildings | Assessment | Compliance |
|---|--|------------|
| <i>Neighbourhood and Site Description and Design Response</i> | | |
| Clause 55.01-1 – Neighbourhood and site description | A neighbourhood and site description has been provided as part of the application and is satisfactory. | Complies |
| Clause 55.01-2 – Design Response | A design response explaining how the proposal meets the objectives of Clause 55 has been provided as part of the application and is satisfactory. | Complies |
| <i>Neighbourhood Character and Infrastructure</i> | | |
| Clause 55.02-1 – Neighbourhood character objective Standard B1 | The development in terms of its scale, built form, setbacks and materials and colours will be consistent with the neighbourhood character of the area. | Complies |
| Clause 55.02-2 – Residential policy objectives Standard B2 | The design is consistent with the relevant policies. | Complies |
| Clause 55.02-3 – Dwelling diversity objective Standard B3 | N/A | N/A |
| Clause 55.02-4 – Infrastructure objectives Standard B4 | The development will be connected to all required services. | Complies |
| Clause 55.02-5 – Integration with the street objective Standard B5 | The dwellings will be well integrated with the street. | Complies |
| <i>Site Layout and Building Massing</i> | | |
| Clause 55.03-1 – Street setback objective Standard B6 | A setback of 6.3 metres is proposed and meets the objective and standard. | Complies |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | | |
|---|--|--------------------------------------|
| Clause 55.03-2 – Building height objective <i>Standard B7</i> | 5.2 metres | Complies |
| Clause 55.03-3 – Site coverage objective <i>Standard B8</i> | 41.6% | Complies |
| Clause 55.03-4 – Permeability and stormwater management objectives <i>Standard B9</i> | 37.4% Adequate stormwater management can be achieved. | Complies |
| Clause 55.03-5 – Energy efficiency objectives <i>Standard B10</i> | The proposed development will result in an energy efficient design. | Complies |
| Clause 55.03-6 – Open space objective <i>Standard B11</i> | There are no common communal areas. | N/A |
| Clause 55.03-7 – Safety objective <i>Standard B12</i> | The entrances for both dwellings will clearly be visible from the street. The driveway and crossover will have good safety, security and visibility. | Complies |
| Clause 55.03-8 – Landscaping objectives <i>Standard B13</i> | Appropriate landscaping can be provided subject to a landscape plan. | Complies subject to a landscape plan |
| Clause 55.03-9 – Access objective <i>Standard B14</i> | The existing crossover will be retained. | Complies |
| Clause 55.03-10 – Parking location objectives <i>Standard B15</i> | Parking is provided on site. Habitable room windows are adequately set back. | Complies |
| <i>Amenity Impacts</i> | | |
| Clause 55.04-1 – Side and rear setbacks objective <i>Standard B17</i> | Side and rear setbacks are in accordance with the standard. | Complies |
| Clause 55.04-2 – Walls on boundaries objectives <i>Standard B18</i> | The wall constructed along the north-western boundary is in accordance with the standard. | Complies |
| Clause 55.04-3 – Daylight to existing windows objective <i>Standard B19</i> | Reasonable daylight access is achieved to existing habitable windows. | Complies |
| Clause 55.04-4 – North-facing windows objective <i>Standard B20</i> | There are no nearby north-facing habitable room windows to be impacted. | Complies |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | | |
|---|---|----------|
| Clause 55.04-5 – Overshadowing open space objective <i>Standard B21</i> | There is limited overshadowing to any of the neighbouring properties and their secluded private open space. | Complies |
| Clause 55.04-6 – Overlooking objective <i>Standard B22</i> | Overlooking will not be an issue with the single-storey construction and fencing alongside boundaries. | Complies |
| Clause 55.04-7 – Internal views objective <i>Standard B23</i> | Internal views will not be an issue with adequate fencing. | Complies |
| Clause 55.04-8 – Noise impacts objective <i>Standard B24</i> | Noise impacts are unlikely to occur and will be typical of residential dwellings. | Complies |
| <i>On-Site Amenity and Facilities</i> | | |
| Clause 55.05-1 – Accessibility objective <i>Standard B25</i> | The dwellings have been designed with the consideration of the needs of people with limited mobility. | Complies |
| Clause 55.05-2 – Dwelling entry objective <i>Standard B26</i> | The dwellings will be identifiable from the street and accessway and will have their own sense of identity and address. | Complies |
| Clause 55.05-3 – Daylight to new windows objective <i>Standard B27</i> | All habitable room windows have at least 3 square metres in light wells and at least 1 metre clear to the sky. | Complies |
| Clause 55.05-4 – Private open space objective <i>Standard B28</i> | All dwellings have at least 40 square metres of private open space and a minimum dimension of 3 metres. | Complies |
| Clause 55.05-5 – Solar access to open space objective <i>Standard B29</i> | Adequate solar access will be achieved for the secluded private open space for both dwellings. | Complies |
| Clause 55.05-6 – Storage objective <i>Standard B30</i> | A 6 cubic metre storage area is located in the garage and carport areas. | Complies |
| <i>Detailed Design</i> | | |
| Clause 55.06-1 – Design detail objective <i>Standard B31</i> | The design of the proposed dwellings will respect and complement the neighbourhood character. | Complies |
| Clause 55.06-2 – Front fences objective <i>Standard B32</i> | A 1.2 metre high front fence is proposed and will complement the dwellings. | Complies |
| Clause 55.06-3 – Common property objectives | The accessway will be common property for both dwellings. It is unlikely there will any | Complies |

Item 12.10 Planning Application PA 2020/6886 and Development Plan DP2020/001 - Development of two dwellings on the land, use of the land for Accommodation (Community Care Accommodation) and construct buildings and works on land in an Urban Floodway Zone At 73 The Regency, Hillside

Appendix 3 Assessment against Planning Scheme - undated

| | | |
|---|--|----------|
| <i>Standard B33</i> | issues in terms of future management of the accessway. | |
| Clause 55.06-4 – Site services objectives <i>Standard B34</i> | Site services and facilities can be installed and accessed easily. | Complies |

House Rules – Housing Character Assessment and Design Guidelines – Compact Suburban 1

The Housing Character Assessment and Design Guidelines (House Rules) was adopted by Council on 13 October 2015 and was gazetted into the Melton Planning Scheme as a reference document on 18 April 2019. The subject land is located in a Compact Suburban 1 (CS1) area. An assessment against the Design Guidelines for the CS1 area is provided in the table below:

Table 2, Compact Suburban 1 (CS1) Assessment

| Design Response | Assessment | Compliance |
|---|---|---|
| Front setback | A landscaped strip between the driveway and side boundary is provided. A front setback of 6.3 metres is provided. A permeable area of at least 50% can be achieved. | Complies |
| Side setback and walls on boundaries | Side setbacks and walls on boundaries are similar to the pattern of development in the surrounding area. | Complies |
| Garages and car ports | The garage and carport are setback behind the line of the dwellings and are not a dominant built form. | Complies |
| Vehicle crossing | The existing vehicle crossover will be retained. No street trees will be impacted. | Complies |
| Height and form | The maximum building height will be 5.2 metres. The proposed development is well articulated and varied building materials to ensure visual interest from public areas. | Complies |
| Trees and other vegetation | A canopy tree can be provided in the front setback for both dwellings. At least 40 square metres of private open space with a minimum dimension of 4 metres is provided. | Complies |
| Front fence | A 1.2 metre high front fence is proposed. The fence will be low scale and allow visual permeability into the site. | Does not comply however variation is appropriate |
| Colours and materials | The proposed dwellings will use colours and materials that are respectful to neighbourhood character. | Complies |