

## YR-2023/468 - 7 Huntington Drive, Chirnside Park - Planning Report – Planning Report

### APPLICATION DETAILS

<b>Site Address</b>	7 Huntingdale Drive (Lot 990 LP63910), Chirnside Park
<b>Application No.</b>	YR-2023/468
<b>Proposal</b>	Buildings and works to construct a second dwelling, and carport and shed for existing dwelling.
<b>Existing Use</b>	Detached dwelling.
<b>Applicant</b>	Mr A Scattergood.
<b>Zone</b>	Clause 32.09 - Neighbourhood Residential Zone – Schedule 1 (NRZ).
<b>Overlays</b>	Clause 42.03 Significant Landscape Overlay – Schedule 23 (SLO).
<b>Permit trigger/s</b>	Clause/ 32.09-7– Construct a second dwelling A development must meet the requirements of Clause 55.
<b>Objections</b>	Sixteen (16) objections.
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	No
<b>Reason for Council Decision</b>	More than ten (10) objections received.
<b>Ward</b>	Chirnside.

### SUMMARY

The application is for buildings and works to construct a second dwelling, and carport and shed for existing dwelling at 7 Huntingdale Drive, Chirnside Park. The works will result in the removal of two (2) trees, neither tree requires a planning permit for removal under Clause 42.03.

The second dwelling is proposed to front and provide vehicle access to the site from Simmons Court, located to the north of the subject site which is a public road within Cloverlea Estate. A carport and shed is proposed for the existing dwelling with access via the existing crossover from Huntingdale Road.

The application was advertised and a total of sixteen (16) submissions have been received. The main grounds of objection relate to the site not forming part of the

Cloverlea Estate Design Guidelines but attempting to join the estate, potential for increased traffic within Simmons Court, vegetation removal, past subdivision approvals on the subject site, and the proposed design and siting of the dwelling not responding to the existing character of the neighbourhood.

The application has been assessed to be generally in accordance with the Yarra Ranges Planning Scheme, subject to the conditions. Accordingly, it is recommended that the planning permit application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

## **RECOMMENDATION**

***That Council resolve to approve Planning Application YR-2023/468 for Buildings and works to construct a second dwelling at 7 Huntingdale Drive, Chirnside Park and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.***

## **DISCLOSURE OF CONFLICT OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **CULTURAL HERITAGE SIGNIFICANCE**

The application has been checked against the requirements of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 (Vic) as to the need for a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

## **EXTRACTIVE INDUSTRY**

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

## **HUMAN RIGHTS CONSIDERATION**

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **ENCUMBRANCES ON TITLE**

There are no encumbrances on the Certificate of Title.

## SITE LOCATION AND DESCRIPTION

The subject site is 7 Huntingdale Drive (Lot 990 LP63910), Chirnside Park. The site is located on the north side of Huntingdale Drive, with a rear boundary abuts the court bowl of Simmons Court. The site is rectangular in shape with a total site area of approximately 864 square metres. Topographically, the site incorporates a fall of approximately three (3) metres from the south-west to north-east.

The site is currently used for residential purposes and is developed with a single storey white rendered brick dwelling with dark brown terracotta roof tiles, and a steel garden shed. The rear portion of the site is utilised as private open space.

There is no front fencing, however there is a row of trees and shrubs within the front setback which form a barrier segregating the front boundary from the road reserve, and a large street tree.

An existing drainage and sewerage easement identified as E-1 on the plan of subdivision is along the north and east boundaries of the site. The easement along the east boundary has a width of 1.83 metres, while the easement on the north boundary is 2.44 metres in width.

Access to the site is available from an existing three (3) metre-wide concrete crossover and driveway from Huntingdale Road

Figure 1 provides an aerial view of the land, and Figure 2 a view looking into the site from Huntingdale Drive.



Figure 1: Aerial image of the subject site (Source: Intramaps)



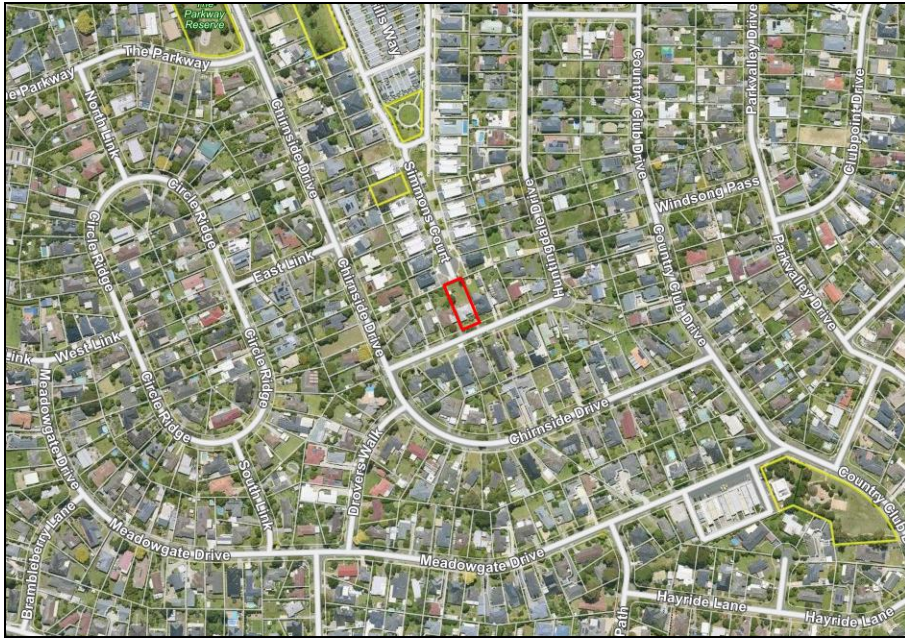
**Figure 2: Street view of subject site from Huntingdale Drive**

## **SURROUNDING AREA**

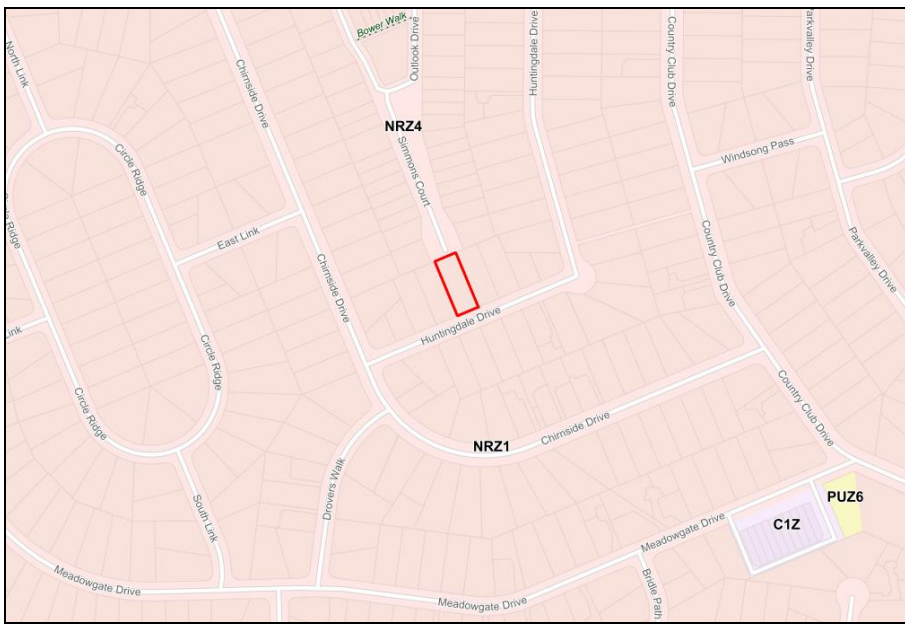
The surrounding area is predominantly zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1) and is characterised by both established and newer residential development. The older established areas have an average lot size of approximately 800 square metres, consisting of single storey brick dwellings, whereas the more recently developed residential lots within the Cloverlea Estate to the north range in size from between 300-600 square metres and consist of double storey brick and clad dwellings. There are some multi-unit developments seen in the area.

Vegetation in the surrounding area is characterised by maintained residential gardens, which consist of a wide range of plantings and smaller trees. Most mature trees are located on Council land in road reserves and public reserves. Figure 3 provides an aerial view of the surrounding area, and Figure 4 the surrounding zoning.





**Figure 3: Aerial Image of surrounding area (Source: Intramaps)**



**Figure 4: Zoning map of surrounding area (Source: Intramaps)**

The subject site adjoins the following properties:

<b>North:</b>	To the north of the subject site is Simmons Court. Simmons Court forms part of the Cloverlea Estate (Chirside Park Country Club Estate) and consists of a range of dwelling typologies. The base of the court bowl is characterised by double storey dwellings with articulated facades.
<b>East:</b>	9 Huntingdale Drive. The site has an area of 863m2 and is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1). The site is used for residential purposes and developed with a single storey brick dwelling with pitched a tiled roof.

<b>South:</b>	The south of the subject site is Huntingdale Drive itself. Opposite Huntingdale Drive are sites also used for residential purposes, zoned Neighbourhood Residential Zone – Schedule 1 (NRZ!) and consisting of single storey brick dwellings.
<b>West:</b>	5 Huntingdale Drive. The site has an area of 863m <sup>2</sup> and is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1). The site is used for residential purposes and developed with a single storey brick dwelling with pitched tiled roof.
<b>Surrounding Community &amp; Commercial Services</b>	<ul style="list-style-type: none"> <li>• Meadow Gate Shopping Centre – 300 metres south-east</li> <li>• Chirnside Park Pre-School – 300 metres south-east</li> <li>• Chirnside Park Shopping Centre – 800 metres east</li> <li>• Victoria Road Primary School – 1 kilometre east</li> <li>• Rolling Hills Primary School – 1.5 kilometres south (opposite Maroondah Highway)</li> <li>• Mooroolbark Secondary College – 2 kilometres south (opposite Maroondah Highway)</li> </ul>

## PROPOSAL

This application seeks permission to construct a second dwelling on the subject land in addition to the construction of a new carport and shed associated with the existing dwelling.

The key aspects of the proposal include:

### **Construction of a Second Dwelling**

The new dwelling would be three-bedroom, double storey in height and would be orientated to front Simmons Court. The dwelling would have a front setback of six (6) metres from the north boundary and is to be of an architectural style similar to that of the dwellings within Simmons Court. Refer to Figure 5 and 6 below.

Vehicle access is proposed from Simmons Court to be constructed to the north-west boundary. To enable the construction of this driveway and crossover, a minor cut and fill will be required to provide a graded surface.

- Total building footprint – 190.35 metres squared.
- Front setback – six (6) metres
- Maximum building – seven (7) metres
- Construction material and colours:
  - Ground floor – Brick (Brown)
  - First floor – Weatherboard cladding (Grey)
  - Roof – Colorbond sheet metal (Woodland Grey)
  - Garage door – Timber (natural colour)

### Works to the Existing Dwelling

The existing dwelling is to remain unchanged, a new carport and shed are proposed.

The new six (6) x three and half (3.5) metre open carport is proposed to be constructed adjacent to the east boundary of the existing dwelling and setback nine (9) metres from the front boundary. The carport will be three (3) metres in height and finished in grey Colorbond.

To the rear of the carport, the new shed is proposed. The shed is to be thirteen square metres and an overall height of three (3) metres.

The following table provides further development details:

Other Details	
Garden Area	48.84%
Site Coverage	40.28%
Permeability	46.22%
Front Fence	No front fences are proposed
Side and rear boundary fencing	Timber paling fences with a maximum height of 1.6 metres.

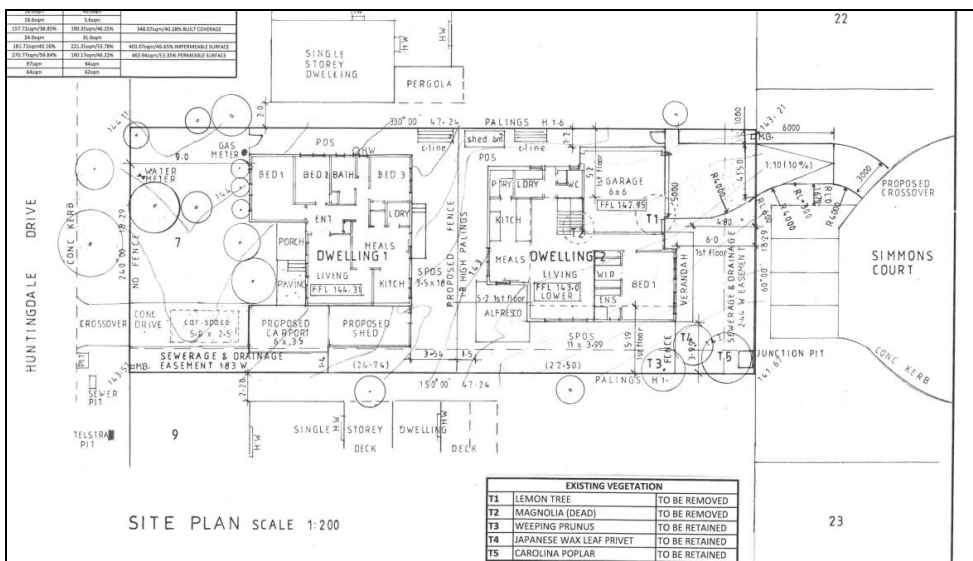


Figure 5 – Site Plan



**Figure 6 : North Elevation of proposed Dwelling.**

A full set of Development Plans and Landscape Plans are provided in Attachment 2 and 3. In addition, to support the planning application the applicants planning report can be found in Attachment 4.

## HISTORY

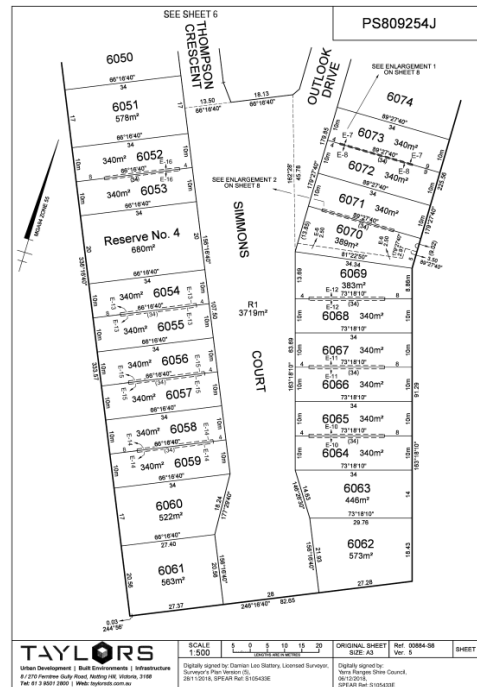
<p><b>Application Number and Decision Date</b></p>	<p><b>YR-2013/978</b> – Buildings and works to construct a dwelling to the rear of the existing.</p> <ul style="list-style-type: none"> <li>• Approved 24 March 2014</li> <li>• Expired 24 March 2021</li> <li>• Development never commenced.</li> </ul> <p><b>YR-2013/978/A</b> – Buildings and works to construct a dwelling to the rear of the existing.</p> <ul style="list-style-type: none"> <li>• Amendment to endorsed plans approved 14 October 2015</li> <li>• Expired 24 March 2021</li> <li>• Development never commenced.</li> </ul> <p><b>YR-2014/826</b> – Two lot subdivision</p> <ul style="list-style-type: none"> <li>• Approved 24 November 2014</li> <li>• Expired 24 November 2020</li> <li>• Subdivision was never acted upon, and no titles were issued</li> </ul>
<p><b>VCAT History</b></p>	<p>None</p>
<p><b>Other History</b></p>	<p>Cloverlea</p> <p>Stage 6 of the Cloverlea Estate approved under</p>



Planning Permit YR-2016/669 which created the subdivision directly abutting the title boundary of the subject site to the North.

The northern boundary affords 7 Huntingdale Drive direct frontage to a Road Reserve vested in Yarra Ranges Council.

The Plan of Subdivision creating Stage 6 does not impose any 'revenge strips' or other reserves to prohibit any access onto the road reserve, Figure 7. ,. Based on the layout of the plan of subdivision registered with the Land Titles Office for Stage 6, affording access onto Simmons Court from the subject site is permissible.



**Figure 7: Stage 6 Plan of Subdivision showing no reserve or restriction along the shared boundary with Simmons Court.**

Based on the registered plans, access from the Road Reserve (Simmons Court) is as of right for the subject site noting Simmons Court is a public road.

**PLANNING CONTROLS**

<b>Zoning:</b>	Clause 32.09 – Neighbourhood Residential Zone – Schedule 1
<b>Overlay:</b>	Clause 42.03 – Significant Landscape Overlay – Schedule 23.

<b>Planning Policy Framework:</b>	<p>Clause 11.01-1S – Settlement.</p> <p>Clause 12.05-2S – Landscapes.</p> <p>Clause 15.01-1S – Urban design.</p> <p>Clause 15.01-2S – Building design.</p> <p>Clause 15.01-5S – Neighbourhood character.</p> <p>Clause 15.01-5L – Neighbourhood character.</p> <p>Clause 16.01-1S – Housing supply.</p> <p>Clause 16.01-1R – Housing supply – Metropolitan Melbourne.</p> <p>Clause 16.01-1L – Housing.</p>
<b>Clause 51.03:</b>	Not Applicable
<b>Schedule to Clause 51.03:</b>	Not Applicable
<b>Particular Provisions</b>	<p>Clause 52.06 – Car parking</p> <p>Clause 55 – Two or more dwellings on a lot and residential buildings</p>
<b>Other Requirements:</b>	Clause 65.01 – Decision guidelines.
<b>Other:</b>	Yarra Ranges Draft Housing Strategy 2023 Cloverlea Estate Design Guidelines

For further information on the planning controls refer to Attachment 5.

## **PERMIT TRIGGERS**

### ***Zoning***

Under the Neighbourhood Residential Zone, pursuant to Clause 32.09-7 a permit is required to construct a second dwelling on a lot.

### ***Overlays***

There are no permit triggers under the Significant Landscape Overlay – Schedule 23.

## **CONSULTATION**

### ***Internal Referrals***

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
<p><b>Development Engineer</b></p>	<p>No objection subject to conditions.</p> <p>Traffic Engineers have reviewed the application including the submitted Traffic Report and submissions and only require amendments to the development plans and submission of engineering documents.</p>	<p>Conditions requiring amendments to plans and submission of engineering documents to be included on any permit include: -</p> <ul style="list-style-type: none"> <li>• Amended development plans requiring the proposed 3-metre-wide vehicle crossing to Simmons Court.</li> <li>• Submission of engineering construction plans showing all car parking, accessways and drainage.</li> <li>• Submission of an engineering inspection report.</li> <li>• Submission of a longitudinal grade assessment of the proposed vehicle crossing to Simmons Court which demonstrate vehicles will not scrape or bottom-out when accessing the site.</li> </ul> <p>Other standard recommended conditions include:</p> <ul style="list-style-type: none"> <li>• Construction of parking areas and vehicle accessways prior to occupation of the second dwelling.</li> <li>• Construction of a concrete vehicle crossing to Simmons Court prior to occupation of the second dwelling.</li> </ul>

		<ul style="list-style-type: none"> <li>• Certification of all civil works prior to occupation of the second dwelling.</li> </ul>
<p><b>Development Engineer (Drainage)</b></p>	<p>No objection subject to conditions.</p> <p>Drainage Engineers have reviewed the application and require amendments to the development plans noting works are proposed over an existing drainage and sewerage easement.</p> <p>Based on the Melbourne Water flood level certificate submitted by the applicant, the property is not subject to flooding from Melbourne Water's drainage system, based on a rainfall event which has a 1% Annual Exceedance Probability (AEP), that being a 1 in 100-year event.</p> <p>As the proposal does not seek to subdivide the land and no common property is proposed, each dwelling is to have a separate stormwater management system contained within their boundary, including detention, stormwater treatment and connection to the approved point of discharge.</p>	<p>Conditions of specific importance to the development to be included on any permit include:</p> <ul style="list-style-type: none"> <li>• Amended development plans requiring notation that a Build over Easement permit is required for works over easements, and notation that separate detention systems are required as per Drainage Engineer request.</li> </ul> <p>Other standard recommended conditions include:</p> <ul style="list-style-type: none"> <li>• Construction of piped drainage to drain all impervious areas incorporating Water Sensitive Urban Design features.</li> <li>• Submission of development stormwater drainage plans and computations.</li> <li>• Construction of stormwater detention systems.</li> <li>• Certification of all civil works prior to occupation of second dwelling.</li> </ul> <p>The following note is also requested:</p> <ul style="list-style-type: none"> <li>• The applicant must apply</li> </ul>

		for a Legal Point of Stormwater Discharge and manage stormwater in accordance with the approved certificate.
<b>Waste</b>	No objection. Have advised the site can support Council kerbside collection.	No conditions required.

***External Referrals***

There were no external referrals required by the planning scheme.

***Public Notification and Consultation***

Notification of the application was undertaken by:

- Placing of 2 sign/s on the land
- Mailing notices to owners and occupiers of adjoining and/or nearby properties
- Placing the proposal on Council’s website for a minimum of 14 days

Number of Objections:

Sixteen (16) objections have been received at the time of publishing this agenda:

- 11 objections are within 100 metres.
- 1 objection is within 500 metres.
- 1 objection is within 1 kilometre.
- 3 objections are from beyond 1 kilometre from the location.

The grounds of objection are summarised as follows:

- Does not meet the Cloverlea Estate Design Guidelines.
- Visual Presentation to Simmons Court.
- Loss of Secondary Driveway at 22 Simmons Court.
- Vehicle Access to Simmons Court.
- Vehicle Traffic.
- Vegetation removal.



- Previous subdivision approvals at 7 Huntingdale Drive should continue to occur.
- Devaluation of property.
- Stormwater Drainage.
- Amenity impacts associated with overshadowing & overlooking.

## **ASSESSMENT/ KEY ISSUES**

The proposal has been assessed against the applicable Planning Policy Provisions, Clause 32.09 Neighbourhood Residential Zone, Clause 52.06 Car Parking, Clause 55 ResCode and Decision Guidelines of Clause 65.01 of the Yarra Ranges Planning Scheme and is considered to be a satisfactory planning response.

The proposed use is “as of right” so the ambit of discretion is limited to the appropriateness of the proposed buildings and works and the degree of compliance with the MPS, the PPF, the objectives of the zone, and the requirements of Clause 52.06 and Clause 55 ResCode.

The matter for consideration in this report is how the proposal meets the provisions of ResCode particular neighbourhood character provisions Clause 55.02-1 & Clause 55.02-5 and access provisions under Clause 52.06 & Clause 55.03-9 Access, which are both met when considering the concerns raised by the objectors as discussed below.

### ***Policy State, Regional and Local***

#### ***Neighbourhood Character***

Clauses 15.01-1S (Urban Design), 15.01-2S (Building Design), and 15.01-5S (Neighbourhood Character) of the Yarra Ranges Planning Scheme require new development to respond to its built form and policy context.

The proposal is consistent with the urban design and neighbourhood character principles at Clause 15.01-1S (Urban Design) Clause 15.01-2S (Building Design), and 15.01-5S (Neighbourhood Character) by achieving architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impacts on neighbouring properties.

While the dwelling is not affected by any restrictions on title, it is noted the dwelling has been designed to reflect the design of existing dwellings within Simmons Court (Cloverlea Estate). These existing dwellings are subject the Cloverlea Estate design guidelines, which set out requirements for the design and siting of dwellings located within the Cloverlea Estate. An assessment of the proposal against the Cloverlea Estate design guidelines has been undertaken below, however as outlined above, the proposed dwelling has been designed regarding these design guidelines.

Overall, the proposal respectfully achieves a high-level design outcome which aids to support the preferred neighbourhood character and therefore supports policy

contained at Clause 15.01-1S (Urban Design), Clause 15.01-2S (Building Design), and Clause 15.01-5S (Neighbourhood Character)

### ***Housing Supply***

In addition to design and siting, planning policy recognises the need to provide increased supplies of housing within areas which have strong access to commercial and community services, public transport, and open space. Clause 16.01-1R provides strategies which seek to encourage increased supplies of housing within areas which have strong access to commercial and community services, public transport, and open space. As noted within the above site surrounds assessment, there is adequate access to nearby public and commercial services and public open space.

As already discussed, the site is located within the Neighbourhood Residential Zone – Schedule 1 which is identified as an ‘Incremental Change Area’ within Local Planning Policy at Clause 16.01-1L, which provides significant policy guidance for residential development in these areas. It is considered the proposal supports Council’s strategies to provide additional housing which has walking distances to

nearby public and commercial services while also supporting a form of development which is consistent with the existing character of the area.

### ***NEIGHBOURHOOD RESIDENTIAL ZONE – SCHEDULE 1 (NRZ1)***

The proposed development would continue to add to the observed diversity of existing housing stocks within the area, providing a new dwelling within a designated incremental change area with good access to services and transport.

The proposed development is considered to respect the existing residential character of the area, noting the proposed dwelling is designed and sited to respect the character of Simmons Court and would also aid to remove the existing ‘blank’ and un-inviting fence currently fronting Simmons Court, as seen at Figure 8 below. The development and replace it with a unique interface to the street frontage.

The dwelling achieves an architectural and urban design outcome that contributes positively to the character of the area. The proposed dwellings front habitable room windows on both levels will provide an active frontage to Simmons Court, which is considered a positive design outcome and will replace the existing 1.8-metre-high timber paling fence located at the base of the court bowl, resulting in a more functional and enhanced interface to the public realm. The proposed dwelling will not make use of highly reflective materials or bright colours, instead opting for muted tones and colours similar to those already adopted within Simmons Court.

The dwelling design includes the use of a sheet metal hipped roof with a pitch of 22 degrees. The metal sheet roof is to be Colorbond Woodland Grey which is a form of prefinished corrugated metal similar to that applied to other dwellings within Simmons Court.



**Figure 8: Simmons Court looking to the rear boundary of the subject site.**

The application is fully compliant with the garden area requirement, and maximum building height requirements of the Neighbourhood Residential Zone.

	<b>Requires</b>	<b>Provides</b>	<b>Complies</b>
Garden Area	Mandatory minimum 35%	48.84%	Yes
Building Height	Building height allowance of 9 metres (maximum 2 storeys)	7 metres (two storeys)	Yes

### ***Landscaping***

The proposal will not involve the removal of any substantial vegetation from the site.

The application is accompanied by a Landscape Plan. The landscape plan shows the setbacks afforded between the proposed dwelling and property boundaries would allow for planting of one canopy tree within the front setback in addition to planting of smaller species along the side boundary.

Additional landscaping is capable of being provided within the front setback in accordance with the requirements of the design guidelines if required.

Should a planning permit be granted, a condition of permit will require landscaping to be undertaken to Council's satisfaction and completed prior to occupation of the second dwelling.

### **Clause 52.06 – Car Parking**

Table 1 at Clause 52.06-5 sets out the car parking requirements that apply to a use listed within the table. Pursuant to Table 1 at Clause 52.06-5, a Dwelling with three (3) or more bedrooms requires that a minimum number of two (2) car parking spaces are provided on site.

Car parking spaces are calculated for each dwelling as per the below table:

<b>Dwelling</b>	<b>No. Bedrooms</b>	<b>No. Parking Spaces Required</b>	<b>No. Parking Spaces Provided</b>
Existing Dwelling	3	2	2
Proposed Dwelling	3	2	2

As observed from the above table, both the existing and proposed dwelling are to be provided two (2) car parking spaces each.

The development plans show the existing dwelling is to be provided with a single width carport and one tandem space, while the proposed dwelling is to be provided a double garage with internal dimensions of six-by-six metres. This development satisfies the car parking requirements specified by Clause 52.06.

### **Vehicle Access to Simmons Court**

The application proposes to provide vehicle access to the proposed second dwelling from Simmons Court. Simmons Court is a public road. Pursuant to Section 9(1) of the Road Management Act 2004, an owner of any land which adjoins a road is entitled to provide as of right access from the road to the land provided the consent of the Council can be obtained.

The proposed driveway and vehicle crossing has been designed in accordance with the design standards of Clause 52.06. Both the development plans and submitted Traffic Report (Attachment 6) demonstrate the proposed concrete driveway is shown to be three (3) metres wide, with an internal radius of four (4) metres and incorporates a gradient (incline) of one in ten (10%). Furthermore, these specifications are consistent with the Cloverlea Estate design standards and surrounding driveways within Simmons Court.

An assessment of the site has revealed a grade difference between the property boundary and Simmons Court. Specifically, there is a fall of approximately 500mm from the north-west to north-east corners of the site. An existing pedestrian footpath traverses the length of the southern boundary of Simmons Court, adjacent to the northern boundary of the subject site, this footpath is near non-trafficable for pedestrians. It is considered that should vehicle access be afforded from the subject site to Simmons Court, conditions will be included on a permit requiring the permit applicant to undertake remediation works within Simmons Court to ensure the existing pedestrian footpath, parking spaces and any associated infrastructure is

retained or reconstructed to Council's satisfaction. The permit applicant has agreed to these requirements should a permit be issued.

Council's Traffic Engineering Department have determined the proposed access to Simmons Court is satisfactory subject to inclusion of the relevant conditions, including the submission of engineering construction plans and longitudinal grade assessments of the proposed vehicle crossing to demonstrate that vehicles will not scrape or bottom-out when entering and exiting the site. While Council's Traffic Engineering Department have provided recommendations about potentially relocating the proposed vehicle crossing within Simmons Court, this is not required as the proposal has already demonstrated access can be provided in accordance with Clause 52.06 and the relevant design standards.

### ***Cloverlea Estate Design Guidelines***

The Cloverlea Estate Design Guidelines do not apply to the subject site and the proposed development as the site was not a lot originally created by the Cloverlea subdivision, therefore the subject site does not have the same restrictions imposed on the title as a lot created by the Cloverlea subdivision would have. The Cloverlea Design Guidelines are contained within Memorandum of Common Provisions (MCP)

AA4210 for these properties. MCP AA4210 is provided as Attachment 7 and the Cloverlea Plan of Subdivision Attachment 8.

An assessment of the proposal against the Cloverlea design guidelines has been made by the applicant as an additional measure to determine whether the proposal responds to the immediate surrounding neighbourhood character. Key design guidelines compliance includes:

- The proposed dwelling has been sited relatively central on the proposed development lot.
- The proposed dwelling has a setback of six (6) metres and a maximum building height of seven (7) metres which is reflective of surrounding dwellings. The design guideline has set the required minimum setback at four (4) metres.
- The proposed dwellings front façade has been articulated consisting of a veranda set forward of the front wall meeting the design requirement of an articulated frontage.
- The proposed design has utilised two distinct materials, including brick at the ground level (refer to Figure 6 above) as required by the design guideline.
- The design has avoided creating a 'board flat walls' to the street frontage as discouraged by the design guidelines.
- The proposed dwellings garage has been setback 6.9 metres from the Simmons Court title boundary which exceeds the minimum setback of 5.5 metres in the design guideline.



- The garage itself has been setback 900 millimetres behind the front wall of the dwelling, therefore complying with the design guidelines.
- The proposed dwelling has not been designed in highly reflective and bright colours for the roof or walls. The roof line design is of a hipped roof with less than a 22-degree pitch.
- No fencing is proposed to Simmon Court being the developments front setback.
- The siting of the proposed dwelling exceeds the combined four (4) metres, side setback requirement, with side setbacks of 5.9 and 1.2 metres.

Based on the above assessment against the design guidelines of the Cloverlea Estate it is considered the proposal has been responsive to the promoted character and siting within Simmons Court.

### ***Clause 55 – Two or More Dwellings on a Lot and Residential Buildings***

Pursuant to the provisions of the Neighbourhood Residential Zone, the proposal must meet the requirements of Clause 55. The application has been assessed against these provisions and found to be compliant subject to the inclusion of information which can be conditioned on a permit. The Officers assessment against the requirements of Clause 55 can be found at Attachment 9.

A discussion of the main considerations of the assessment with regards to the sites interface to Simmons Court is discussed below:

#### *Clause 55.02-1 – Neighbourhood character (Standard B1)*

Standard B1 prescribes:

- 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.

As discussed in detail above, the proposal has been designed to balance the existing and preferred character of both Huntingdale Drive which the existing dwelling will continue to front, and Simmons Court which the proposed second dwelling will front.

The proposal has been designed to balance the existing character of both Huntingdale Drive which the existing dwelling will continue to front, and Simmons Court which the proposed second dwelling will front.

As discussed above, Huntingdale Drive is characterised by predominantly single storey brick dwelling with pitched tile roofs. The existing dwelling will continue to front Huntingdale Drive and will remain unaltered with the exception of the addition of a new carport which is to be setback 9 metres from the road in-line with the main façade. Based on an assessment of the surrounds, carports are prevalent within

Huntingdale Drive and the addition of this structure would aid to complement the character of the neighbourhood.

Given the proposed second dwelling will front Simmons Court, consideration must be given to the design and siting of other existing dwellings located within the court. Overall, it is considered the proposed dwelling is of a high architectural standard and takes inspiration from the existing housing stocks within Simmons Court to support the preferred neighbourhood character. In doing so, the dwellings design also responds to the Cloverlea Estate Design Guidelines as already discussed above, utilising a palette of materials and colours similar to that of 22 Simmons Court.

*Clause 55.02-5 – Integration with street (Standard B5)*

Standard B5 prescribes:

- Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.
- Development should be or
- 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.

The proposed dwelling is orientated to front Simmons Court, which would aid to provide a 'bookend' to the court, noting 1.8 metre timber paling fencing currently exists. The orientation of the dwelling to Simmons Court is considered to directly correlate with the standard and would support a more favourable urban design outcome than what presently exists.

*Clause 55.03-9 – Access (Standard B14)*

Standard B14 prescribes:

- The width of accessways or car spaces should not exceed:
  - 33 per cent of the street frontage, or
  - if the width of the street frontage is less than 20 metres, 40 per cent 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 Transport Zone 2 or a Transport Zone 3 should be minimised.

- Developments must provide for access for service, emergency, and delivery vehicles.

The proposed dwelling has been assessed to meet Standard B14 noting a single crossover and accessway is proposed which will not exceed 40 per cent of the street frontage.

While it is noted the base of the Simmons Court consists of four (4) sealed indented car parking spaces and the proposed crossover would increase the impervious surface area of the base of Simmons Court, given the location of the crossover will not reduce the capacity of existing parking arrangements within Simmons Court it is considered the proposal meets the requirements of this Clause.

### ***Yarra Ranges Draft Housing Strategy 2023***

While not an incorporated document, the application has been considered against the Yarra Ranges Draft Housing Strategy 2023. The strategy is still being drafted by Council Officers following community consultation between October-December 2023.

The subject site is located within a 'Garden Suburban' area, however the proposed second dwelling will front onto a 'Master planned Estate' area.

The proposal is considered to be responsive to the preferred neighbourhood character of both the 'Garden Suburban' and 'Maserplanned Estate' areas, for the following reasons:

- The second dwelling will be provided a front setback which is generally consistent with surrounding dwellings fronting Simmons Court.
- The first floor of the dwelling has been designed to not be bulky, utilising materials and height transitions which are adopted within the surrounds.
- No front fencing is proposed to Simmons Court.
- A new landscaping buffer is proposed between the second dwelling and Simmons Court, in addition to planting of canopy trees,

### ***Response to Submitters concerns***

The following objection concerns are discussed in detail below:

<b>Reason for Objection</b>	<b>Officer Response</b>
Cloverlea Estate Design Guidelines	<p>A main concern raised within submissions related to the subject site not being affected by the Cloverlea Estate Design Guidelines but seeking approval to construct a new dwelling which would front into the estate.</p> <p>It is noted by Council Officers that the Cloverlea Estate Design Guidelines do not apply to 7 Huntingdale Drive.</p> <p>Therefore, any dwelling proposed to be constructed on the</p>

	<p>site does not need to conform with these design guidelines.</p> <p>Despite this, as discussed within this report the proposed dwelling has been designed to respond to these design guidelines.</p>
Visual presentation and frontage to Simmons Court	<p>The applicant is not restricted from proposing to front the second dwelling to Simmons Court.</p> <p>The dwelling has been sited and designed to respect the existing neighbourhood character of Simmons Court and can provide vehicle access to the road in accordance with Clause 52.06 and the associated design standard and Councils standards subject to conditions.</p> <p>Should the proposal be approved, conditions will be placed on permit which ensure that the appropriate remediation works are undertaken within Simmons Court at the applicants cost to ensure an appropriate interface with Simmons Court.</p>
Loss of second driveway to rear of 22 Simmons Court	<p>Based on a site inspection undertaken by Council Officer's, it is noted the existing second driveway providing access to 22 Simmons Court is gravel and has not been approved by Council. Furthermore, the Cloverlea Estate design guidelines state that gravel driveways of any kind are not permitted.</p> <p>A second crossover permit was lodged with Council in February 2024 by the landowner of 22 Simmons Court following the application for the planning permit (WP/2663/2024), The application has place on hold until the planning permit application at 7 Huntingdale Drive has been finalised.</p>
Vehicle access to Simmons Court, including: Excessive noise Safety Parking	<p>The proposed concrete driveway has been designed in accordance with Clause 52.06 of the Yarra Ranges Planning Scheme and relevant design standards.</p> <p>Council's Traffic Engineering Department are satisfied that the addition of a single dwelling to Simmons Court will not materially affect the existing traffic volumes in the street which are already low.</p> <p>With regards to parking, Simmons Court is designed as a 7.3-metre-wide carriageway which is consistent with relevant Standards and guidelines. This width allows for on-street parking on both sides of the road and a single bi-directional travel lane.</p> <p>It is also noted that all 18 properties on Simmons Court have double width garages in addition to tandem driveway parking. Furthermore, there are a total of ten (10) indented</p>

	perpendicular parking spaces on Simmons Court alone. Overall, the development would have very little impact to the on-street parking situation.
Vehicle Traffic	The submitted Traffic Report has detailed that Simmons Court has the capacity to accommodate the traffic generated from one additional dwelling. Council's Traffic Engineering Department consider the addition of a single dwelling to Simmons Court will not materially affect the existing traffic volumes in the street which are already low.
Vegetation Removal	<p>The proposal seeks to remove two (2) trees located within the rear setback of the subject site. Both are exempt from planning permission under the Significant Landscape Overlay – Schedule 23.</p> <p>The application has been submitted with a preliminary landscape plan which shows that the site is capable of providing new landscaping and potential for planting of canopy trees.</p> <p>The site can also accommodate further planting. It is considered reasonable that an amended landscape plan be required as a condition should a planning permit be granted, requiring additional planting onto the site. Specifically, an amended landscape plan condition will require two (2) canopy trees to be planted within the front setback of the proposed dwelling with one of these having the potential to reach a height of ten (10) metres</p>
Previous subdivision approvals at 7 Huntingdale Drive	<p>It is noted two (2) previous planning permits, and an amendment were approved at 7 Huntingdale Drive between 2014-2015. These permits were never acted upon and have subsequently expired.</p> <p>While it is acknowledged that these previous permits had approved access to Huntingdale Drive, it is relevant to note that Simmons Court had not existed at the time of these approvals. Furthermore, Council cannot consider the current applications merits based on previous approvals.</p>
Devaluation of property	Devaluation of property because of the proposed development is not a valid planning consideration under the planning scheme or <i>Planning and Environment Act 1987</i> .
Stormwater impacts	Council's Drainage Engineering department have considered the application with and provided conditional consent. A condition to be included should a permit be issued will require each dwelling to have a separate stormwater detention system which must be constructed and approved by Council prior to occupation. While the application did not require referral to



	Reason for Objection Officer Response Melbourne Water, the applicant has provided the preliminary comments of Melbourne Water. Melbourne Water have advised the site is not subject to flooding from Melbourne Water's drainage system based on a rainfall event which has a one percent Annual Exceedance Probability (i.e., the site is not mapped within an area subject to a 1 in 100-year rainfall event).
Amenity impacts, including: Overshadowing Overlooking	The application has been assessed to comply with the requirement of Clause 55 (Two or more dwellings on a lot or residential building). Specifically:  The submitted shadow diagrams demonstrate the development will not unreasonably overshadow adjoining dwellings and will meet Standard B21 (Overshadowing). The submitted development plans demonstrate the development has been designed to not overlook adjoining dwellings and will meet Standard B22 (Overlooking).

## CONCLUSION

This application has demonstrated that it meets the requirements of the Yarra Ranges Planning Scheme.

The proposal achieves an appropriate design outcome responding to the existing neighbourhood character of the surrounding area, and the site is suitably located in proximity to surrounding community and commercial services. In relation to parking and traffic, it is considered that the proposal will have a minimal impact upon the parking and traffic conditions in the area, providing off-street parking in accordance with the relevant design standards. In relation to privacy and amenity issues, it is not expected that the proposal would lead to any unreasonable impacts.

The development application has been assessed in accordance with Section 60(1) of the Planning and Environment Act 1987 and all relevant instruments and policies. The proposal is consistent with the objectives of State and Local Planning Policies and the relevant zone and overlay provisions of the Yarra Ranges Planning Scheme.

As such, it is recommended that Council resolve to approve a planning permit and a Notice of Decision to Grant a Planning Permit be issued.

## **ATTACHMENTS**

- 1 Permit Conditions
- 2 Development Plans
- 3 Landscape Plan
- 4 Planning Report
- 5 Planning Scheme Policy
- 6 Traffic Engineering Report
- 7 Memorandum of Common Provisions AA4210 (Cloverlea Design Guidelines)
- 8 Plan of Subdivision 809254 (Cloverlea Subdivision Plan)
- 9 Officer's Clause 55 Assessment