

22 November 2007

Brad Evans
Walker Corporation
Brad.Evans@walkercorp.com.au



Dear Brad,

**RE: Kew Residential Services site
Initial comments - draft Stage 2 Subdivision & Vegetation Removal application**

Thankyou for the opportunity to review and provide initial comments on a draft planning permit application for Stage 2 subdivision, and vegetation removal at Kew Residential Services.

As a key strategic site located within this city, Council has, and continues to take a keen interest in it's the future planning and development. Council also takes particular interest in the assets that may be vested with it as a result of this application and future applications, including vegetation located within and adjacent to reserves. As previously stated, Council will not assume responsibility for assets that are not sited and designed to an appropriate standard.

Officers have conducted an initial review the draft application prepared by Collie Planning dated 25 October 2007. We understand that this application has not yet been presented to the Minister for Planning for formal assessment.

We are of the strong view that further discussion with relevant Council departments and changes to these applications needs to occur. We would be happy to facilitate these discussions with you as a matter of priority. As a starting point, you may wish to respond to the changes requested by Council as the basis for further discussion.

I note that Council has also received an application for Certification for the Stage 2 area of the site. It should be noted that Council cannot certify the plan of subdivision until a planning permit has been issued. We would assume that based on an initial review of this application, that Council would receive a revised plan of subdivision to certify at a future date.

I look forward to discussing these issues with you further. Please contact me on 9278 4819 or Tom.Harrington@boroondara.vic.gov.au should you have any queries.

Regards,

A handwritten signature in blue ink, appearing to read "Tom Harrington", is written over a faint, larger version of the same signature.

Tom Harrington
Senior Project Planner

BOROONDARA OFFICE
8 Inglesby Road Camberwell Victoria 3124 Telephone 9278 4444 Facsimile 9278 4466
TTY 9278 4848

POSTAL ADDRESS
Private Bag 1 Camberwell Victoria 3124

WEB SITE
www.boroondara.vic.gov.au

Introduction

Officers have been requested to provide initial comments on a draft planning permit application prepared by Collie Planning dated October 2007 relating to the subdivision and removal of vegetation in the Stage 2 area on the Kew Residential Services site at 115 Princess Street Kew. A draft application was received for comment on 29 October 2007. It is expected that further discussions and consultation will occur between Council, Walker Corporation, and the Department of Planning and Community Development on behalf of the Minister for Planning to further progress this proposal.

Comments

2.1 Site and Context Description

The Stage 2 area is described in the draft application as “the site”. It notes the presence of three memorials on the Victorian Heritage Register, and the presence of an Aboriginal Scar tree on the site. It is proposed that each will be relocated to another location. It is not noted whether this will be elsewhere on the site, or indeed off site.

The proposed application also states that the avenue planting is considered significant by Heritage Victoria and Council. This is correct, however we note that that avenues of trees were also identified as significant by the Minister for Planning through the introduction of a Vegetation Protection Overlay as part of Ministerial Amendment C53 in November 2003.

Changes requested:

- Approvals from Heritage Victoria and Aboriginal Affairs should be presented prior to approvals being given for the proposed subdivision layout. The Kew Cottages Parents Association and the Department of Human Services should also be consulted over the proposed relocation of the memorials.
- Include the Minister for Planning as identifying the avenue plantings on the site as significant.

2.2 Design Response

The subdivision design includes the creation of two cul-de-sacs within which may limit permeability, connectivity and accessibility through the stage and site for pedestrians and limit route options for vehicles creating additional traffic congestion within the site. It is noted however that the subdivision design has been created so as to minimise vegetation loss, to maximise the northerly aspect of dwellings, and to prevent vehicular access to dwellings from Main Drive.

The creation of the cul-de-sac also creates a potential security problem through dual frontage to two streets which apply to 14 allotments within this stage.

The cul-de-sac also results in garbage trucks having to manoeuvre through reversing movements and creating additional noise and disruption in what should be a single forward movement through the continuous street.

The dual frontage also results in competing street address for these 14 dwellings and may result in poor streetscape presentation to one or both streets and a confused residential entry/address.

The design has also resulted in poor orientation to a number of the lots as the dominance of east-west streets has limited northern boundary lengths.

Changes requested:

- Changes to the subdivision layout should be considered to create either Guest Close as a street which connects through to Linnaker and to Stage 1, or the removal of Linnaker and the extension of Guest to the Stage 1 Street. This would create a predominantly north- south running street which would maximise allotments with east- west orientations and limit the allotments with dual frontage to between 5 and 7 depending on the design. Creating two streets in place of a street and two cul-de-sacs will reduce issues with security, accessibility, connectivity and traffic congestion.
- If Guest Close is to remain as a laneway it should function as one and not support the likes of garbage trucks, footpaths or similar. As discussed above, further consultation is required between Walker and Council's Traffic and Engineering Dept regarding these issues.
- Collins Street appears to provide adequate access to lots 77 and 78 and therefore the use of 'battleaxe' handles to these allotments is unnecessary and should be removed. Lots 79 and 76 should centre their access at the side street adjacent Stage 1.
- We note that Guest Close is detailed as a street on all the plans except the Streetscape Layout in which it is referenced as a lane. This is also referenced in the Urban Design Guidelines in regard to different provisions for laneways as opposed to streets in regard to building setbacks. This needs to be clarified.

3.0 The Proposal

It is stated that the benchmark to be achieved is that the proposal be considered as generally in accordance with the WDP-K. We are of the view that this draft application cannot be considered as being generally in accordance with the Walker Development Plan – Dec 2005. It is understood that Walker Corporation are interested in updating the Walker Development Plan for this reason. Further comment about this issue is provided in Section 4.2.1 below.

3.1.1 Lots and Reserves

The purpose of lots and reserves in the Stage 2 area is defined in the application as follows: "Open space will be located to protect significant native and non-native trees and generous road reserves will preserve the historical and environmental importance of existing avenue planting." Council does not raise issue with the need to protect the significant vegetation on this site. Council is though concerned with the size, usability, and potential maintenance impost of the proposed reserves.

It is noted that there have been no discussions as yet between Walker Corporation and Council's Parks and Gardens Department in regards to Stage 2 development on this site. It is also noted that there have been no discussions between Walker Corporation and Council's Property Services Department in regards to Lot layout and Street names.

Changes requested:

- Further consultation is required between Council's Parks and Gardens Department and Walker Corporation to discuss the suitability of the proposed reserves, and planting schemes.
- Clarification is required as to where the usable open space within Stage 2 is located, what it will be used for, and as to whether the two reserves proposed as part of the

Stage 2 subdivision are included within the 30% open space requirement for this site (as identified by the WDP Dec 2005)

- Proposed street names will be further considered by Council Officers. Further consultation between Council's Property Services Department and Walker Corporation is required regarding the proposed lot layout and street names. As per Stage 1, changes to these names may be requested by Council.
- Lots 92 and 105 seem to be poorly oriented with a large amount of street frontage for very narrow lots. Further examination of these lots is required.

3.1.2 Street Network

It is noted on Page 4 of the draft application that "the road network deviates slightly from the WDPK-K Map to achieve a more effective traffic management system, although remains generally in accordance with the approved development plan."

It is noted that through roads are replaced by cul-de-sacs, access arrangements lots are also altered so as to ensure that there is to be no direct access to properties from Main Drive.

Officers have previously expressed reservations to the Walker Corporation about this layout. Subsequent to these discussions, Council's arborist has walked the site and has formed the view that the proposed cul-de-sac layout would minimise the loss and damage of vegetation, particularly the avenues of trees along Main and Lower Drive, as you have raised in your application. The proposed road layout however warrants further investigation.

Road widths are of concern, particularly with relation to visitor parking and access by emergency and service vehicles.

Intersection treatments and safety measures proposed for the Collins Place, Lower Drive and Canopy Avenue intersection need to be further discussed.

There are no details about restoring the temporary access from Main Drive to Lower Drive. The section 173 agreement applicable to Stage 1 requires the access to be removed once an alternate road has been constructed (Collins Street and Park Avenue), but the future reserve is still in the proposed lot B for a later stage.

Changes requested:

- Further detailed consultation is required between Council's Traffic & Engineering Dept and Walker Corporation in relation to roads, access, and intersection treatments in the stage 2 area in relation to the draft application.
- Details regarding temporary access between Lower and Main Drive must be shown on these plans.

3.2 Removal of Vegetation

Council is particularly concerned in ensuring that all issues regarding vegetation protection are identified and resolved prior to the issue of any permit in the Stage 2 area of the site.

The draft application identifies that 72 of the 194 trees found within Stage 2 area are proposed to be removed. A condition report is provided in support of this application to demonstrate the worthiness of retention of existing trees. The arboricultural management plan used for Stage 1 proposed to be used for Stage 2.

Council has serious concerns in relying on the Arboricultural Management Plan used in Stage 1. This plan was developed without input from Council, is difficult to interpret, and provides little protection for vegetation on this site – as evidenced by numerous problems encountered during stage 1 development on this site. This plan should not be relied upon in its present form for Stage 2.

Trees proposed to be removed under VPO

The proposed application states that a planning permit is required to remove four trees under the provisions of the VPO. Each tree is noted as being of either fair or poor condition. Council officers have assessed the proposal to remove four VPO trees. Whilst no objection is offered to the proposed removal of Tree's 292, 1178, and 1179, the removal of tree 55A is not supported.

Exemptions from permit requirements sought

Exemption's cited on page 17 of the proposed application relate to the Native Vegetation provisions at Clause 52.17 of the Boroondara Planning Scheme. The exemptions from a permit include instances where clearance of vegetation is required to construct a dwelling. We question the use of these exemptions on the basis that no approval of buildings has been granted for Stage 2. Independent advice should be sought and presented as part of the application for public information to clarify this exemption sought.

Assessment of trees proposed to be removed under an exemption from planning permit requirements

It is not appropriate to only consider the trees subject to the proposed application. This is considered important in demonstrating a commitment to the principles of Net Gain which require developers to demonstrate that the removal of native vegetation is minimised. The loss of trees in Stage 2 should be properly considered. Council's arborist has assessed these trees. His assessment is provided on pages 6-16.

Changes requested:

- Prior to the issue of any permit, independent advice must be produced to examine the exemptions from permit requirements identified in the proposed application are in fact warranted.
- Unless planning permit exemptions can be properly justified, the application should be amended to include trees proposed to be removed to accommodate a future dwelling.
- The arboricultural management plan for this site should be amended in consultation with Council and the Responsible Authority.
- The road reserve should be altered to accommodate the retention of Tree 55A – Morton Bay Fig.
- The following trees currently proposed for removal must also be retained: 332A, 334, 337, 341, 342, 343, 344A, 770, 776B, 776C, 830
- A building envelope plan with the trees to be retained including their Root Protection Zone measurements is required.
- Advice from DSE's Flora and Fauna unit should be sought and presented for public information as to the appropriate offsets necessary for the proposed removal of **all** vegetation in the Stage 2 area.
- A tree replacement schedule plan plotting where new trees will be planted should be required as a condition of permit prior to any tree removal works commencing.

4.2.1 Development Plan Overlay

It is stated that the proposal has been submitted generally in accordance with the approved WDP-K Dec 2005, and incorporated document to the Boroondara Planning Scheme. Council officers are of the view that the draft application cannot be considered generally in accordance with the WDP-K Dec 2005 on the basis of changes to road layout and staging plan.

It is understood that further changes to the WDP-K Dec 2005 would also need to be made to accommodate future changes, which are believed to include:

- A change of use of Lot 83 for use as a display home;
- Changes to the location of recreation centre; and
- Changes to the heritage core

It would be desirable for us to reach a view together with DCPD regarding any changes that need to be made the Walker Development Plan.

Changes requested:

- That further discussions between Walker Corporation, Council, and the Responsible Authority take place regarding changes to the Walker Development Plan December 2005.
- Where required, an amendment to the Walker Development Plan must be prepared. It is Council's expectation that it would be provided with 28 days by the Minister for Planning to consider changes to the Walker Development Plan, as per the decision guidelines specified in Clause 43.04.

4.2.2 Heritage Overlay

It is stated that neither HO 253 or HO 254 fall within the site (area subject this proposed application).

Changes requested:

Clarification is sought as to whether alterations to the Heritage Buildings on this site are subject to this application? Discussions with the Walker Corporation to date have indicated that the relocation of the recreation centre to the heritage core may form part of Stage 2, although this would not appear to be the case upon reviewing this draft permit application?

4.2.3 Vegetation Protection Overlay

Four trees are proposed to be removed under the provisions of the Vegetation Protection Overlay – Tree's 55A, 292, 1178, and 1179. Comments in relation to the proposed removal of these trees can be found in Section 3.2 above.

It is understood that further work has been completed by Walker Corporation to better identify trees all trees on this site subject to the Vegetation Protection Overlay. Council requested that this work be undertaken by the former DSE in order to reduce instances where the identification of VPO trees was disputed. It is requested that discussions continue with the DCPD in an effort to use this work as the basis for a revised VPO planning scheme map. This would improve certainty as to the locations of these trees to avoid disputes at a later stage.

5.4.2 Clause 52.17 Native Vegetation

Our comments relating to Clause 52.17 are identified in 3.2 above.

6. Heritage Victoria

It is expected that Council will receive the opportunity to comment on proposed Heritage Permit applications from Heritage Victoria.

7. Draft Permit Conditions

As discussed above, several changes need to be made to this application prior to the issue of a permit. Requirements imposed on the Stage 1 permit for subdivision should again be used as **absolute minimum** requirements for Stage 2.

Additional requirements for detailed landscape plans, an updated arboricultural management plan, and a requirement to protect of root protection zones must also be included.

It is requested that further discussions take place between Council’s Statutory Planning Dept, Walker Corporation and the Responsible Authority regarding the proposed planning permit conditions.

Appendix G Traffic Impact Assessment

As discussed above, further discussion is required between Council’s Traffic & Engineering Department and Walker Corporation in regards to these traffic and access issues.

Appendix H Stage 2 tree identification plan and tree identification table

ARBORIST FILE NOTE				
FROM: Carl Dalla Riva		STATUTORY PLANNING DEPARTMENT		
DATE:		21 November 2007		
THE ADDRESS OF LAND:		KRS – stage 2		
DESCRIPTION OF PROPOSAL:		Removal of vegetation		
DUE DATE FOR COMMENTS:				
COMMENTS:				
Further to my on site inspection with Ian Pruden and Brad Evans of Walker corporation on Friday 16 November 2007 I make the following notes:				
<ul style="list-style-type: none"> • Each tree listed for removal under the proposed draft planning permit was inspected and discussed on site with Ian and Brad • Each tree was commented on and questioned as to whether it could or could not be retained on site 				
Tree #	Removal proposed	Council accepted	Removal	Decision / Options
42	Yes	Yes		Tree is in decline and is becoming worse with

			every inspection.
53A, 53B, 53 C	Yes	Yes	Trees are not valuable specimens to the site and pose no great future. They are positioned within the significant avenue of trees
55A	Yes	No	Can the Road reserve be shifted to accommodate the tree? If not then attempts should be made to transplant the tree to a location that could continue the avenue of Ficus. Heritage tree
292	Yes	Yes	Tree is almost completely dead
323, 324, 325	Yes	Yes	All trees are positioned within the building envelope # 96 that cannot be altered or changed
326	Yes	Yes	Tree is within building envelope 97
327, 328, 329	Yes	Yes	All trees are positioned within the building envelope # 98 that cannot be altered or changed
331	Yes	Yes	The tree is positioned within the front of the building envelope of '95' and could be retained however the tree is declining and may not withstand the drought
332 A	Yes	No	Tree can be retained within the site and the building envelop # 96 moved to accommodate the tree
333	Yes	Yes	Tree will be within building envelope # 102
334	Yes	No	Tree can be accommodated in the front of the property # 102 and the building envelope can be set

			back away from the tree.
335	Yes	Yes	Tree will be within building envelope # 102
336 A	Yes	Yes	Tree will be within building envelope # 111 and is in decline with bracket fungi
336B	Yes	Yes	Tree has Bracket fungi and will decline rapidly over the next 2 years
336C	Yes	Yes	Tree is dead
337	Yes	No	Tree is in rear set back of property and the building envelope can be moved to accommodate the tree
338	Yes	Yes	Tree will be within building envelope # 102
339	Yes	Yes	Tree is a regrowth from a stump
340	Yes	Yes	Tree in decline with Bracket fungi, positioned within building envelope 113
341	Yes	No	Can be retained on site with no valid reason for removal
342	Yes	No	Can be retained on site with no valid reason for removal
343	Yes	No	Can be retained on site with no valid reason for removal
344A	Yes	No	Can be retained at the rear of lot 114
382	Yes	Yes	Tree is in the road reserve (Park Place)
383	Yes	Yes	Tree is in the road reserve (Park Place)
384	Yes	Yes	Tree is in the road reserve (Park Place)
413	Yes	Yes	Tree is a irritant tree that is no longer used by Council's
415	Yes	Yes	Tree is in the road

			reserve (Park Place)
416	Yes	Yes	Tree is in the road reserve (Park Avenue)
417	Yes	Yes	Tree is in the road reserve (Guest Close)
757	Yes	Yes	Tree is in road reserve (Collins Street)
757A	Yes	Yes	Tree is in road reserve (Collins Street)
758A	Yes	Yes	Poor specimen
758B	Yes	Yes	Poor specimen
758C	Yes	Yes	Poor specimen
759	Yes	Yes	Poor specimen
761	Yes	Yes	Poor specimen and in Road reserve (Collins Street)
762	Yes	Yes	Within building envelope 80
764	Yes	Yes	Tree although native indigenous tree, it is not worthy of retention
765	Yes	Yes	Tree will be within building envelope, not a long lived tree
766	Yes	Yes	Tree will be within building envelope, not a long lived tree
767	Yes	Yes	Tree will be within building envelope
768	Yes	Yes	Tree will be within building envelope
769	Yes	Yes	Tree will be within building envelope
770	Yes	No	Can be retained as it is the rear of the lot # 100. Building envelope can be moved
772	Yes	Yes	Remove tree to allow building envelope to accommodate tree # 770 (Eucalyptus camaldulensis)
776B	Yes	No	Tree is in the front set back and the building envelope can be moved

			to accommodate the tree
776C	Yes	No	Tree is in the rear set back and the building envelope # 84 and can be moved to accommodate the tree
777	Yes	Yes	Tree is in the road reserve (Guest Close)
779	Yes	Yes	Tree is in the road reserve (Guest Close)
822	Yes	Yes	Tree is in building envelope
823	Yes	Yes	Tree is in decline
825	Yes	Yes	Tree is in the road reserve (Collins Street)
826	Yes	Yes	Tree is within building envelope 80
827	Yes	Yes	Tree is positioned within the building envelope # 106
828	Yes	Yes	Tree in decline
829	Yes	Yes	Remove tree to allow building envelope to accommodate tree # 770 (Eucalyptus camaldulensis) also in poor condition
830	Yes	No	Tree can be retained and building envelope # 81 can be altered
831	Yes	Yes	Tree is in road reserve (Collins Street)
834	Yes	Yes	Tree is in building envelope 108
835	Yes	Yes	Tree is in building envelope 110
837	Yes	Yes	Tree will be positioned within the road reserve (Linnaker Place) and is a tree not worth retaining
838	Yes	Yes	Tree is positioned within the building envelope # 84
840	Yes	Yes	Tree is positioned within the building

			envelope # 91
841	Yes	Yes	Tree is declining rapidly in drought
850	Yes	Yes	Weed species in road reserve (Park Avenue)
852	Yes	Yes	In road reserve (Park Avenue)
853	Yes	Yes	Tree is dead
1178	Yes	Yes	Trees are positioned within the road reserve (Main Drive)
1179	Yes	Yes	Trees are positioned within the road reserve (Main Drive)

In summary the following numbers are applicable to the trees to be retained and removed post my inspection

Trees that are agreed upon to be removed

42, 53A, 53B, 53C, 292, 323, 324, 325, 326, 327, 328, 329, 331, 333, 335, 336A, 336B, 336C, 338, 339, 340, 3825, 382, 384, 413, 415, 416, 417, 757, 757A, 758A, 758B, 758C, 759, 761, 762, 764, 765, 766, 767, 768, 769, 772, 777, 779, 822, 823, 825, 826, 827, 828, 829, 831, 834, 835, 837, 838, 840, 841, 850, 852, 853, 1178, 1179.

Trees that can be retained and the building envelopes altered to accommodate these trees

55A, 332A, 334, 337, 341, 342, 343, 344A, 770, 776B, 776C, 830

Furthermore I would request the following to be included into the permit

- o A building envelope plan with the trees to be retained including their Root Protection Zone measurements to form part of an endorsed planning permit. This will eliminate any potential impacts to tree Root Protection Zones as did occur in stage 1.
- o Any engineering plans must accommodate any tree that is to be retained. Engineering plans must have the trees that are to be retained accurately plotted and show clearly where the Root Protection Zones exist and to avoid these areas. Any engineering plan must be sighted and approved by Council's arborist before a permit is granted
- o A tree replacement schedule plan plotting where new trees will be planted
- o A landscape plan clearly showing trees that are to be retained and what trees are to be removed
- o A system to be employed by Walker to ensure the correct trees is to be removed e.g. presence of an arborist etc

COMMENTS BY: Carl Dalla Riva

DATED: 21 November 2007

The building envelope plan does not specify heights of the envelopes and allows development along and within 2m of the boundaries. The envelopes have again been designed for their integrated development, however, if the designed dwellings are not constructed, the lack of height restrictions could allow unreasonable development.

It is noted that dwellings are to be located within building envelopes prescribed in the proposed Building Envelope Plan. Unauthorised works performed on the site in January 2007 have highlighted the problem of building envelopes and proposed buildings being located in close proximity to mature vegetation. In some cases, building envelopes for Stage 1 were approved inside tree protection zones, and under the canopy of mature vegetation on the site.

Each mature River Red Gum tree on the site is covered by the Vegetation Protection Overlay and is protected under the Heritage Act. The long term retention of this vegetation is of paramount importance. Council is concerned that should dwellings be approved for construction under the canopy of trees this would result in a risk to safety of the dwellings, future residents, and the trees themselves.

In the interest of public safety, and the long term protection of significant vegetation on this site, it is strongly recommended that building envelopes, as identified in this application be located well clear of existing vegetation.

Changes requested:

- The application of no setbacks (0m) for lots 83, 84, 91,92 and 105 to side streets is inappropriate and should be at least 1m in accordance with the Urban Design Guidelines (2m is preferable).
- No building (including footpaths, infrastructure, and services) should not occur within the root protection zone. A building envelope plan showing existing trees and root protection zones must be produced prior to the approval of the Building Envelope Plan.

Appendix K Urban Design Guidelines Stage 2

Council has previously provided comments to Walker Corporation and to the former Department of Sustainability and Environment in regards to the design response for subdivisions and dwellings in Stage 1. Council has noted the variations and departures from Rescode and Council's Residential Design Policy in the Urban Design Guidelines for Stage 1.

On the basis that Stage 1 Urban Design Guidelines have been approved by the former DSE, and Stage 1 is currently under construction, we have not sought to change the guidelines, but rather, improve the certainty of the outcome for Council, the community, and the residents of this site.

The Walker Development Plan Dec 2005 (WDP) was approved on March 2006 to satisfy the requirements of Clause 43.04 of the Boroondara Planning Scheme. The provisions of Clause 43.04 require permit applications to be "generally in accordance with the approved development plan".

The WDP includes reference to 'varied parameters' to promote a 'preferred' neighbourhood character on the site. These include:

- *Potential for reduced minimum front and side setbacks of dwellings;*

- *Reduced minimum side and rear setbacks of dwellings;*
- *Increased maximum building height of dwellings;*
- *Increased maximum site coverage of dwellings;*
- *Increased maximum length of new boundary walls;*
- *Increased minimum setback of north facing windows from the north boundary of lots.*

The Design Guidelines include significant variations from both ResCode and Council's Residential Design Policy. It is evident that the proposed design guidelines have had no consideration for the more stringent level of design measures required under the RDP, which attempts to ensure that high quality dwellings are constructed with the appropriate amenity impacts within Boroondara.

In regard to the contemporary design being applied to the dwellings this approach has resulted in a homogenous appearance of buildings across the site and while colour is expected to differentiate dwellings their form and scale is consistent and will mark time with limited individuality.

The inclusion of 'pocket parks' is considered poor design as these parks are unusable, and present a significant management problem for Council. Council has previously raised this issue.

2.2 Street Setbacks

The provision of garages set forward of dwellings is not supported.

Changes requested:

- Further justification for the need for a potential 6m protrusion (length of a garage) forward a dwellings building line is required. This is unclear.
- Urban Design Guidelines also indicate that on laneways no setback is required yet to Guest Close (lane) a 1m setback is shown. This needs to be clarified.

2.3 Building Height

Building heights are 1m greater than the Clause 55 requirements at 10m on sloping sites. This is a result of the benching of the site such that each allotment is in fact spilt level, hence the term 'finished ground level'. Given the approach the form of the building will generally step with each of the benched levels such that the 11m height limit will only be applicable at the rise between the two levels. Whilst the UDG discuss this application, they do not restrict it.

Changes requested:

- The UDG should be amended to clarify that this is the only application of this height limit and that 9m will apply wherever benching is completed.

2.4 Site Coverage

It is proposed that one site will 'borrow' from another as they are developed to allow for the protection of significant trees on certain allotments. The result is the same outcome in regard to the intent of the provision which is to ensure adequate space is maintained across each the development site and that natural permeability (water) for each site is provided. However, this may become a problem once the sites are on-sold and buildings extended to cover the areas which have been provided as off sets for other allotments.

Changes requested:

- Further certainty regrading the long-term use of these residential sites and the ongoing management of impervious surfaces is required. Legal controls on registered title should be included to protect private open space areas.

2.5 Side and Rear Setbacks

Setbacks for upper floors are shown in diagrams, but are not indicated in a numerical form. Upper floors appear to be limited to smaller floor plates than the ground floors and this is consistent with the approach used in Stage 1.

Changes requested:

- This approach should be more clearly specified in the Urban Design Guidelines.

2.6 Private Open Space

The proposed application seeks to use the varied parameters referred to above as the basis for providing dwellings with poor quality private open space. It is noted that specifically in relation to private open space, the WDP Dec 2005 specifies:

- *“Habitable (attractive, comfortable and safe) private open space to be located adjacent to public open space and street frontages”*
- *“Appropriate levels of amenity to private open space (privacy, sunlight)”*

In summary, the following problems have been revealed:

- a) Overshadowing of secluded private open space;
- b) High walls on or adjacent to boundaries that will present issues of scale and bulk from adjoining properties;
- c) Poorly sized or orientated areas of secluded private open space,
- d) Inconsistencies in front setbacks and areas of concern with respect to overlooking; and
- e) High levels of site coverage which will potentially result in a lack of meaningful landscaping opportunities, inconsistent with the well landscaped character of the municipality.

Walker and DPCD have a responsibility to ensure adequate private open space on this site, and compliance with standards regarding solar access to that private open space. We fail to see why future residents of KRS should not expect adequately dimensioned open space with sufficient solar access.

Council officers are of the view that the application does not provide an appropriate level of amenity to private open space, and therefore cannot be considered “generally in accordance with the WDP Dec 2005” as required by Clause 43.04 of the Boroondara Planning Scheme. Prior to the issue of any permit,

Changes requested:

- It is requested that amendments be made to the application to respond to the issues raised above by Council.
- All lots should achieve (as a minimum) the Clause 55 Standard B28 Private Open Space.

- All lots must achieve (as a minimum) the Clause 55 Standard B29 Solar access to private open space.

2.7 Walls on Boundaries

The proposed height of walls and length of walls exceed the requirements of Clause 55. However as an 'integrated development' the impact of these walls are not affecting any amenity of existing residents and therefore are not a significant issue in this form of development which uses zipper and courtyard allotments.

2.10 Overlooking

The proposed application has sought to address potential overlooking through the use of architectural screening and planting. The use of screen planting may prove an issue at on sale of the allotments should new owners wish to remove trees and shrubs which were placed for screening purposes. If an excessive use of screening is required, then it is evidence that more fundamental changes need to be made to the lot design and layout to prevent overlooking.

Changes requested:

- The use of fixed screening is preferable where possible and should be identified as the preferred treatment for overlooking in the Urban Design Guidelines.

2.11 Front fences

It appears that most front fences will be 2 metres high, because each front yard will be considered as private open space once such a high fence is constructed. Furthermore, the height of such fences will make visibility lines unsafe for vehicles reversing out of the driveway.

Changes requested:

- Further clarification and discussion is required regarding front fence heights. This is somewhat unclear.

Appendix M – Draft functional Layout Plan and Services Report

- Council's Engineering Department are yet to review these plans. Tree protection issues must be resolved prior to Council agreeing to these plans.