



## 28 CENTRAL AVENUE, MOOROOLBARK

*Buildings and works associated with  
the development of 7 dwellings*

**Planning Report**  
Yarra Ranges Council

June 2019

Prepared on behalf of:  
Azura Investments P/L

23694/3.1 Version

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## Document Status

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## 1. Introduction & Executive Summary

Millar Merrigan have been requested by Azura Investments to lodge this planning application for a **development of seven dwellings** at **28 Central Avenue, Mooroolbark**.

The subject site is developed with a split level, single storey dwelling. It is situated within a residential neighbourhood where multi-lot subdivision is common and consolidation is encouraged. The proposal has been specifically designed to respond to site constraints such as overlooking, topography and the irregular shape of the allotment and take advantage of opportunities such as the scenic views surrounding the site.

The site is contained within the General Residential Zone, Schedule 1 where increased density is encouraged nearby existing infrastructure. The proposal takes advantage of the zoning and proximity to local amenities at the Mooroolbark Activity Centre, by proposing seven site specific dwellings, with 5 being double storey and 2 being triple storey. It aims to contribute to diverse and affordable housing offered in the area and meet the rising demands of the population.

The site is affected by the Design and Development Overlay, Schedule 8 which outlines a series of requirements in relation to built form and landscaping. Particular attention has been given to the articulation of the dwellings and an extensive new landscape design is proposed to soften the appearance of the built form and integrate the development into the surrounding neighbourhood. The overall building height, site coverage and setbacks provided is consistent with the requirements of this overlay, and therefore results in a development that will integrate with and complement the surrounding neighbourhood. It is noted that while a single crossover is preferred in this area, the proposal offers two crossovers in order to make most efficient use of the site. Ample space is provided within the front setback for the planting of canopy trees to enhance the streetscape character and leafy environment.

The site is covered by the Significant Landscape Overlay, Schedule 22 which protects significant vegetation and encourages development to remain subservient to the landscape. It is noted that most trees have been removed from the site under the bushfire exemptions rule. A few shrubs and trees remain, and therefore require removal to facilitate the development. Given that these trees are within 10m of an existing dwelling a permit is not required for its removal. These trees are considered insignificant and rated a low retention value by the consulting arborist, therefore are considered appropriate for removal. An extensive new landscape treatment is proposed across the site and includes the planting of ten large native canopy trees. In time the vegetation will dominate the built form and integrate with leafy streetscape.

It is important to note that the proposal dedicates 35.16% of the site as 'garden area' which meets the requirement under the Yarra Ranges Planning Scheme therefore demonstrates that the proposal is not an overdevelopment of the site.

The proposal has been designed to meet most of the objectives of Clause 55: Two or more dwellings on a lot. Some dispensation is sought to few of these requirements, due to the scale of the development however this is considered acceptable to do so within a designated consolidation area.

This submission seeks to demonstrate how the subdivision and development is appropriate in terms of achieving State and Local planning objectives and policies and, in particular, the Yarra Ranges policies for Land-use, Settlement, Built Form, Subdivision and Environment.

## 2. Site and Surrounding area

### 2.1 Site description

The subject site is an irregular shaped allotment located on east side of Central Avenue, Mooroolbark (see Figure 1). Central Avenue is described as a low-speed two-way road and contains a footpath along one side (see Photograph 1). The site is located on the bend of Central Avenue, therefore maintains a width of 21.11m along Central Avenue and widens to 28.78m at the rear. The depth of the site is approximately 38.47m, resulting in a total area of 1,368sqm.

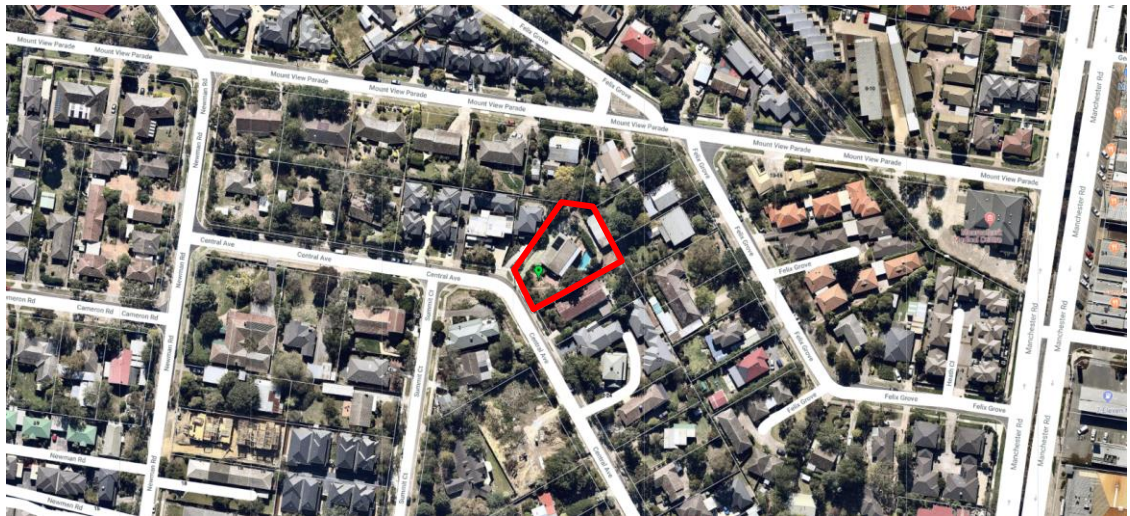


Figure 1 : Aerial photograph of site and surrounds



Photograph 1: View looking west along Central Avenue from the front of the subject site

The site contains a split-level weatherboard house, with a verandah and balcony attached to the rear (see Photograph 2). A brick path extends from the driveway and street to provide access to the front door of the dwelling. The front yard previously contained a dense mix of shrubs and canopy trees; however, some vegetation has recently been cleared under the bushfire exemptions rule (see Photograph 3). The front boundary contains hedging and a series of shrubs which screen the site from the street (see Photograph 4).



*Photograph 2 : Looking toward the existing dwelling from the front setback*



*Photograph 3 : Looking north across the front setback and garden of the dwelling*

Access is gained to the site via a concrete crossing and driveway that extends east along the northern boundary to a concrete landing at the rear of the site. The driveway maintains a gradual fall and leads to a triple-spaced carport located at the rear of the property. A gate is located adjacent to the landing and provides access to the rear yard. The rear yard contains a swimming pool surrounding by a rock retaining wall and garden bed. See Photographs 4 – 8.



*Photograph 4 : Looking toward the site and access way from Central Avenue*



*Photograph 5 : Looking south-west along the northern boundary and driveway*



*Photograph 6 : Looking south toward the existing carport*



*Photograph 7 : Looking south-east down the concrete driveway toward the rear carport and gates which lead to be swimming pool*



*Photograph 8 : Looking across the rear of the dwelling*

A few outbuildings are present toward the rear of the property which include three sheds and a weatherboard pool house (see Photograph 9 below).



*Photograph 9 : Looking west from the south-east corner (rear yard) of the site toward the pool house and carport*

The vegetation onsite comprises of a mix of exotic shrubs and hedging along the boundaries with a few scattered trees within. As mentioned previously, recent photos of the site indicate that vegetation clearing has occurred in the front of the property (see Photograph 3). A few large canopy trees remain along the southern and northern boundaries of the site however given the bushfire exemption rule, the majority of vegetation falls within 10m of the dwelling and as such can be removed without planning approval.



*Photograph 10 : Typical vegetation surrounding the swimming pool*

The topography falls fairly steeply from east to west, by approximately 6-7m. Distant views are available of the surrounding suburban development and vegetated hilltops (see Photograph 11). There is no evidence of cut and fill on the site. No known contaminated soil or odour sources were observed. All services are available to the site.



*Photograph 11 : Looking east toward the surrounding suburban neighbourhood and mountain ranges*



## 2.2 Neighbourhood Area

The subject site is contained within a residential neighbourhood, where a high percentage of allotments have been subdivided (see Figure 2). It is characterised by a range of dwelling types, set on undulating topography and a moderate cover of canopy vegetation.

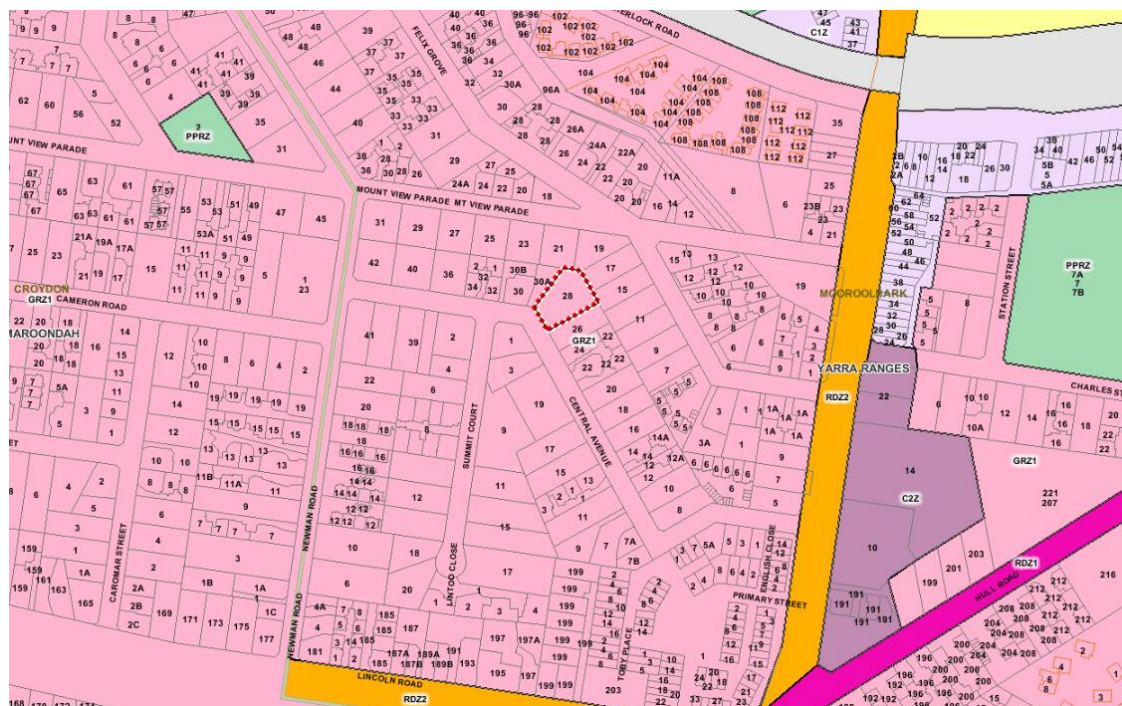


Figure 2 : Landuse and subdivision pattern surrounding the subject site

The following components contribute to the character of the neighbourhood:

- **Lot sizes:** Lot sizes vary significantly for a residential area with some standard and an increasing amount of medium density allotments present. Subdivided lots range from approximately 200 – 400sqm.
- **Built form:** Original dwellings are predominantly single storey and detached in nature. New dwellings are predominantly double storey and semi-detached in nature. Dwellings are generally constructed of brick, weatherboard and rendered features, with hipped gabled, dutch gable, skillion tin or tiled roofing. Split-level designs are common due to the sloping land. Also, balconies are a common feature to take advantage of the extensive views.
- **Setbacks:** Original developments maintain spacing along all boundaries, however it is common for newer developments to be built along one side boundary or share parapet walls.
- **Streetscape:** Central Avenue contains medium to high fencing, along with a mix of exotic vegetation that screen existing dwellings from the street. However, newer developments have introduced open frontages with dwellings designed to address the street and provide passive surveillance. Street trees are absent along Central Avenue due to narrow road reserves.
- **Gardens:** Front gardens are informal and feature a mix of native and exotic plantings with some canopy trees situated within the front and rear setback.

- **Street layout & Topography:** Street layouts are generally modified grid pattern. Footpaths are located on both sides of the Central Avenue. Topography of the land is undulating and sloping.
- **Services:** All services are available to the site.

The following photographs provide views to abutting properties:



*Photograph 12 : Looking toward windows of neighbouring property to the south (No. 26 Central Avenue)*



*Photograph 13 : Looking toward the neighbouring property and overlooking balcony and windows of No. 26 Central Avenue*



*Figure 3 : Neighbouring properties to the north (30 & 30A Central Avenue)*

The following photographs show recent developments in the immediate area:



*Photograph 14 : Looking toward No. 34 Central Avenue multi-unit double storey development*



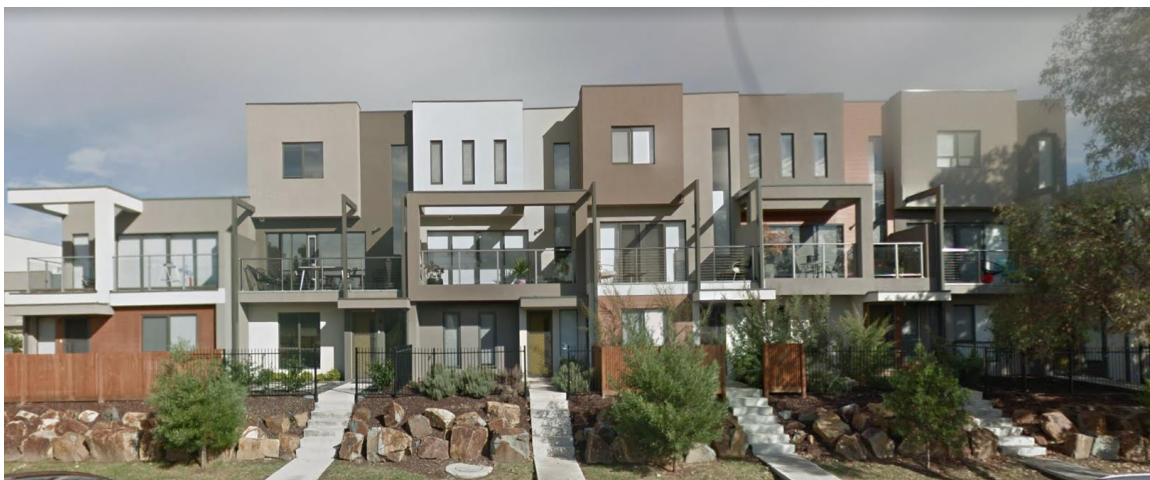
*Photograph 15 : Looking toward 4-lot development at No.13 Central Avenue*



*Photograph 16: Looking toward 2-lot developments at No. 12 & 14 Central Avenue*



*Photograph 17 : Looking south along Central Avenue toward multi-unit townhouse developments*



*Photograph 18 : View toward new development along Manchester Road (within 50m of the site)*

Another development that has earned approval through a VCAT appeal is 44-55 Winyard Drive, Mooroolbark which proposes 26 units across four allotments, resulting in a housing density of 1:133sqm.



*Figure 4 : 3D Representation of proposed development at 44-55 Winyard Drive, Mooroolbark*

### 2.3 Locality to Existing Infrastructure

The site is situated 800m from the Mooroolbark Activity centre, making it well suited for consolidation and can make more efficient use of existing infrastructure as listed below. The online tool Walkscore determined that the site is 'very walkable' achieving a walk score of 71 and 'some transit' is available within reasonable distance achieving a transit score of 49 (see Figure 5 for what is located nearby).

The following facilities and services are located within proximity to the site:

- Restaurants are located along Manchester Road (0.4km)
- Supermarkets include Mooroolbark IGA and Coles (0.6km)
- Parks include Barneong reserve & Silcock Reserve (1km)
- Schools include Mooroolbark Early Childhood, Yarra Hills Secondary College and St Peter Julian Eymard Primary (1km)
- Errands include Banks, Priceline Pharmacy and Australia Post (5km)
- Public transport: Mooroolbark Train Station (0.4km), Bus Route 689, 680 & 675 and Telebus Routes 3 & 4.

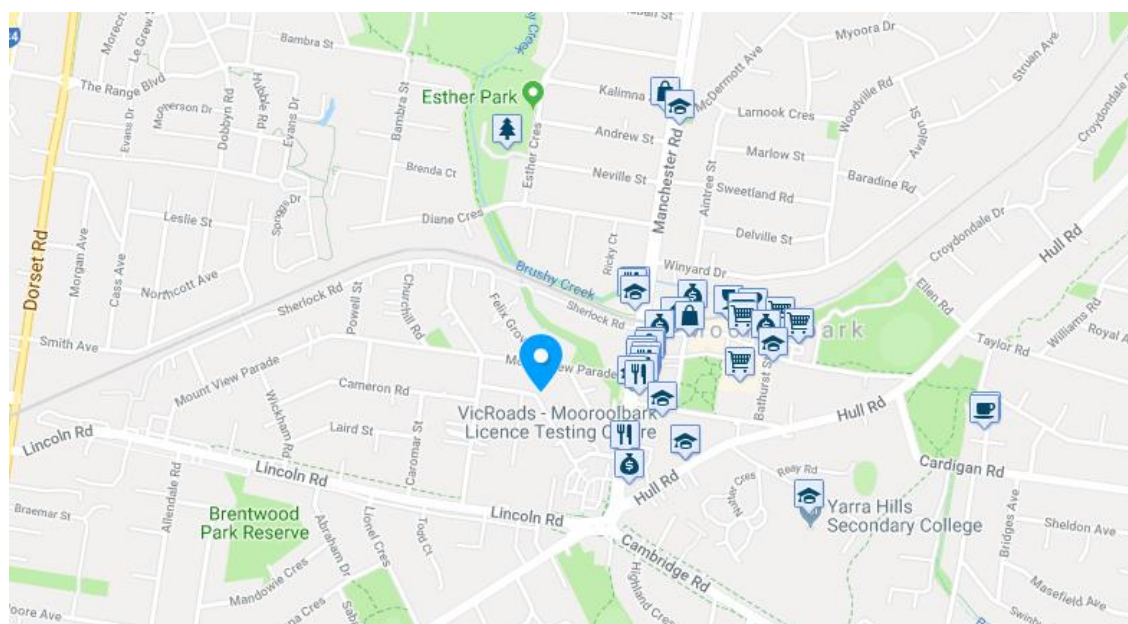


Figure 5 : What's nearby? (source: walkscore.com)

### 2.4 Site Opportunities & Constraints

The site analysis identified the following opportunities and constraints:

#### Opportunities:

- To take advantage of a large underutilised site;
- To provide increased residential density and take advantage of existing infrastructure in a fully services area;
- To remove weed species;
- To take advantage of extensive views to the east;
- To reflect the pattern of development emerging within the immediate area;
- To provide an opportunity to introduce indigenous landscaping; and
- To replace dated housing stock and provide opportunity for urban renewal;

Constraints:

- Potential for overlooking to/from neighbouring dwellings;
- Topography;
- Irregular shape of the allotment;
- Location of easement;
- Location of established trees overhanging property boundaries;
- Location of existing building and outbuildings.

The proposal has been designed to respond accordingly to the opportunities and constraints identified.

### 3. Proposed Development Layout

Given the location of the site within a residential area where several examples of multi-lot subdivision exist, it is considered highly suitable to remove the existing dwelling and associated outbuildings and redevelop the land with seven new units. The layout sees a single unit to face Central Avenue and the remainder face an internal common driveway to the rear of the property where it will not be highly visible to the street.

The proposed development provides for a diverse mix of dwellings to cater for a variety of households, as follows:

- Five, 2-storey, 3-bedroom dwellings
- Two, 3-storey, 2-bedroom dwellings

The streetscape of Central Avenue will be significantly enhanced through the removal of existing vegetation and a new dwelling (Unit 1) to front the street. Unit 1 is specifically designed to address the street, with large habitable room windows and a balcony to provide surveillance over the public domain. A protruding porch defines the entrance of the dwelling and the garage is setback from the front façade to ensure it is not visually dominant upon the streetscape. The dwelling is provided with an open living, kitchen and dining on the ground level, whilst the upper level contains three bedrooms. A new crossover is proposed toward the southern boundary to provide private access to Unit 1 and leads directly to the garage. See Figure 6 below for an streetscape elevation view of Unit 1.

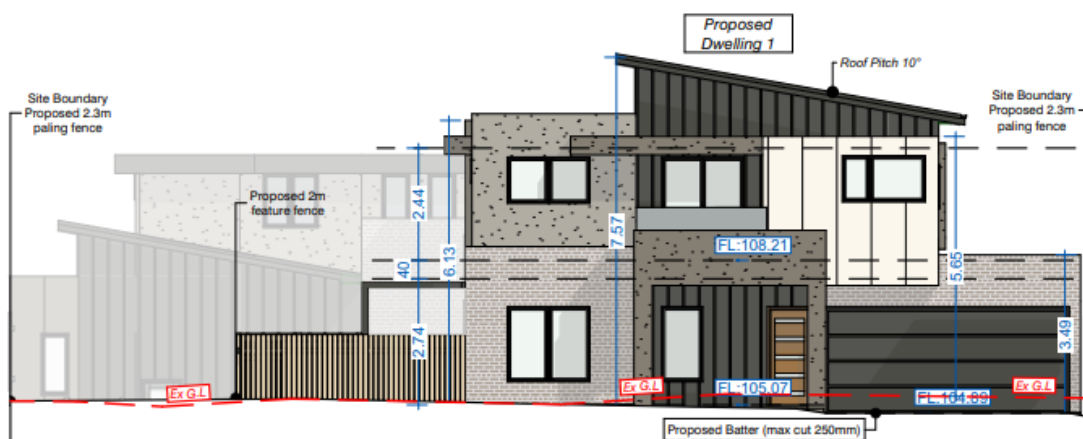


Figure 6 : Streetscape view to Unit 1

The development sees Units 2 – 4 grouped together to the rear of Unit 1 to face the internal shared driveway. Units 5 – 7 are located toward the rear boundary and also designed to front the internal shared driveway. Each of these units share a common wall (except Unit 7) to maximise the use of space and are designed in a manner to take advantage of surrounding views and ensure excellent solar access.



Figure 7 : Ground floor and upper level layout of proposed development

Units 2-7 are provided with a reverse living layout with the ground level to contain up to two bedrooms and a bathroom, and the upper level to contain an open plan living, dining and kitchen and up to two bedrooms. Balconies are attached to the north-eastern face of each unit (except Units 1 & 3) to take advantage of the scenic views and maintain convenient access from main living areas (see Figures 7 & 8).



Figure 8 : Upper level layout of proposed development

As mentioned previously, Units 2 & 3 contain a third storey which contain an additional bedroom and ensuite (see Figure 9). Large north-east facing windows are provided to the bedroom to take advantage of the scenic views and achieve high amenity levels.



Figure 9 : Third storey layout of Units 2 & 3



The third level is specifically positioned on units that are located at the centre of the site, where it will not cause detrimental impacts to the amenity neighbouring properties. Additionally, as shown in Figure 5 above, the third level will be minimally visible from the streetscape due to the sloping nature of the land. The third level is also significantly recessed from the lower levels, ensuring that the built form offers an inconspicuous profile when viewed from the surrounding landscape (see Figure 10).

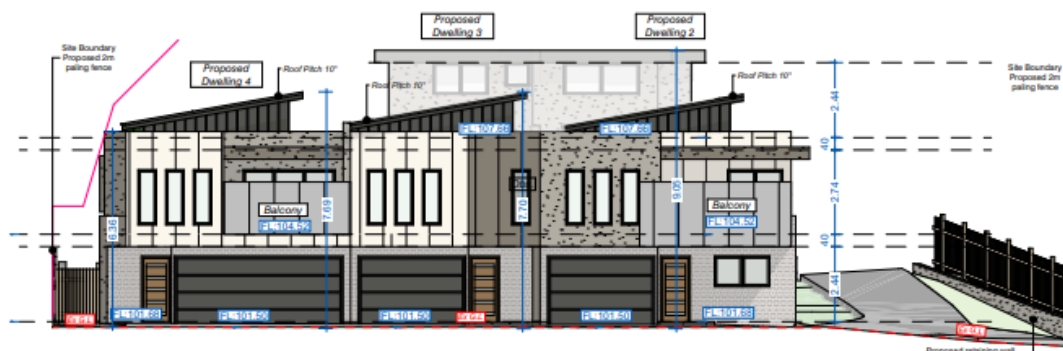


Figure 10 : Looking east toward Units 2,3 and 4 and third level of Units 2 & 3

The development maximises north and east facing windows to achieve excellent solar access and promote energy efficiency. Where south facing windows are provided to habitable rooms, a generous setback is provided from the boundary to ensure suitable solar access is achieved. Skillion roofing is also provided to further enhance northerly sunlight to enter the upper level of each of the units (see Figure 10 above).

Areas of secluded open space is provided at the ground level, along with a balcony on the upper level which takes advantage of extensive scenic views. Units 1, 5, 6, 7 are provided with 31sqm – 86 sqm of private open space to the rear and achieve good northerly aspect. Given the compact nature of Units 2-4, 9sqm to 35sqm is provided at the ground floor. Each of the units are provided with a deck which extends from the respective living room or bedroom, to provide a suitable transitional space between indoor and outdoor environments.

Space beneath the decks will be used to store each of the unit's respective water tanks. Storage areas are provided either externally in the rear yards or internally underneath the staircase.

Setbacks are provided to all boundaries to maintain the character of the surrounding neighbourhood. The proposed development has been sited to avoid the existing 3.05m wide drainage easement along the north-eastern boundary. It is also provided with a minimum setback of 1.5m from the southern boundary which expands to 2.66m at the rear, ensuring the amenity of the abutting property is not adversely affected.

Overlooking was identified as a potential issue to the site. The proposed development provides new fencing along the external boundaries of the site and screening on balconies, to ensure overlooking is not an issue. Internal areas of private open space will be securely fenced with 2.3m high paling. Upper levels which have south or east facing windows are provided with obscure glazed windows 1.7m above the floor level or highlighted windows, to also ensure privacy (see Figure 11 for fencelines and proposed windows).

The development has been designed to respond to the sloping nature of the land. While cut and fill is necessary to facilitate the development, it has been minimised as far as possible by proposing split designs to the larger dwellings, such as Units 5-7. Retaining walls are to be installed along sections of the northern and southern boundaries, as necessary, and a maximum of 2m cut is proposed, which is considered minimal given the extent of the slope. See Figure 11 below.

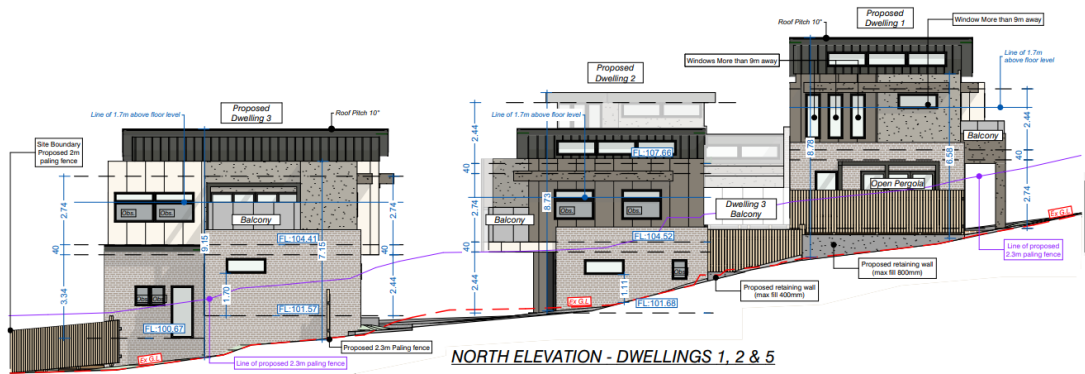


Figure 11 : Looking north toward the proposed development and slope of the land

The units are to be constructed of a mix of materials including brick, cladding and render with skillion Colorbond roofs. The proposal incorporates a modern exterior colour scheme with a mix of muted grey tones (see Figure 12 below).



Figure 12 : 3D representation of proposed Unit 1

The proposal aims to provide an attractive modern development that is in keeping with the trend of new developments in the area (see Photographs 17 & 18 above). The variation in building materials and architectural design of the buildings creates visual interest and excellent articulation. The proposal will significantly enhance the amenity of the streetscape. Adequate space is available for landscaping to take place to ensure the built form is not visually dominant and well-integrated with the leafy backdrop.

### 3.1 Proposed Access and Parking Areas

While private access is provided for Unit 1, shared access is gained to the remaining units via a new crossover and driveway which extends along the northern boundary and diverts south. The driveway is a minimum 3m wide and all turns of direction is a minimum 4m radius, to ensure vehicles from each lot can exit the site in a forward direction. Vehicles from Unit 1 can safely reverse onto the street to exit.

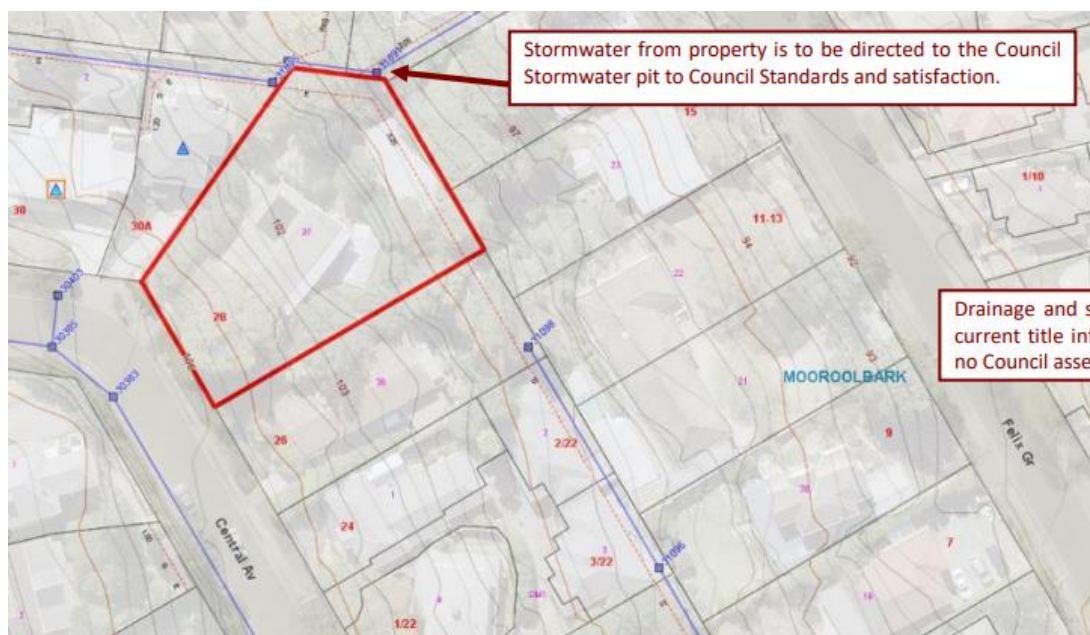
Adequate space is available along the shared driveway adjacent to Units 2-7 for passing vehicles. Refer to Carturn Diagrams (ref:23694P7) for further details.

All 3-bedrooms units are provided with double garages and 2-bedrooms units are provided with a single garage, incorporated into the building design and providing immediate access into their respective dwellings.

Ample space in the front setback for the planting of large canopy trees and on either side of the shared driveway, to soften the impact of hard surfaces.

### 3.2 Services

All minor drainage will be designed and installed to Council's requirements. It is submitted that the proposal will not result in damage or inconvenience to residents from urban run-off.



### 3.3 Waste Management Plan

Bins will be stored within the rear yard or garage of each unit and will be wheeled out to the street for Council collection. Adequate space is available between each of the proposed crossovers for bin collection (refer to Site Layout Plan ref:23694P2 for details).

### 3.4 Vegetation Removal / Proposed Landscaping

An Arboricultural Assessment Report has been prepared by Dbhorticulture P/L to assess the condition, species and retention values of trees within and adjacent to the site. The site contains a few insignificant trees, which will require removal in order to facilitate the development. Trees proposed for removal are:

- Tree 3 – Lilly Pilly
- Tree 4 - Monterey Cypress
- Tree 5 – Monterey Cypress
- Tree 6 - Photinia
- Tree 7 - Wattle

Ample setbacks are provided to the development from external boundaries, ensuring overhanging vegetation are protected.

The development creates the opportunity to rejuvenate the site with an extensive new landscape treatment. An extensive landscape design is proposed that aims to compensate for the loss of vegetation, soften the built form and integrate the site with the leafy backdrop.

The proposed landscape design will introduce a range of new canopy trees, shrubs and strappy leafy plants. A total of ten canopy trees (of native and exotic origin) are proposed across the front or rear boundaries, which have a mature height greater than the proposed buildings, ensuring that the built form maintains an inconspicuous profile. See Figure 13 below for the proposed landscape plan.

Plants have been chosen for their variation in foliage colour, form, texture and attractive flower displays. They are easy to maintain, water-wise and consists predominantly of indigenous plants specified within the Yarra Ranges Vegetation Communities Species List.

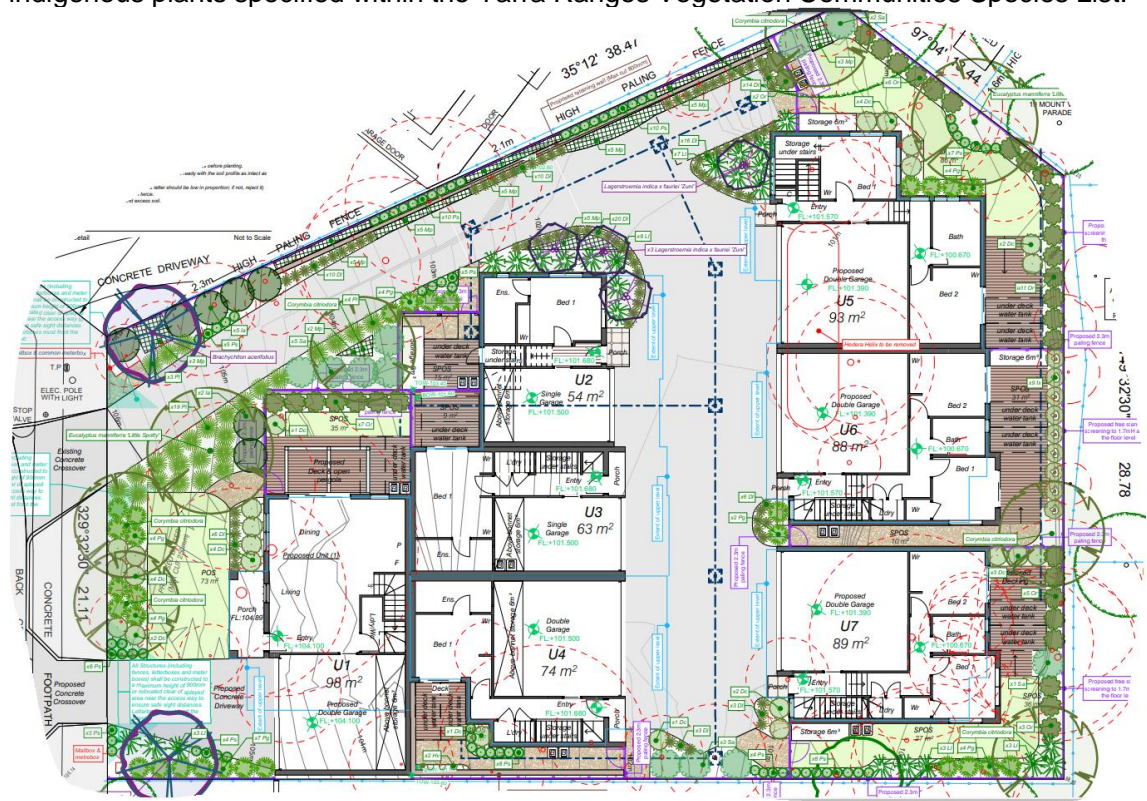


Figure 13 : Proposed landscape design

### 3.5 Sustainable Design Assessment

Sustainable Design Assessment in the Planning Process (SDAPP) is a collaborative endeavour between numerous local governments in Victoria to provide a consistent method for assessing the environmental performance of developments that require town planning approval.

It incorporates 10 key sustainable design criteria as follows:

#### 1. Indoor Environment Quality (IEQ)

Objectives:

- *To achieve a healthy indoor environment quality for the wellbeing of building occupants.*

Examples of design decisions: daylight, external views, thermal comfort, natural ventilation.

#### 2. Energy Efficiency

Objectives:

- *To ensure the efficient use of energy, to reduce total operating greenhouse emissions and to reduce energy peak demand.*

Examples of design decisions: efficient shading, Building Fabric enhanced above the minimum Building Code of Australia (BCA) requirements, onsite generation of energy, efficient heating and cooling services.

#### 3. Water Efficiency

Objectives:

- *To ensure the efficient use of water, to reduce total operating potable water and to encourage the appropriate use of alternative water sources.*

Examples of design decisions: minimise main water demand, avoid the use of main water for landscape irrigation, re-use water (e.g. stormwater and greywater), and install separate water meters.

#### 4. Storm Water Management

Objectives:

- *To reduce the impact of stormwater run-off, to improve the water quality of stormwater run-off, to achieve best practice stormwater quality outcomes and to incorporate the use of water sensitive urban design, including stormwater re-use.*

Examples of design decisions: minimise watercourse pollution, maximise on-site stormwater re-use (e.g. for toilet flushing and irrigation).

#### 5. Building Materials

Objectives:

- *To minimise the environmental impacts of materials used by encouraging the use of materials with favourable lifecycle assessment.*

Examples of design decisions: reuse of materials, embodied energy of materials, use of materials with recycled content, sustainably sourced timber, future recyclability of materials.

## 6. Transport

### Objectives:

- *To minimise car dependency and to ensure that the built environment is designed to promote the use of public transport, walking and cycling.*

Examples of design decisions: providing convenient and secure bike storage, providing access to showers and lockers at work, car sharing facilities, green Travel Plan for residents, visitors and staff.

## 7. Waste Management

### Objectives:

- *To ensure waste avoidance, and reuse and recycling during construction and operation stages of development.*

Examples of design decisions: Construction Waste Management Plan, Operational Waste Management Plan, storage spaces for recycling and green waste, Green Travel Plan for residents, visitors and staff.

## 8. Urban Ecology

### Objectives:

- *To protect and enhance biodiversity and to encourage the planting of indigenous vegetation.*

Examples of design decisions: maintaining/enhancing the site's ecological value, creating resident amenity and biodiversity.

## 9. Innovation

### Objectives:

- *To encourage innovative technology, design and processes in all development, so as to positively influence the sustainability of buildings.*

Examples of design decisions: significant enhancement of best practice ESD standards, new technology, good passive design approach, responding to local climate conditions.

## 10. Construction and Building Management

### Objectives:

- *To encourage a holistic and integrated design and construction process and ongoing high performance.*

Examples of design decisions: tuning of building systems, Building User's Guide that explains a building's ESD principles, Operation Environmental Management Plan, contractor has valid ISO14001 (environmental management) accreditation.

### **The proposed development has appropriately considered the SDAPP as follows:**

- **The proposed units achieve healthy indoor environments for the most part, through light filled windows, new landscaping outside windows to provide attractive external views and openable windows that are positioned to offer cross ventilation as far as practicable.**
- **The units have been designed to ensure the efficient use of energy and reduction in greenhouse gas. North facing living and private open space areas are provided where possible to achieve appropriate solar access.**

- **Canopy vegetation is proposed across the front and rear boundaries which will aid in shading.**
- **No irrigation is proposed or required as part of the landscape design and plants chosen are water-wise.**
- **The proposal aims to reduce the impact of storm water runoff through large permeable spaces included in the front and rear yards.**
- **The proposed units are to be constructed of brick with cladding and rendered features and skillion Colorbond roofs. All of these materials offer a good lifespan and can be recycled.**
- **The site is well located in Mooroolbark Activity Centre where local facilities and services are available within close proximity. An impressive Walkscore of 71 is achieved for the site. The site has good access to public transport which can reduce car dependency and encourage walking to daily activities. See Section 2.3 for further details.**
- **Waste during construction will be appropriately managed and minimised where possible.**
- **The provision of an attractive new landscape design that incorporates indigenous plantings will protect and enhance the biodiversity of the site and surrounding area.**
- **In accordance with the building regulations, each unit can offer a 6 star energy rating which may be achieved through a series of construction methods including insulation, double glazing etc. These items are outside the scope of the planning scheme and will be detailed at building permit stage.**

#### 4. Planning Policy Framework

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

##### Zoning

Clause 32.08      General Residential Zone (GRZ1)

##### Overlays

Clause 43.02      Design and Development Overlay (DDO8)  
Clause 42.03      Significant Landscape Overlay (SLO23)

##### Planning Policy Framework (PPF)

Various Clauses

##### Municipal Strategic Statement (MSS)

Clause 21.04      Land Use  
Clause 21.05      Settlement  
Clause 21.06      Built Form  
Clause 21.08      Subdivision  
Clause 21.09      Environment

##### Local Planning Policy Framework (LPPF)

None applicable

##### Other Requirements

Clause 52.06      Car Parking  
Clause 55          Two or More Dwellings on a Lot  
Clause 56          Residential Subdivision  
Clause 65          Decision Guidelines

#### 4.1 Permit triggers

<b>Planning Control</b>	<b>Permit trigger</b>
General Residential Zone	Buildings and works associated with the development of 7 dwellings
Design and Development Overlay, Schedule 8	Buildings and works associated with the development of 7 dwellings



## 4.2 Zoning

Pursuant to the Yarra Ranges Planning Scheme, the property is contained within the **General Residential Zone – Schedule 1 (32.08)**. The proposal is in accordance with the relevant purposes of the zone, which alongside implementing the Municipal Planning Strategy and 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.*

Pursuant to Clause 32.08-6 a permit is required to construct two or more dwellings on a lot and must meet the requirements of Clause 55.

Pursuant to Clause 32.08-10 a building must not exceed 11m, and the building must contain no more than 3 storeys at any point. No maximum building height is specified in a schedule.

### Response GRZ1:

**The proposed development is appropriate for the site given the zoning provisions and its close proximity to local facilities and services. The proposal increases housing density, diversity and affordability within the area by providing for seven new units to help meet the diverse needs of the growing population.**

**The units vary in size and shape and contain either 2 or 3 bedrooms, contributing to the diversity of housing available in the area. The proposed density of 1:195sqm is considered appropriate for the neighbourhood, as similar sized developments are available within close proximity (see Photographs 17 & 18 above). The zoning of the land does not limit intense development such as this proposal, but rather encourages increased density in locations that are well serviced with facilities and public transport. Given that the site achieves a ‘Walkscore’ of 71 (refer to Section 3.2 for further details), it is considered highly viable to increase housing density in this location.**

**The GRZ permits a maximum building height of 11m and 3 storeys. The maximum height of the proposed units is 8.99 which is well below the height limit, and two units are proposed to be 3-storeys which comply with the requirements.**

**The dwellings are well articulated, and the materials and colours chosen for construction ensure that the development integrates well with the surrounding area. All dwellings are provided with appropriate boundary setbacks, building height and site coverage which are consistent with the neighbourhood character and in accordance with the requirements of the Yarra Ranges Planning Scheme.**

**The proposal has been assessed against the standards of *Clause 55 – Two or More Dwellings on a Lot* with details provided in Section 4.8.**

### 4.3 Overlays

The subject site is affected by a **Design and Development Overlay (43.02), Schedule 8 – Neighbourhood centres and rural township consolidation areas**. The proposal is in accordance with the relevant purposes of the zone, which alongside implementing the Municipal Planning Strategy and Planning Policy Framework:

- *To identify areas which are affected by the specific requirements relating to the design and built form of new development.*

The subject site is contained within **Schedule 8 (DDO8)** which includes the following design objectives related to this proposal:

- *To implement the objectives of the Shire of Yarra Ranges Housing Strategy 2009.*
- *To increase residential density and to provide for a range of housing types within the identified consolidation areas of neighbourhood centres and rural townships.*
- *To encourage the aggregation of existing lots allowing greater flexibility to design quality higher density residential development that complements the existing streetscape.*
- *To encourage higher built form on larger lots to protect the amenity of existing dwellings.*
- *To ensure new development is well articulated and upper storey elements are not bulky or visually obtrusive.*
- *To ensure that the design of new buildings provides an appropriate transition of scale and form to buildings on adjacent lots.*
- *To minimise the impact of driveways and parking areas in multi-unit developments.*
- *To ensure street frontages and open space provide sufficient room for canopy trees and vegetation.*

Pursuant to **Clause 43.02-2** a planning permit is required to construct a building or construct or carry out works. **Schedule 8** to the overlay states that any buildings of works should comply with the following requirements:

#### Building Height

Maximum building height	Condition regarding minimum lot size
11 metres above natural ground level	1500m <sup>2</sup> or greater
9 metres above natural ground level	Less than 1500m <sup>2</sup>

#### Building form, siting and layout

- *Setbacks from the street boundary should be no less than the lesser setback of the buildings on the adjoining allotments.*
- *Buildings are stepped down to provide a gradual transition to the scale of the adjoining residential area.*
- *The upper level of developments is recessed and articulated to reduce dominance of the upper level and impacts of overlooking and visual bulk.*
- *On sloping sites development follows the natural contours and steps down the site to minimise visual impact and reduce the need for excavation.*
- *Buildings are located and designed to retain major view lines from public viewing locations.*

- *Street frontages and open space provide sufficient room for the retention and planting of canopy trees.*
- *New developments retain or adapt older style buildings in the design of development proposals particularly where they can be retained facing the street and minimise impact on any adjoining buildings of significance.*
- *Developments adjoining public open space enhance surveillance of users of the public open space.*
- *New development are set back from watercourses to allow space for vegetation.*

#### **Driveways and car parking**

- *Developments should include only one cross over that avoids impacting on roadside vegetation.*
- *Garages and carports associated with new developments are not visually obtrusive when viewed from the front street and are located behind the line of the buildings.*
- *Larger developments integrate car parking requirements into the design of the development, encouraging the use of under croft or basement parking.*
- *Driveways and car parking are designed to allow for vehicles to turn within the property and to exit the property in a forward manner.*

#### **Landscaping and front fencing**

- *Developments are sited and designed to retain existing trees where possible.*
- *Landscaping provides for at least two canopy trees (with a maturity height no less than 8 metres) in the front setback. On development sites with a width of more than 30 metres this is increased to at least three canopy trees.*
- *Landscaping includes a majority of local native and indigenous species.*
- *Front fences are low scale (below 1.2 metres in height) and be at least 75% transparent or generally reflect the typical fencing style of the street.*
- *Landscaping and boundary treatments create a strong connection between the public and private realms.*

#### **Response DDO8:**

The design of the proposed development has considered and is in complete accordance with the requirements of the DDO8. It is noted that a permit triggered for the development under this Overlay.

#### **Building height:**

The maximum proposed building height is 8.99m which complies with the 9m height restriction. The proposed development will not cause detrimental impact to views from surrounding properties and is in keeping with the built form and scale of the surrounding neighbourhood.

#### **Building form, siting and layout**

The neighbouring property to the south maintains a front setback of 7.9m. Proposed Unit 1 is setback from the front boundary by 7.5m on one side and 8.01m toward the southern side. While the proposed setback is slightly under the minimum required of 7.9m at one point, it is considered acceptable in this instance as the site is located on the bend of Central Avenue, which maintains an angular front boundary. The proposed front setback will provide ample opportunity for new landscaping to take place and integrate the site with the neighbouring properties. A total of 3 large native

canopy trees are proposed in the front setback, along with two smaller exotic specimens.

As described above, the proposed development does not exceed 9m in height, as such the scale of the development is in keeping with the character of the neighbourhood. The proposed buildings steps down with the natural topography and split-level designs are proposed to Units 5-7 to minimise the need for earthworks.

Articulation is provided through steps in the built form and variation in building materials and colours. Additionally, the third storey of Units 2 & 3 is significantly recessed to ensure it is not visually dominant upon the neighbourhood.

Overlooking is minimised is reduced through the provision of high fencing along boundaries, high-light windows, obscured glazed windows 1.7m above the floor level and screening on balconies.

The proposal incorporates a modern architectural form, with a greyish colour scheme and varying building materials which complements the neighbourhood character.

#### Driveways and car parking

While the proposal incorporates two crossovers, it should be noted that no existing street trees will be impacted on, and ample space is available within the front setback for the planting of new canopy trees. The proposed development layout responds to the irregular shape of the allotment and makes best use of the space; as such, it is considered acceptable to provide two crossovers to facilitate this development layout.

The garage of Unit 1 is setback from the front façade and is not visually dominant upon the street. All remaining units are located to the rear where garages are not visible to the street. The proposed shared driveway is a minimum 3m wide, and all turning circles are a minimum 4mR to ensure vehicles can exit the site in a forward direction.

#### Landscaping:

An extensive landscape treatment is proposed and introduces a variety of canopy trees, groundcover and shrubs to the site. The landscaping includes mostly native specimens which require low maintenance and enhances the ecological characteristics of the site. Only a few insignificant trees are required to be removed and all other trees are provided with tree protection zones to ensure their ongoing viability. All boundaries are treated with landscaping to soften fencelines and create strong connections between the public and private realms. Refer to Landscape Plan (ref: 23694L01) for further details.

The subject site is affected by a **Significant Landscape Overlay, Schedule 23 (42.03)**. Alongside implementing Municipal Planning Strategy and the Planning Policy Framework, the purposes of the SLO are:

- To identify significant landscapes; and
- To conserve and enhance the character of significant landscapes.

The subject site is contained within Schedule 23 where the statement of nature and key elements of the landscape for Mooroolbark is:

***Kilsyth/Mooroolbark Residential development in these suburbs has occurred over a 60 year period resulting in a sense of openness and well established gardens. The***

*mature trees which occur widely in these areas link them to the treed backdrop of the Dandenongs Ranges.*

The landscape character objectives to be achieved for SLO23 are:

- *To recognise and conserve the environmental and visual sensitivity of residential areas*
- *To recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills and the Yarra Valley.*
- *To ensure all development is sensitively designed and sited having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines.*
- *To retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas.*
- *To protect vegetation of significance, natural beauty, interest and importance.*
- *To protect and preserve the riparian areas along waterways.*

Pursuant to Schedule 23 of the SLO, a permit is required to:

- Remove, destroy or lop any substantial tree. A substantial tree is defined as having a diameter at breast height (DBH) greater than 0.26m at 1.3m above ground. Some exemptions apply which include the removal of weed species as listed under Clause 22.05-6 of the Yarra Ranges Planning Scheme.

*A permit is not required:*

To construct a building or carry out works provided the following requirements are met:

- *The buildings and works are at least 10 metres from a designated stream*
- *The buildings and works are at least 10 metres from a designated open Melbourne Water drain.*

#### **Response SLO23:**

**The proposal is considered to recognise and conserve the significant landscape character of the area. Whilst a few trees are proposed to be removed from the site, they are not considered valuable in terms of the landscape setting and suitable for removal to accommodate much needed housing.**

**The following trees are proposed for removal:**

- **Tree 3 – Lilly Pilly (DBH 16cm)**
- **Tree 4 - Monterey Cypress (DBH 9cm)**
- **Tree 5 – Monterey Cypress (DBH 11 cm)**
- **Tree 6 – Photinia (DBH 12/12/12 = 41.5cm)**
- **Tree 7 – Wattle (DBH 6/6/6 = 15cm)**

**Given that these trees are located within 10m of an existing dwelling a permit is not required for their removal under the bushfire exemptions rule. These trees are not considered worthy of retention and are rated a low retention value by the consulting arborist. It should also be noted, that under SLO23, only Tree 6 – Photinia would require a permit for removal.**

The proposed development is provided with appropriate setbacks to the front and rear boundaries to accommodate canopy vegetation and integrate the site with the leafy backdrop. The landscape treatment will introduce a range of ground covers, shrubs and ten large canopy trees (and two smaller ornamental trees), that will in time dominate the site and contribute positively to the landscape character of the area. Refer to Landscape Plan for further details.

#### 4.4 Planning Policy Framework

Settlement (Clause 11) aims to ensure that sustainable development is located within areas that are well serviced, and easily accessible. It aims to ensure that development is guided by Metropolitan strategies within Melbourne, and that the concentration of residential areas are located within activity centres that are highly accessible to the community. The policy also aims to ensure a sufficient supply of land for many different uses within the Metropolitan areas of Melbourne.

**Response Settlement: The site is zoned within an area that encourages residential growth, and the development of seven new dwelling is appropriate given its proximity to local amenities. The proposed development is located within an established urban area, close to the main hub of Mooroolbark.**

Environmental and Landscape Values (Clause 12) aims to protect the health and viability of ecological systems, and to conserve areas that are identified with environmental and landscape values. The policy aims to ensure that environmentally sensitive areas are protected and conserved.

**No significant trees will be impacted upon by the development. Therefore, there will be no detrimental impact to the environmental and landscape values of the area. The site is not covered by, or within close proximity to any environmentally sensitive areas. An extensive new landscape treatment is proposed to enhance the overall quality and amenity of the site.**

Natural Resource Management (Clause 14) aims to ensure that development is environmentally sustainable, to ensure that the conservation of natural resources is maximised. The policy also aims to protect agricultural land, water bodies and the earth quality.

**The site is neither agricultural land, nor possesses any water bodies, however the proposed development still considers natural resource management and is designed to maximise energy efficiency. The design maximises north-facing windows as much as possible, minimising the need for artificial cooling and heating. The implementation of a water tanks allow for the minimisation of urban run-off, with the water source able to be used for non-water sensitive uses such as watering gardens and flushing toilets.**

Built Environment and Heritage (Clause 15) aims to ensure that new development is appropriately integrated into its surrounding area. It should factor in the surrounding character, built form and cultural context of an area. Additionally, the policy aims to protect heritage areas, and also to foster healthy lifestyles for communities.

**The proposed development is in keeping with the density of developments in the immediate area. Unit 1 will have direct frontage to Central Avenue while the remaining units are positioned to the rear where they will maintain an inconspicuous profile. The proposal makes use of the site's orientation and provides two crossovers, which is considered acceptable given the irregular shape of the allotment and to make best**

**use of the site. The site will maintain the green and leafy identity of the neighbourhood, through the planting of canopy vegetation, that increases upon lack of significant vegetation currently on site.**

*Housing (Clause 16)* aims to provide housing diversity, and to ensure that housing is well located to facilitate housing sustainability. The policy aims to ensure that new housing is appropriately sited to include sufficient access to services, walkability to activity centres, public transport, schools and open space.

**The site is well located to existing services and infrastructure that can be utilised by future residents. The main commercial hub of Mooroolbark offers a myriad of shops, services and recreational facilities. Many schools, and areas for outdoor recreation are available within reasonable distance of the site, ensuring that the proposed development is appropriately located.**

#### 4.5 Municipal Strategic Statement (MSS)

The MSS contained in Clause 21 of the Yarra Ranges Planning Scheme, sets out Council's future land use and development policies for the Municipality. The relevant Clause for this application is as follows:

##### **Land Use (21.04)**

The subject site is located within a 'Metropolitan Area' where Clause 21.04-1 Residential is particularly relevant.

The Key Issues outlined in the policy that are specifically relevant to this proposal are as follows:

- *Providing greater housing choice to meet present and future community needs;*
- *Diversifying housing stock.*
- *Facilitating affordable housing options in sustainable locations;*
- *Ensuring housing is adaptable to the needs of residents as they age and located in areas which minimise risk to older residents; and*
- *Regulate infill residential development in incremental and least change areas to ensure it preserves and enhances the character of the established residential areas.*

The objectives and strategies of 21.04-1 relevant to the proposal include:

##### Objective 1 – Housing Location Consolidated Residential Development:

*To guide residential development into sustainable locations which meet the needs of the community and that are not subject to physical or environmental constraint.*

Given the General Residential Zoning of the site the subject site is located within an 'Consolidation Area'.

The strategies of the Incremental Change Area relevant to this application are as follows:

- *Encourage residential infill in the neighbourhood consolidation (General Residential Zone) areas (of Mooroolbark, Kilsyth, Healesville, Yarra Junction, Mt Evelyn and Yarra Glen.*
- *Ensure higher density residential housing in identified housing consolidation areas is within easy walking distance of shops, public transport, open space and schools and in locations where there is an absence of constraints such as significant vegetation, infrastructure requirements or steeper slopes.*

Objective 2 – Housing Diversity:

*To encourage a diversity of dwelling types to meet the needs of the population.*

**Settlement (21.05)**

The proposal is located in Mooroolbark and the following objectives are relevant to this application:

Objective 1 – Sustainable Towns:

*To establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.*

**Built Form (21.06)**

The proposal involves the construction of an additional dwelling which has been designed to respond to the provisions of this Clause. In particular, the following objectives and strategies have been considered:

Objective 1 - Siting and Design:

*To promote proper siting and good design in the construction of all buildings and in the carrying out of works.*

Objective 6 - Buildings in Residential, Rural Living and rural Areas:

*Ensure that any development reflects the environmental and physical forms of the surrounding neighbourhood.*

Objective 7- Neighbourhood Character – Residential Areas:

*To recognise and protect the distinctive characteristics and environmental features of the residential areas throughout the Shire.*

**Subdivision (21.08)**

The proposal seeks to subdivide the site into two allotments and the following objectives of this policy apply:

Objective 1 – Subdivision in Residential Areas:

*Provide a range of lot sizes in appropriate locations to meet the needs of a diverse range of household types.*

Objective 2 – Subdivision Design:

*Promote subdivision that is functional and enhances the existing neighbourhood character.*

**Environment (21.09)**

The following objectives are relevant to this application:

**Biodiversity (21.09-1)**

Objective 2 – Vegetation:

*Permission for the removal of vegetation is required under the provisions of Clause 53, as well as under the ESO and SLO.*

- To protect and enhance the Shire's rich biodiversity.

**Sustainability (21.09-3)**

Objective 1 – Sustainable Building Design:

*To ensure that the use of land, the construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment and take account of physical development constraints.*



**Response – MSS Objectives:**

The MSS and Land Use makes provision for growth and increased density consistent with the built form in the area. The site is generally unrestricted, and it is well suited to a development of this nature. The scale of development is similar to those present in the wider neighbourhood.

The proposed development is predominantly two storey, with two units to contain a third storey, contributing to the mix of affordable housing offered in the area.

The proposal is consistent with the MSS for Settlement in that it promotes good design and a high-quality level of amenity which helps to enhance the individual character within the Mooroolbark area, allowing provisions for a site specifically designed multi-unit development. The proposal provides additional housing that is conveniently located in close proximity to local facilities, shops and services, making it an attractive addition to the neighbourhood.

The proposal is consistent with the MSS in that it provides a mix of 2 & 3 bedrooms dwellings. The outlook from the street will be enhanced through the removal of the existing hedge, provision of a new dwelling and landscaping to front the street. The new development is appropriately sited and has been provided with suitable boundary setbacks to ensure that there will be no adverse amenity impacts to neighbouring properties, whilst providing sufficient space for landscaping. The proposed development achieves an appropriate scale and height for the site and has been appropriately orientated to allow sufficient solar access to maximise the level of natural light entering the homes. The proposed housing density of 1:195.4m<sup>2</sup> is consistent with the mixed development pattern in the area and surrounds.

It is submitted that the development meets the objectives of the MSS for Environment. The proposed dwelling has been designed to ensure it does not adversely impact on the natural environment. Generous open space and living areas are provided and achieve excellent solar access. The landscape plan will add canopy cover, aid in shading, provide attractive permeable surfaces and contribute to local biodiversity with predominantly indigenous plants.

#### 4.6 Clause 55 - Two or More Dwellings on a Lot & Residential Buildings

Alongside implementing state and local planning policy, the purposes of Clause 55: Two or More Dwellings on a Lot and Residential Buildings are:

- 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; and
- To encourage residential development that is responsive to the site and the neighbourhood.

Pursuant to this Clause, an application to subdivide land must meet all of the objectives included in the Clauses specified in the zone and should meet all of the standards included in the Clauses specified in the zone.

A Neighbourhood and Site Description (20996P1) has been prepared to address the requirements of Clause 55.01-1 and a Design Response Plan has been prepared to address the requirements of Clause 55.01-2.

The following table provides an assessment against the remaining policies of Clause 55:

Clause 55	Complies? (Yes/No/Partially/N/A)
<i>55.02 Neighbourhood Character and Infrastructure</i>	
<b>Standard B1: Neighbourhood character</b>	<p><b>Yes.</b> The proposed development responds appropriately to the preferred neighbourhood character given the General Residential Zone of the land.</p> <p>The Neighbourhood &amp; Site Description shows that there are several medium density developments located within the immediate neighbourhood and the planning map shows that there are numerous more intense developments across the wider area. The proposed development is consistent with this emerging character and the Design Response Plan, together with this planning report, details how the development complies with the various facets of the planning scheme.</p>
<b>Standard B2: Residential policy</b>	<p><b>Yes.</b> This development is completely consistent with the intent of the General Residential Zone and Planning Policy Framework, which encourage urban consolidation. The land is very well located, in a fully serviced urban area that has ready access to public transport.</p> <p>This planning report provides a detailed assessment against all relevant planning policies as required.</p>
<b>Standard B3: Dwelling diversity</b>	<p><b>Yes.</b> The development provides seven, 2/3 bedroom units and the floor plans are varied in composition and provide a good range of choice. The low maintenance gardens of the proposed units also offer diversity in respect to much of the surrounding housing stock.</p>

<p><b>Standard B4: Infrastructure</b></p>	<p><b>Yes.</b> All services are currently available to the subject site and can be utilised for the proposed units. Existing infrastructure has the capacity to cater for the new units and the development will result in more efficient use of existing infrastructure.</p> <p>Large areas of permeable space are proposed to the front and rear to minimise the impact of stormwater runoff.</p>
<p><b>Standard B5: Integration with the street</b></p>	<p><b>Yes.</b> The proposed development has been designed to integrate with the existing streetscape. Unit 1 is designed to overlook Central Avenue and is appropriately setback to allow ample room for landscaping. As shown within the proposed landscape design, extensive landscaping including canopy trees, groundcovers and a range of shrubs is proposed within the front setback to help soften the look of built form and to improve the amenity of the development. The unit has been designed with a level of articulation that will ensure that the development is visually attractive when viewed from the street. The remaining units are situated to the rear of Unit 1 and are to front the proposed shared driveway. While the proposal of two crossovers is not desirable, it is considered acceptable in this instance to make best use of the space and the irregular shape of the site. Appropriate vehicle and pedestrian links are available from the street to each unit.</p>
<p><i>55.03 Site Layout and Building Massing</i></p>	
<p><b>Standard B6: Street setback</b></p>	<p><b>Partially.</b> This standard requires a front setback that is equal to the average setbacks of adjoining properties or 9m (whichever is lesser). The neighbouring properties have a front setback of 7.9m and 15.9m which results in an average setback of 11.9, therefore the maximum 9m setback applies.</p> <p>Given that new development in the area are provided with reduced setbacks, the irregular shape of this allotment and the location of the site on a bend along Central Avenue, it is considered acceptable to propose a slightly reduced front setback of 7.5m to 8.01m.</p> <p>The proposed setback provides adequate opportunity for the provision of canopy vegetation in the front setback and is consistent with the redeveloping nature of the neighbourhood. The site is also located within a consolidation area, where higher density development is encouraged and therefore the proposed setback will facilitate the efficient use of the space. It is submitted that the objective of this standard is wholly met, despite falling short of the preferred setback.</p>
<p><b>Standard B7: Building height</b></p>	<p><b>Yes.</b> The DDO8 &amp; GRZ permits a maximum height of 9m/11m and 3-storeys, however. The development proposes a maximum height of 8.99m, which complies with this standard. All units are 2-storey except for Units 2 &amp; 3 which are 3-storey.</p>

<p><b>Standard B8: Site coverage</b></p>	<p><b>Yes.</b> Site coverage for the development totals 40.7%, which is significantly less than the maximum allowed of 60%. It maintains sufficient space for new landscaping and is not contrary to any elements of the neighbourhood character policy.</p> <p>The visual bulk of the units is reduced with use of mixed materials and colours to enhance articulation. The resulting visual bulk when considered together with the landscape treatment will be acceptable in respect to the neighbourhood.</p>
<p><b>Standard B9: Permeability</b></p>	<p><b>Yes.</b> The overall permeable area is 35.5% which significantly exceeds the minimum requirement of 20%. The large areas of permeable space is predominantly contained within the front and rear setbacks where it will ensure water infiltration to the roots of plants and reduce the impact of stormwater runoff.</p>
<p><b>Standard B10 Energy efficiency</b></p>	<p><b>Yes.</b> All living areas and proposed balconies are predominantly north-east facing, achieving excellent solar access and promoting energy efficiency by reducing the need for heating and cooling requirements.</p>
<p><b>Standard B11 Open space</b></p>	<p><b>NA.</b> There is no public or communal open space proposed within the development or located adjacent to the development.</p>
<p><b>Standard B12: Safety</b></p>	<p><b>Yes.</b> The layout of the development provides for the safety and security of residents and property.</p> <p>Unit 1 faces Central Avenue and has a highly visible entrance. The remaining units face the internal driveway, and each has a prominent porch. Together with habitable windows, the unit entries provide good surveillance over parking areas and access ways.</p> <p>Planting along the street and the access ways has considered safety and will not create unsafe space.</p> <p>All yards are to be securely fenced to prevent public access.</p>

<p><b>Standard B13: Landscaping</b></p>	<p><b>Yes.</b> The majority of vegetation on site is considered to be insignificant and its removal will not cause detrimental impact to the landscape character of the area.</p> <p>The re-development of the site, will allow for the opportunity to rejuvenate the setting with an extensive new landscape treatment that will introduce a variety of attractive new canopy vegetation, shrubs and strappy leaf plants.</p> <p>A total of ten canopy trees (8m+ high) are proposed and are located along the front and rear boundaries. The streetscape character will be significantly enhanced with substantial landscaping across the sites frontage that will complement the treed backdrop and buffer the proposed development.</p> <p>The low scale plantings proposed along the common property driveway will soften hard surfaces, provide adequate surveillance and ensure visibility of front entrances.</p> <p>The landscape treatment will ensure that the development contributes and respects the treed character of the neighbourhood.</p>
<p><b>Standard B14: Access</b></p>	<p><b>Yes.</b> The proposed access arrangements are considered safe and efficient. A new crossing and driveway is provided toward the southern boundary to provide private access to Unit 1. A second crossing and driveway is designed to traverse along the northern boundary and divert south to provide access to the remaining units. The proposal of two crossovers is considered acceptable in this instance given the 21m frontage and redeveloping character of the neighbourhood.</p> <p>Ample space is available forward of Units 2-7 to accommodate passing vehicles and ensure safe and efficient access. The driveway is designed with all turns of direction to have a 4m radius to allow vehicles from each lot to turn around and leave the site in a forward direction.</p>
<p><b>STANDARD B15: Parking location</b></p>	<p><b>Yes.</b> The parking areas provided are convenient to the units that they are intended for and will not cause detrimental impact in respect to vehicle noise.</p> <p>The parking areas for each Dwelling are in the form of a single garage or double garage, with easy access available internally to their respective units.</p>

<i>55.04 Amenity Impacts</i>	
<b>STANDARD B17: Side and rear setbacks</b>	<p><b>Partially.</b> The development is setback from the rear boundary by 3.05m – 3.75m to avoid the existing easement.</p> <p>The setback from the south-eastern boundary for Unit 4 is 1.53m at the ground level and varies from 1.68m and 2.39m on the upper level. Based on the overall wall height of 6.21m, a setback of 1.78m is required on the upper level. The proposed setback is slightly under the requirement; however, this is considered to be a negligible amount.</p> <p>The setback from the south-eastern boundary for Unit 7 is 2.66m on the ground level and 2.81m on the upper level. Based on the maximum wall height of 8.76m, a setback of 3.85m is required on the upper level. While a slightly reduced setback is proposed along this boundaries, it is considered acceptable given that there will be minimal impacts to the adjacent property in terms of overshadowing, and visual bulk is reduced through the steps in the built form and variation in building materials.</p> <p>It is submitted that the proposal is also consistent with the neighbourhood character, whereby reduced setbacks are proposed in order to facilitate higher density developments.</p>
<b>Standard B18: Walls on boundaries</b>	<p><b>Yes.</b> The southern wall of Unit 1 abuts the site boundary for a distance of 6.48m and average height of 3.095m. The maximum height of the wall is 3.6m which is acceptable.</p>
<b>STANDARD B19: Daylight to existing windows</b>	<p><b>Yes.</b> The habitable rooms windows of the neighbouring property to the south, maintains a minimum area of 3sqm and minimum dimension of 1m clear to the sky. The proposed development will not cause detrimental overshadowing to this property.</p>
<b>STANDARD B20: North-facing windows</b>	<p><b>Yes.</b> The neighbouring property to the south has north-west facing habitable room windows which will be slightly affected by the proposed development after approximately 2pm at equinox (see Shadow Diagrams). This is considered acceptable, as the habitable rooms will receive a minimum 5 hours of sunlight during the morning, therefore the amenity of the dwelling is not unreasonably reduced.</p> <p>The setback provisions do not apply in this case, as the windows of the neighbouring property are not oriented within North 20 degrees to the West, as required by the standard.</p>

<b>STANDARD B21: Overshadowing open space</b>	<b>Yes.</b> The proposal does not cause detrimental overshadowing to private open space of neighbouring properties (see Shadow Diagrams for further details). Some overshadowing occurs post 2pm to the neighbouring property, however given the generous area of open space, this is considered minimal and will not cause detrimental impact to the amenity or use of the neighbouring private open space.																								
<b>Standard B22: Overlooking</b>	<b>Yes.</b> The proposed units have been designed to overlook the street, their own internal open space or scenic surrounds. Fencing highlight windows and obscure glazed windows are proposed where necessary to prevent overlooking.																								
<b>STANDARD B23: Internal views</b>	<b>Yes.</b> The development has been designed to avoid overlooking between units. Units are designed to overlook their own private open space.																								
<b>STANDARD B24: Noise impacts</b>	<b>Yes.</b> No significant noise sources are present on site. All new plant and equipment will be located away from the living areas of existing units as far as practicable.																								
<i>55.05 On-site Amenity &amp; Facilities</i>																									
<b>Standard B25: Accessibility</b>	<b>Yes.</b> The entrances to the proposed units could easily be made accessible for people with limited mobility.																								
<b>STANDARD B26: Dwelling entry</b>	<b>Yes.</b> The entrance to each unit is highly visible, easily identifiable and will provide shelter and a transitional space.																								
<b>STANDARD B27: Daylight to new windows</b>	<b>Yes.</b> Adequate daylight is available to all proposed habitable windows with a minimum of area 3m x 1m clear to the sky, as required.																								
<b>STANDARD B28: Private open space</b>	<p><b>Yes.</b> Each unit is provided with the following areas of open space:</p> <table border="1"> <thead> <tr> <th>Unit #</th> <th>Secluded open space (sqm)</th> <th>Balcony space (sqm)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>40</td> <td>5</td> </tr> <tr> <td>2</td> <td>23</td> <td>8</td> </tr> <tr> <td>3</td> <td>18</td> <td>9</td> </tr> <tr> <td>4</td> <td>33</td> <td>8</td> </tr> <tr> <td>5</td> <td>105</td> <td>5</td> </tr> <tr> <td>6</td> <td>52</td> <td>11</td> </tr> <tr> <td>7</td> <td>74</td> <td>11</td> </tr> </tbody> </table> <p>Balconies can be access from designated living areas of each unit. Private open space at the ground can be access from the dwelling. Decking is proposed to provide suitable transition between indoor and outdoor spaces.</p>	Unit #	Secluded open space (sqm)	Balcony space (sqm)	1	40	5	2	23	8	3	18	9	4	33	8	5	105	5	6	52	11	7	74	11
Unit #	Secluded open space (sqm)	Balcony space (sqm)																							
1	40	5																							
2	23	8																							
3	18	9																							
4	33	8																							
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6	52	11																							
7	74	11																							

<b>STANDARD B29: Solar access to open space</b>	<b>Yes.</b> All areas of private open space achieve excellent levels of solar access. North facing balconies are proposed to each unit, with the exception of Unit 4 which is provided with 72sqm of east-facing open space at the ground level.
<b>Standard B30: Storage</b>	<b>Yes.</b> Each dwelling has been provided with either internally or externally located storage space. Storage for Unit 1 is located above bonnet storage in the garage.
<i>55.06 Detailed Design</i>	
<b>Standard B31: Detailed design</b>	<b>Yes.</b> Particular attention has been paid to the architecture of the new units to ensure that the development complements the emerging character of the neighbourhood. There is no guidance in the planning scheme with respect to built form and the architectural detailing and built form is considered acceptable given the rapidly changing nature of the neighbourhood. The development is site specific and responds to the irregular shape of the site and sloping land.  The proposed buildings with their mixed materials, skillion roofs and muted colours will blend appropriately into the neighbourhood. They offer a contemporary appearance with features that link back to the older areas of the neighbourhood.
<b>Standard B32: Front fences</b>	<b>Yes.</b> The existing fence is to be removed and there are no front fences proposed.
<b>STANDARD B33: Common property</b>	<b>N/A.</b> The proposal does not include the subdivision of land.
<b>Standard B34: Site services</b>	<b>Yes.</b> Sufficient space is available for the provision of services. Mailboxes locations are indicated along the front boundary and ample space is available for the private storage of bins within the garages or rear yards of each dwelling.

#### 4.7 Clause 52.06

The purpose of this Clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local 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;*  
*and*
- *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.*



Pursuant to 52.06-5, a dwelling with three or more bedrooms is to be provided with 2 carspaces whilst a dwelling with up to two bedrooms is to be provided with a single car space. In addition to this, 1 car parking space is required for every 5 dwellings for developments of 5 or more dwellings.

This Clause also outlines design standards which cover accessways, car parking spaces, gradients, urban design, safety and landscaping.

**Response - Car Parking:**

**The proposed dwellings contain either 2 or 3 bedrooms as such a single or double garage is incorporated into the built form. Dwellings which contain two bedrooms are provided with an attached single garage, whilst dwellings with three bedrooms are provided with a double garage.**

**The design and dimensioning of all car spaces meets the requirements of this clause.**

**A single visitor car spaces is provided at the rear of the site to service requirements for a 7-unit development.**

**Access ways are designed to be a minimum 3m wide and all turns of direction have an internal radius of 4m to ensure vehicles can exit the site in a forward direction.**

**A passing bay is available forward of Dwellings 2-7 and meets the minimum dimensions outlined within this Clause. A passing bay can be provided at the entrance if so required.**

**Ample space for landscaping is proposed alongside the access ways to ensure an attractive development.**

## **5. Clause 65 Considerations**

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

## 6. Conclusion

It is submitted that the proposed development is appropriate for the following reasons:

- The General Residential Zone supports appropriate infill development and the proposal accords with the purposes of the Design and Development Overlay and Significant Landscape Overlay;
- The proposal is consistent with Planning Policy Framework and Municipal Strategic Statement and particularly with the Yarra Ranges policies for Land Use (21.04), Settlement (21.05), Built Form (21.06), Subdivision (21.08) and Environment (21.09);
- The proposal meets the standards outlined in the Sustainable Design Assessment in the Planning Process (SDAPP);
- The proposal is consistent and complies with the objectives of Clause 55: Two or More Dwellings on a Lot and Residential Buildings; and
- The proposal is consistent and complies with the decision guidelines stated within Clause 65.

**Millar | Merrigan**