

T240108 PA – Clause 55 Assessment – 71 Racecourse Rd, Pakenham



Clause 55.01 Neighbourhood and Site Description and Design Response		
<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> A neighbourhood and site description A design response 	<p>Clause 55.01-1 Neighbourhood and site description</p> <p>Clause 55.01-2 Design Response</p>	<p>Satisfactory</p> <p>The applicant provided a written statement / report which was acceptable. The existing neighbourhood character is mixed with traditional residential development, mixed uses (Motel, shops and Hotel).</p>

Clause 55.02 Neighbourhood Character and Infrastructure		
Standard No. & Objective	Standard	Comments
<p>Standard B1: Neighbourhood character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	<ul style="list-style-type: none"> The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site. 	<p>Satisfactory</p> <p>The proposed design is considered consistent with and respectful of the surrounding neighbourhood character, which consists of a number of different uses, including an existing three-storey Motel directly east of the subject site at 77 Racecourse Road. The design incorporates architectural features making the building visually interesting and reduces bulk. The building is well setback from boundaries. Generous landscaping is proposed to assist with screening the building when viewed from the residential dwellings to the north. Overall the proposal is considered appropriate for the neighbourhood and site.</p>
<p>Standard B2: Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p>	<ul style="list-style-type: none"> Written statement describing how development is consistent with planning policies for housing in the Planning Scheme. 	<p>Satisfactory</p> <p>The subject site is found within Pakenham in an established part of an existing residential area, and the proposal appropriately responds to various State and Local planning policies regarding the location of infill development.</p>

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<p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>		<p>The site is zoned General Residential Zone which is envisaged for appropriate residential development and the use for a Residential Hotel is considered to be an appropriate residential development.</p>
<p>STANDARD B3: DWELLING DIVERSITY Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Not applicable The proposal is for a Residential Hotel and does not contemplate dwellings.</p>
<p>STANDARD B4: INFRASTRUCTURE Integrate the layout of development with the street.</p>	<p>Development should:</p> <ul style="list-style-type: none"> • Be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. • Not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. • In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure. 	<p>Satisfactory The subject site is located within Pakenham and can be readily connected to various infrastructure/ services.</p>
<p>STANDARD B5: INTEGRATION WITH THE STREET Integrate the layout of development with the street.</p>	<ul style="list-style-type: none"> • Development should provide adequate vehicular/pedestrian links that maintain/enhance local accessibility • Dwellings should be oriented to front existing and proposed streets. • High fencing in front of dwellings should be avoided if practicable. • Development next to existing public open space should be laid out to complement the open space. 	<p>Satisfactory The subject site is located within Pakenham, benefitting from existing vehicular/pedestrian links. Whilst the development of the planning parcel at the rear of the site it still provides adequate vehicle and pedestrian links that will allow accessibility to the broader site surrounding pedestrian and road network.</p>

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Clause 55.03 Site Layout and Building Massing		
Standard No. & Objective	Standard	Comments
<p>STANDARD B6: STREET SETBACK</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><i>IF There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. 	<p>Satisfactory</p> <p>The building is well setback (over 9m) from Racecourse Road behind an existing Motel building, therefore complying with the setback requirements.</p>
<p>STANDARD B7: BUILDING HEIGHT</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	<ul style="list-style-type: none"> Changes of building height between existing buildings and new buildings should be graduated. The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. <p>FLAT SITE</p> <ul style="list-style-type: none"> The maximum building height should not exceed 9 metres. <p>SLOPING SITE</p> <ul style="list-style-type: none"> If the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, the maximum building height should not exceed 10 metres. 	<p>Satisfactory</p> <p>The maximum height proposed is 11m and 3 storeys in total, therefore complying with the mandatory height limit.</p> <p>Note: rooftop services are located above 11m in height, however these are not included in the overall height of the building.</p>

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<p>STANDARD B8: SITE COVERAGE</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<ul style="list-style-type: none"> The site area covered by buildings should not exceed 60 %. 	<p>Satisfactory</p> <p>The proportion of the planning parcel covered by buildings is 38.12% and does not exceed the maximum site coverage of 60%.</p>
<p>STANDARD B9: PERMEABILITY</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	<ul style="list-style-type: none"> At least 20% of the site should not be covered by impervious surfaces. 	<p>Satisfactory</p> <p>The planning parcel covered by pervious surfaces is 28.47% and exceed the minimum of 20%.</p>
<p>STANDARD B10: ENERGY EFFICIENCY</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	<p>Buildings should be:</p> <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings and small second dwellings on adjoining lots is not unreasonably reduced. Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. Living areas and private open space should be located on the north side of the dwelling, if practicable. Dwellings should be designed so that solar access to north-facing windows is maximised. 	<p>Satisfactory</p> <p>The site is orientated to the south of neighbouring residential development, therefore, in accordance with the shadow diagrams provided there should be no impact to the energy efficiency of neighbouring dwellings as a result of overshadowing as overshadowing will occur to the south of the building (over the carparking areas).</p> <p>Some rooms of the Residential Hotel benefit from north windows and balconies / outdoor patio areas.</p> <p>The design response has utilised as much natural daylight and ventilation as possible by orienting rooms to the north where practicable and locating living areas to maximise opportunities for increased provision of ventilation and light.</p>

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<p>STANDARD B11: OPEN SPACE</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate, and be accessible and useable. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. 	<p>Satisfactory</p> <p>All communal open space located along the perimeter of the planning parcel is accessible and usable.</p>
<p>STANDARD B12: SAFETY</p> <p>Layout to provide safety and security for residents and property</p>	<ul style="list-style-type: none"> • Entrances to dwellings/residential buildings should not be obscured or isolated from the street and internal accessways. • Planting which creates unsafe spaces along streets and accessways should be avoided. • Developments should provide good lighting, visibility and surveillance of car parks and internal accessways. • Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	<p>Satisfactory</p> <p>The entrance to the proposed building is clearly defined from the common driveway and car parking areas. It is visually prominent as the entrance to the building and reception area.</p> <p>Entrance allows for surveillance of the pick up/drop off area along with the pedestrian pathway to the car parking area. Internal surveillance will be assisted through the provision of necessary lighting.</p> <p>Due to the design there should be no public thoroughfare through the private spaces of the hotel.</p>
<p>STANDARD B13: LANDSCAPING</p> <p>To provide appropriate landscaping</p> <p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. <p>The retention of mature vegetation on the site.</p>	<ul style="list-style-type: none"> • The landscape layout and design should: • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. 	<p>Satisfactory</p> <p>The proposal includes significant landscaping throughout the development, that is inclusive of a substantial number of canopy trees along the northern boundary to assist with softening and providing screening to the residential properties to the north. Balconies are provided with planter boxes which will also assist with screening (in addition to the raised sill heights).</p>

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	<ul style="list-style-type: none"> • Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. • Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. • The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. 	
<p>STANDARD B14: ACCESS</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<ul style="list-style-type: none"> • Access ways should: • Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. • Be designed to ensure vehicles can exit a development in a forward direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. • Be at least 3 metres wide. • Have an internal radius of at least 4 metres at changes of direction. • Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone. 	<p>Satisfactory</p> <p>The proposal is accessed from a shared access point to Racecourse Road and complies with this standard. This shared access point is shared with the Mercure Hotel and Cardinia Club. DTP have assessed this given that Racecourse Road is TRZ2 road and they have consented to the proposal.</p> <p>Vehicles exiting the site would be required to exit via the southern access point (South of Cardinia Club building) in accordance with the one-way line-marking on site. To enable right of way, the carriageway easement would need to be amended to 'wrap around' the Cardinia Club building and could be dealt with by way of condition on the permit, if one was to be granted.</p>

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	<ul style="list-style-type: none"> • The width of access ways or car spaces should not exceed 33% of the street frontage, <u>or if</u> the width of the street frontage is less than 20 metres, 40% of the street frontage. • No more than one single-width crossover should be provided for each dwelling fronting a street. • The location of crossovers should maximise the retention of on-street car parking spaces. • The number of access points to a road in a Road Zone should be minimised. • Developments must provide for access for service, emergency and delivery vehicles. 	
<p>STANDARD B15: PARKING LOCATION</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<ul style="list-style-type: none"> • Car parking facilities should: <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared access ways 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 access way. 	<p>Satisfactory</p> <p>Despite the car parking rate not being satisfactory as explained in the report, the location of the car parking area is satisfactory. It is close to the building and provides ease of access. The car parking area is broken up with trees and landscaping.</p>

Clause 55.04 Amenity Impacts

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Standard No. & Objective	Standard	Comments
<p>STANDARD B17: SIDE AND REAR SETBACKS</p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings</p>	<ul style="list-style-type: none"> A new building (if not built on a boundary) should be set back from side or rear boundaries 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. 	<p>Variation satisfactory</p> <p>The building is well setback from side and rear boundaries, meeting the numerical requirements for setbacks.</p> <p>Along the north boundary, the building has an overall height of 11 metres requiring a 5.09 metre setback from the northern boundary.</p> $1m + [0.3 \times 3.3] + [1m \times 3.1]$ $1m + [0.99] + [3.1]$ $= 5.09m \text{ setback}$ <p>Setback proposed is in excess of 5.9m (between 5.9 and 9m) from northern boundary therefore complying with the standard.</p> <p>Does not comply on the eastern boundary, however given that this area is used for a car parking area for a Motel, this variation is supported.</p>
<p>STANDARD B18: WALLS ON BOUNDARIES</p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<ul style="list-style-type: none"> A new wall or carport constructed on a side or rear boundary of a lot should not abut the boundary for a length of more than: 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, or 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. The height of a new wall or carport constructed on a side or rear boundary should not exceed an average height of 3 metres with no part 	<p>Not applicable</p> <p>No garages are proposed.</p>

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	higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall	
<p>STANDARD B19: DAYLIGHT TO EXISTING WINDOWS</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<ul style="list-style-type: none"> 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. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. 	<p>Satisfactory</p> <p>No impacts to existing or future windows are envisaged as built form is appropriately set back from boundaries.</p>
<p>STANDARD B20: NORTH-FACING WINDOWS</p> <p>Allow adequate solar access to existing north-facing habitable room windows</p>	<ul style="list-style-type: none"> If a north-facing habitable room window of an existing 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 metre 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. 	<p>Satisfactory</p> <p>There are no north facing windows within 3 metres of the development.</p>
<p>STANDARD B21: OVERSHADOWING OPEN SPACE</p> <p>Ensure buildings do not significantly overshadow existing secluded private open space</p>	<ul style="list-style-type: none"> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, 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 5 hours of sunlight between 9 am and 3 pm on 22 September. 	<p>Satisfactory</p> <p>The shadow diagrams provided demonstrate that due to the orientation of the development to the south of the adjoining residential developments (dwellings to the north), there will be no overshadowing impacts from the building.</p>
<p>STANDARD B22: OVERLOOKING</p> <p>Limit views into existing secluded private open</p>	<ul style="list-style-type: none"> A habitable room window, balcony, etc. should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within 9 metres. 	<p>Satisfactory</p> <p>The building has been designed so that any balconies or windows facing towards the dwellings north of the site have been obscured or sill height / balcony balustrades raised to 1.7m or designed to intersect the line of sight into the neighbouring</p>

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space and habitable room windows.		SPOS. Therefore there will be no impact of overlooking onto these properties.
<p>STANDARD B23: INTERNAL VIEWS</p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<ul style="list-style-type: none"> Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development 	<p>Satisfactory</p> <p>Limited internal overlooking will be achieved due to the design of glazed windows, recessed upper levels, and placement of windows.</p>
<p>Standard B24: Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<ul style="list-style-type: none"> Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms. 	<p>Satisfactory</p> <p>An acoustic assessment provided details that an acoustic fence will be constructed along the northern and western boundaries to limit noise from the development and car parking areas onto neighbouring properties. If a permit was granted, hours of the hotel and use of the outdoor areas / balconies would be conditioned to comply with EPA noise requirements.</p>

Clause 55.05 On Site Amenity and Facilities		
Standard No. & Objective	Standard	Comments
<p>STANDARD B25: ACCESSIBILITY</p> <p>Consider people with limited mobility in the design of developments.</p>	<ul style="list-style-type: none"> The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility. 	<p>Satisfactory</p> <p>Entry to the building is at grade and easily accessible. Elevators are provided within the building to access the upper floors.</p>
<p>STANDARD B26: DWELLING ENTRY</p> <p>Provide a sense of identity to each dwelling/residential building.</p>	<ul style="list-style-type: none"> Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. 	<p>Satisfactory</p> <p>Entrance for the building is easily identifiable and provides shelter.</p>

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	<ul style="list-style-type: none"> • Provide shelter, a sense of personal address and a transitional space around the entry. 	
<p>STANDARD B27: DAYLIGHT TO NEW WINDOWS</p> <p>Allow adequate daylight into new habitable room windows.</p>	<ul style="list-style-type: none"> • A window in a habitable room should be located to face: • 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 • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Satisfactory</p> <p>All rooms comprise windows with an area of 3 square meters clear to the sky.</p>
<p>STANDARD B28: PRIVATE OPEN SPACE</p> <p>Provide reasonable recreation and service needs of residents by adequate private open space</p>	<ul style="list-style-type: none"> • A dwelling or residential building should have private open space consisting of: • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>Variation satisfactory</p> <p>The nature of the use means that there are no residents utilizing the building. It is proposed mostly for short stays for people away from their normal place of residence, therefore, not considered relevant.</p>
<p>STANDARD B29: SOLAR ACCESS TO OPEN SPACE</p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<ul style="list-style-type: none"> • The private open space should be located on the north side of the dwelling, if practicable. • 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. 	<p>Variation satisfactory</p> <p>The nature of the use means that there are no residents utilizing the building. It is proposed mostly for short stays for people away from their normal place of residence, therefore, not considered relevant.</p>

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<p>STANDARD B30: STORAGE Provide adequate storage facilities for each dwelling.</p>	<ul style="list-style-type: none"> Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. 	<p>Variation satisfactory The nature of the use means that there are no residents utilizing the building. It is proposed mostly for short stays for people away from their normal place of residence, therefore, not considered relevant.</p>
<p>STANDARD B31: DESIGN DETAIL Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<ul style="list-style-type: none"> The design of buildings should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. 	<p>Satisfactory The proposal is deemed to be appropriately designed. Please refer to neighbourhood character discussions for further information.</p>

<p>Clause 55.06 Detailed Design</p>		
<p>Standard No. & Objective</p>	<p>Standard</p>	<p>Comments</p>
<p>STANDARD B32: FRONT FENCES Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<ul style="list-style-type: none"> The design of front fences should complement the design of the dwelling and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> Streets in a Road Zone, Category 1: 2 metres Other streets: 1.5 metres 	<p>Satisfactory No front fencing is proposed.</p>
<p>STANDARD B33: COMMON PROPERTY Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	<p>Satisfactory The development clearly delineates private and public areas. This is clearly delineated by locating public open spaces along the perimeter of the planning parcel which are communally accessible and located private areas within defined courtyards and balconies</p>

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<p>STANDARD B34: SITE SERVICES</p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p>	<ul style="list-style-type: none"> • The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. • Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. • Bin and recycling enclosures should be located for convenient access by residents. • Mailboxes should be provided and located for convenient access as required by Australia Post. 	<p>Satisfactory</p> <p>Plans identify appropriate mailbox and servicing locations within the reception areas. The building is provided a communal bin storage, with easy access for private waste contractor collection.</p>
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