

**YR-2023/594 - 443 Maroondah Highway (9 Janson Place), Lilydale - Planning Report**

**APPLICATION DETAILS**

<b>Site Address</b>	443 Maroondah Highway (9 Janson Place) Lilydale
<b>Application No.</b>	YR-2023/594
<b>Proposal</b>	Buildings and works to construct eleven (11) dwellings
<b>Existing Use</b>	Vacant Land
<b>Applicant</b>	Denavi Building Design
<b>Zone</b>	Clause 32.07 - Residential Growth Zone - Schedule 1
<b>Overlays</b>	Clause 43.02 - Design and Development Overlay - Schedule 7 Clause 44.04 - Land Subject to Inundation Overlay
<b>Permit trigger/s</b>	<p>Clause 32.07-6 Residential Growth Zone</p> <ul style="list-style-type: none"> <li>• A permit is required to construct two or more dwellings on a lot.</li> <li>• No permit is required to use the land for a dwelling.</li> </ul> <p>Clause 43.02-2 Design and Development Overlay Schedule 7</p> <ul style="list-style-type: none"> <li>• A permit is required to construct a building or construct or carry out works.</li> </ul> <p>Clause 44.04-2 Land Subject to Inundation Overlay,</p> <ul style="list-style-type: none"> <li>• A permit is required to construct a building or construct or carry out works.</li> </ul>
<b>Particular provisions</b>	Clause 52.06 – Car Parking Clause 55 – Rescode
<b>Other Provisions</b>	Clause 65 – Decision guidelines
<b>Municipal Planning Strategy</b>	Clause 02.03-1 Settlement Clause 02.03-6 Housing
<b>Planning Policy Framework</b>	<p>Clause 11.03-1S – Activity Centres</p> <p>Clause 11.03-1L-01 – Activity Centres - General</p> <p>Clause 11.03-1L-01 Activity Centres – Residential Development</p> <p>Clause 11.03-1L-01 – Activity Centres - Major Activity Centre</p> <p>Clause 11.03-1L-02 – Lilydale Activity Centre</p> <p>Clause 15.01-1S Urban Design</p>

	Clause 15.01-5S Neighbourhood Character Clause 15.01-1L – Urban Design in Activity Centres Clause 15.01-2L – Environmentally Sustainable Development - Policy Guidelines Clause 16.01-1S Housing Supply Clause 16.01-1L – Housing Consolidation Areas
<b>Objections</b>	Three (3)
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	No
<b>Reason for Council Decision</b>	Cost of Development > \$3 million
<b>Ward</b>	Billanook

## SUMMARY

The planning application seeks approval to construct eleven (11) dwellings at 443 Maroondah Highway (9 Janson Place), Lilydale.

The development includes eleven (11) dwellings, and the design response integrates and responds to the constraints of the site and surrounds, including environmental features and hazards. The design respects the existing and developing neighbourhood character, and provides a variety of two-, three- and four-bedroom dwellings in close proximity to Lilydale Activity Centre.

The application was advertised, and a total of three (3) objections have been received. The main grounds of objection are related to car parking, both on the site and within the surrounding street network, safety accessing the site from Maroondah Highway, potential flooding of properties to the north, and removal of trees along the northern boundary.

An assessment of the application against the requirements of the Residential Growth Zone, Design and Development Overlay (DDO7), Land Subject to Inundation Overlay, Clause 55 Rescode and the planning policies has found that the application meets the required standards and is a suitable planning outcome. It is therefore recommended that the application be approved, and a Notice of Decision to Grant a Permit be issued subject to conditions.

## RECOMMENDATION

***That Council resolve to approve Planning Application YR-2023/594 for Buildings and works to construct eleven (11) dwellings at 443 Maroondah Highway (9 Janson Place), Lilydale and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to this 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. It has been assessed that a Cultural Heritage Management Plan is not required.

## **EXTRACTIVE INDUSTRY**

The site is not located within 500m of an extractive industry.

## **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 located at the eastern end of the Janson Place court bowl, accessible from Maroondah Highway via Wynnlea Place. The subject site is particularly described on the Certificate of Title as Lot B on Plan of Subdivision 821059M.

The subject site is an irregular shaped allotment, with a narrow frontage of 10.11 metres to Janson Place, a depth along the southern boundary of 171.96 metres, a depth along the northern boundary of 102.86 metres, and a total site area of 3703.45 square metres. The subject site is currently vacant, with immature shrub planting along the northern boundary. (See figure 1)

The site slopes downward by approximately five (5) metres from east to west across the site. A berm exists along the northern boundary raising this portion of the site marginally. A five (5) metre-wide drainage easement runs east-west across the north of the site. All services are available to the site.

Access to the site is gained via a single vehicle crossover centrally within the frontage to Janson Place.



**Figure 1 – Aerial Photo of Subject Site**

## **SURROUNDING AREA**

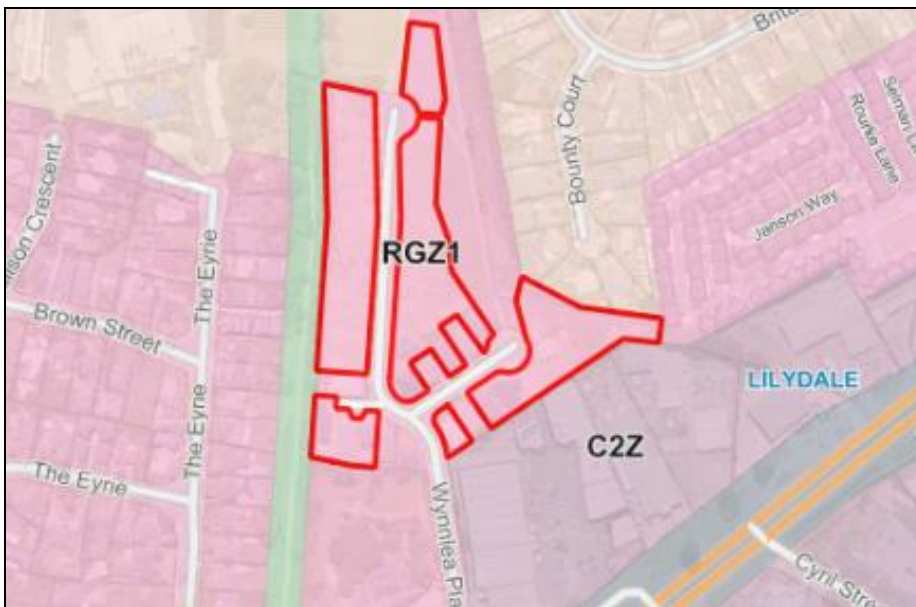
The subject site is located on the eastern edge of Lilydale Activity Centre. The site is directly surrounded to the north, east and west by residential land, whilst to the south is commercial land containing commercial premises.

The surrounding residential area to the north, east and west is characterised by a mixture of detached single and double storey dwellings. To the east are attached double storey dwellings. Limited in-fill development has occurred to the north; however, infill development has occurred further to the west of the site. Residential lot sizes within the immediate area are varied, consisting of a mix of original lots to the north from 900sqm to 1000sqm, while more recent development to the east and west have lot sizes around 400sqm.

The location is well-served by local and community infrastructure and located within the main commercial and civic core of the Lilydale Activity Centre. The site is approximately 750 metres south-west of the centre of Lilydale Township, where both the commercial and civic core are located. (See figure 2 and figure 3).



**Figure 2 – Aerial of the surrounding area.**



**Figure 3 – Zone map of the subject site and surrounds.**

The adjoining properties of the subject site are described as follows:

- North – To the north the site adjoins three (3) residential properties fronting Bounty Court. No.'s 6 and 7 Bounty Court are occupied by single dwellings, whilst No. 8 Bounty Court is occupied by a dual occupancy development. Private open spaces directly abut the shared boundary.
- East – To the east of the site is a retirement village, comprising a mix of single and double storey dwellings fronting an internal private road. Private open space and communal open space for the retirement village directly abuts the subject site.

- South – to the south of the site are commercial premises fronting Maroondah Highway. These sites all have internal car parks.
- West – To the west the site adjoins three (3) properties. No. 12 Janson Place containing a municipal reserve and pedestrian path, and No. 12B Janson Place, a Melbourne Water Drainage Reserve. No. 7 Janson Place is occupied by a single storey dwelling.

## **PROPOSAL**

The proposal involves buildings and works to construct eleven (11) dwellings. (See figure 4-7).

### ***Dwelling Design***

#### Dwelling 1-3

Dwelling 1-3 would comprise a double storey dwelling with ground floor living, three bedrooms at the first floor, balcony, and ground floor private open space.

#### Dwelling 4

Dwelling 4 would comprise a double storey dwelling with ground floor living, two bedrooms at the first floor, balcony, and ground floor private open space.

#### Dwelling 5-8

Dwelling 5 would comprise a double storey dwelling with ground floor living, three bedrooms at the first floor, balcony, and ground floor private open space.

#### Dwellings 9-10

Dwellings 9 and 10 would comprise a double storey dwelling with ground floor living, two bedrooms at the first floor, balcony, and ground floor private open space.

#### Dwelling 11

Dwelling 11 would comprise a double storey dwelling with ground floor living, three bedrooms at the first floor, balcony, and ground floor private open space.

### ***Access arrangement, carparking, visitor parking***

The existing crossover would be replaced with a double width crossover to Janson Place, to provide access to a common driveway extending through the centre of the site.

Dwelling Nos. 1 – 3, 5 – 8, and 11 would be provided with an integrated double garage, to meet the needs of three (3) and four (4) bedroom dwellings.

Dwelling Nos. 4, 9 – 10 would be provided single garages to reflect the two (2) bedrooms provided to these dwellings. All parking and access to the garages would be from the internal accessway.

Three (3) designated visitor car parking spaces would be provided in the north-east corner of the site, at the end of the common accessway. Additional car spaces would also be provided in front of the garages to Dwellings No. 1, 2, 3, 10 and 11.

Refer to Attachment 2 Development Plans and Attachment 3 Planning Report for full details.

### ***Dwelling Characteristics***

The dwellings have the following characteristics:

**Table 1.0 Dwelling details**

	Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Dwelling 5	Dwelling6
Storeys	Two (2)	Two (2)	Two (2)	Two (2)	Two (2)	Two (2)
Front setback	3.595 metres	N/A	N/A	N/A	N/A	N/A
Maximum height of dwelling	8.975 metres	7.98 metres	8.05 metres	7.455 metres	8.755 metres	7.2 metres
Bedrooms	Four (4)	Four (4)	Four (4)	Two (2)	Three (3)	Three (3)
Car parking	Double garage	Double garage	Double garage	Single garage	Double garage	Double garage
Total Private POS / SPOS	POS 251.58sqm SPOS 239.81sqm Balcony 8.35sqm	POS 165.24sqm SPOS 153.18sqm Balcony 8.48sqm	POS 117.55sqm SPOS 110.81sqm Balcony 8.42sqm	POS 114.88sqm SPOS 110.81sqm Balcony 5.86sqm	POS 106.51sqm SPOS 76.97sqm Balcony 10.67sqm	POS 40.13sqm SPOS 40.13sqm Balcony 10.67sqm
	Dwelling 7	Dwelling 8	Dwelling 9	Dwelling 10	Dwelling 11	
Storeys	Two (2)	Two (2)	Two (2)	Two (2)	Two (2)	
Front setback	N/A	N/A	N/A	N/A	9.17 metres	
Maximum height of dwelling	7.19 metres	7.11 metres	6.85 metres	7.09 metres	6.915 metres	
Bedrooms	Three (3)	Three (3)	Two (2)	Two (2)	Three (3)	
Car parking	Double garage	Double garage	Single garage	Single garage	Double garage	
Total POS / SPOS	POS 40.38sqm SPOS 40.38sqm Balcony 10.59sqm	POS 44.34sqm SPOS 44.34sqm Balcony 10.59sqm	POS 50.31sqm SPOS 43.93sqm Balcony 8.3sqm	POS 50.13sqm SPOS 43.75sqm Balcony 8.3sqm	POS 103.02sqm SPOS 75.24sqm Balcony 8.35sqm	

Other Details	
Lot density	1: 336sqm
Site Coverage	33.39 percent
Permeability	44.78 percent
Garden Area	Not applicable in Residential Growth Zone.
Front Fence Details	No front fence proposed.
Common property area	Limited to common accessway, bin enclosure and visitor car parking.
Vehicle access	Single crossover to Janson Place providing access to a common driveway.
External materials and finishes	Walls- Lightweight cladding "Oblique" painted Colourbond Monument. Lightweight cladding "Fine texture" painted Dulux Ghosting. Brickwork in Tribeca red/cream mix or similar. Garage doors- Panel lift in Colourbond Monument Windows and doors – Aluminium in Colourbond Monument Roof – Corrugated metal in Colourbond Monument Driveway- exposed aggregate beige/grey mix (condition to require different colour for private vs common accessway) Fascia, flashings and downpipes – Colourbond Monument or similar

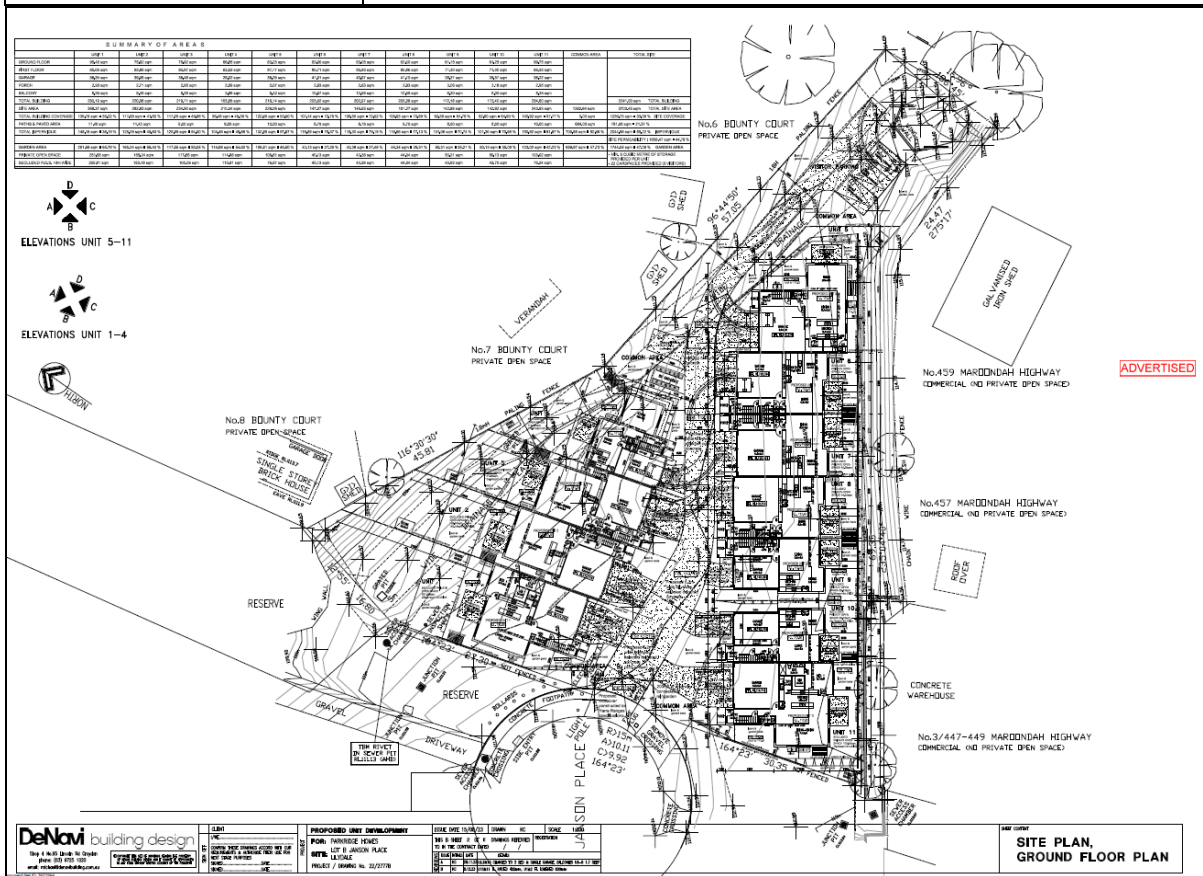
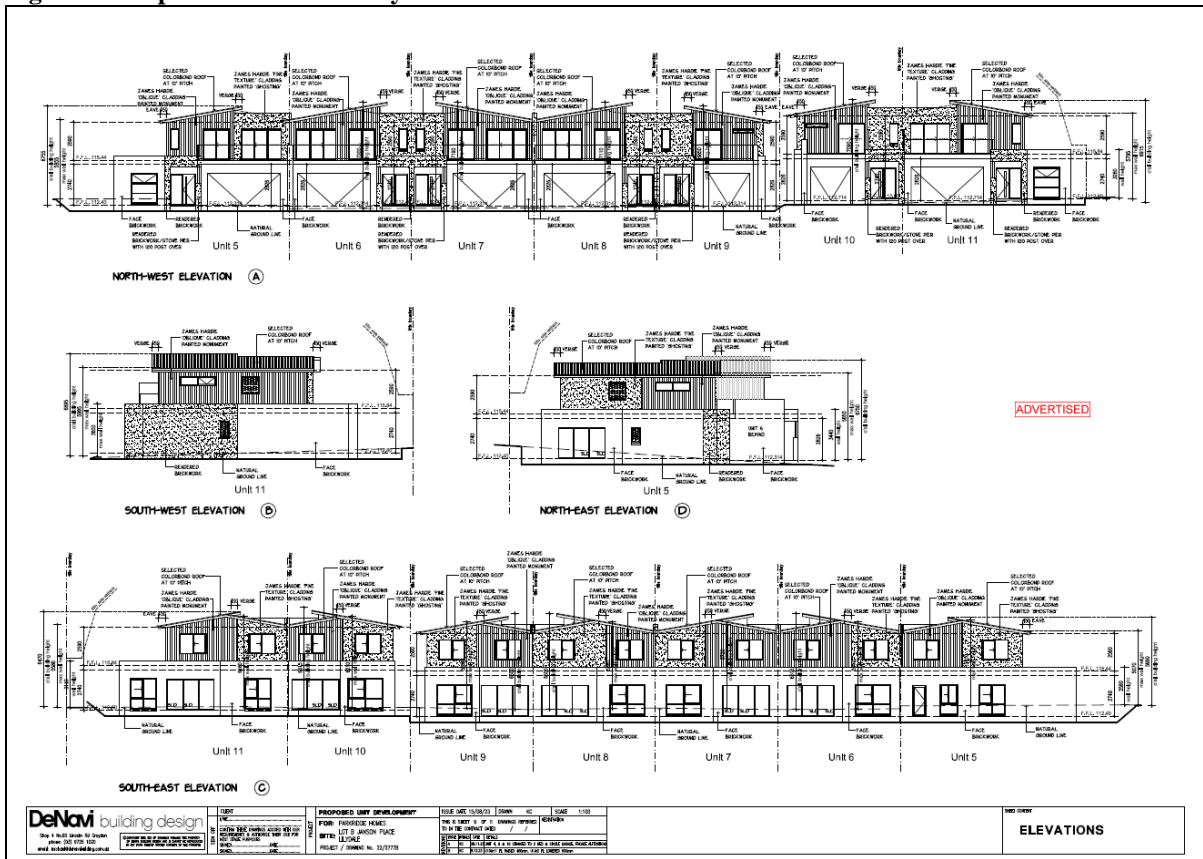
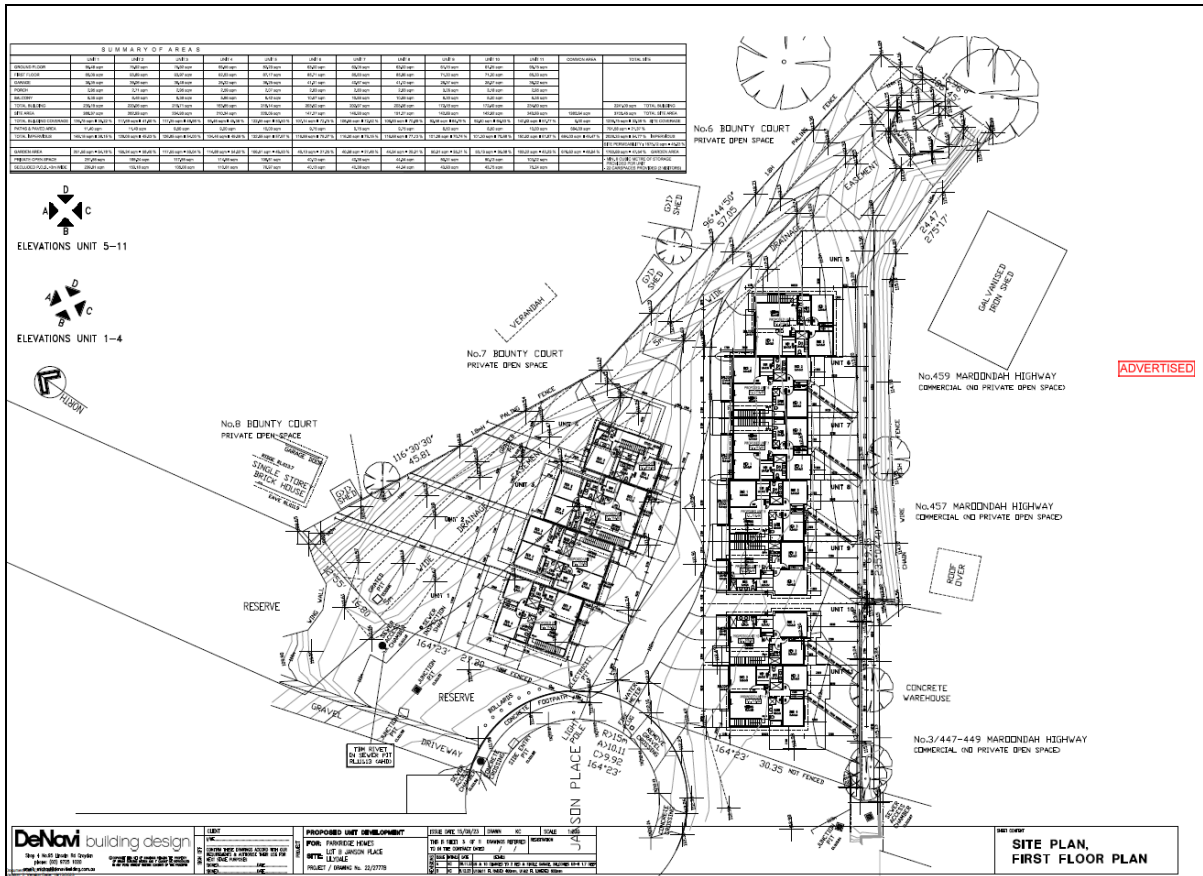


Figure 4 : Proposed Ground Floor Layout





## HISTORY

<b>Application Number and Decision Date</b>	<p>YR-2016/602 - Subdivision of land, associated earthworks, vegetation removal on the Warburton trail and alteration of access to a Road Zone Category 1. Approved – 18 January 2018</p> <p>YR-2014/40 – Earthworks. Approved – 31 March 2014</p> <p>YR-2014/393 – Buildings and works to demolish a section of the existing building and internal restoration and associated tree removal. Approved – 19 August 2014.</p>
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## 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
<b>Drainage Engineering</b>	<p>Consent subject to conditions relating to:</p> <p>Development Stormwater Drainage Engineering Plans</p> <p>Stormwater Management Plan.</p> <p>Maintenance of the easement, keeping it clear of obstructions that may prevent the natural flow of water, including built form, solid surfaces, and paving, maintaining open style fencing.</p>	<p>Condition 1 plans amended to include:</p> <ul style="list-style-type: none"> <li>• maintenance of easement, easement kept clear of obstructions,</li> <li>• fencing style remaining open for Dwellings 1-4.</li> </ul> <p>Condition 10 - Stormwater Management Plan.</p> <p>Condition 12 - Development Stormwater Drainage Engineering Plans.</p> <p>Condition 16 - Section 173 Agreement regarding maintenance of the</p>

		easement.
<b>Traffic Engineering</b>	<p>Consent subject to conditions</p> <p>Comments:</p> <p>Satisfied vehicles can safely and efficiently access garages.</p> <p>Potential for a vehicle to park in the driveway of Unit 5, blocking the Waste Management Truck from manoeuvring to turn around. Redesign vehicle accessway and truck turning area to ensure Waste Management truck can exit the site in a forward direction.</p> <p>NOTE: Applicant submitted without prejudice plan showing accessway modification to address Council concerns.</p>	<p>Condition 1 plans amended to include:</p> <ul style="list-style-type: none"> <li>• Garden beds adjacent to garages to be a maximum height of 150mm.</li> <li>• Amendment of plans in accordance with without prejudice plan submitted for addressing manoeuvring of Waste Truck</li> </ul>
<b>Environmentally Sustainable Development</b>	<p>Consent subject to condition</p> <p>Comment</p> <p>The building roof colour is to be light- medium colours (As per the Building Code of Australia (BCA) definitions) rather than dark to reliver a cooler surrounding microclimate) and help mitigate the overall Urban Heat Island effect. Light external surfaces also result in lower cooling requirements and less air-conditioning use.</p> <p>Commit to full electric building (no gas connection)</p>	<p>Condition 1 plans amended to include:</p> <ul style="list-style-type: none"> <li>• A light-medium roof colour to replace current dark colour.</li> </ul>

<p><b>Strategic Planning</b></p>	<p>Consent subject to conditions.</p> <p>Comments</p> <p>Achieve a 4.0-metre-wide space between Dwelling Nos. 9 and 10 to break up the visual repetition and bulk.</p> <p>Provide a comprehensive landscape plan.</p>	<p>Condition 1 plans amended to include:</p> <ul style="list-style-type: none"> <li>• A 4.0-metre-wide space between the garages to Dwelling 9 and 10, reducing to 2.0 metres wide at the kitchen/dining walls, with minimum setbacks replicated at the first floor.</li> </ul> <p>Condition 3 - a landscape plan demonstrating canopy tree provision the front setback.</p>
<p><b>Urban Design and Landscaping</b></p>	<p>Consent to development.</p> <p>Comments</p> <p>Explore semi-transparent fencing treatments to increase activation of the street frontage.</p> <p>Achieve a 4.0-metre-wide space between Dwelling No.'s 9 and 10 to break up the visual repetition and bulk.</p> <p>Provide a comprehensive landscape plan.</p>	<p>Condition 1 plans amended to include:</p> <ul style="list-style-type: none"> <li>• No fencing forward of the Dwellings 1 and 11, along the Janson Place frontage.</li> <li>• A 4.0-metre-wide space between the garages to Dwelling 9 and 10, reducing to 2.0 metres wide at the kitchen/dining walls, with minimum setbacks replicated at the first floor.</li> </ul> <p>Condition 3 - A landscape plan demonstrating canopy tree provision the front setback.</p>
<p><b>Waste</b></p>	<p>Consent to development.</p> <p>The waste management plan is satisfactory as the site can support collection by private collection. The waste management plan should be conditioned and endorsed as</p>	<p>Condition 13 - endorsement of the waste management plan.</p>

	part of the planning permit.	
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**Section 55 External Referrals**

This application was referred to the following statutory referral authority for advice on particular matters. The following is a summary of the relevant advice:

<b>Referral Authority</b>	<b>Summary of Response</b>	<b>Summary of Conditions</b>
Melbourne Water (Determining referral authority)	Consent subject to condition.  Confirmation was provided by Melbourne water that: <ul style="list-style-type: none"> <li>As per Melbourne Water Conditions on permit YR-2016/602, site has been filled to a minimum of 600mm above the floor level and thus is not subject to flooding from Melbourne Water’s drainage system.</li> </ul>	Condition 15. Prior to the commencement of works a separate application to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water’s drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considered that it is not feasible to connect to the local drainage system
EPA (Recommending referral authority)	Consent	No conditions required.  An assessment of the land was undertaken as part of the previous subdivision permit application and an Environmental Audit provided as a condition of permit.

**Public Notification and Consultation**

Notification of the application was undertaken by:

- Placing of one (1) sign 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

Advertising was from the 10 January 2024 to the removal of the sign on site on 29 January 2024.

Number of Objections: Three (3) objections received.

The main grounds of objection include the following:

- Inadequate parking provided on site.
- Vehicles parking on the street or Maroondah Highway.
- Safety exiting onto Maroondah Highway when vehicles are parking on the street.
- Potential flooding of properties to the north from Melbourne Water drain.
- Removal of existing trees along northern boundary adjacent to easement.

## **ASSESSMENT**

The application meets the purposes of the relevant zone, overlays and policies and is a reasonable example of townhouse development in an appropriate location within an Activity Centre. Policies relating to the Residential Growth Zone, Design and Development Overlay – Schedule 7 and the Lilydale Activity Centre aim to provide an increase and variety of housing close to shops, public transport, and other services, to cater for a range of housing needs in the community. The application achieves this, as will be described further in this report. For further information on the Planning Scheme provisions refer to Attachment 4.

There is strategic justification for a higher density residential development on the subject site because of its location within a residential precinct of a major activity centre and the site's location within a Residential Growth Zone. The proposal generally satisfies the standards set out in Clause 55 (ResCode) as well as the design standards set out in the Design and Development Overlay – Schedule 7 (DDO7) and Clause 52.06 – Car parking. It complies with the majority of the standards set out in the Yarra Ranges Multi-Residential Design Guidelines. Design issues will be discussed in more detail below.

### ***Strategic Framework***

Clause 02.03-6 'Housing', Clause 11.01-1S 'Settlement' and Clause 16.01 'Residential Development' of the Planning Scheme, encourage increased density in areas that are well serviced by infrastructure and community services. This ensures efficient use of infrastructure and supports Council's preference to focus new housing into more sustainable and appropriate locations, while protecting established residential areas that have more environmental constraints and are remote from services and facilities.

Clause 16.01-1L identifies the site as situated within a consolidation area, where higher density developments and housing diversity are encouraged. This is supported by Clause 02.03-1 'Activity Centres', Clause 15.01-1L 'Urban design in activity centres', Clause 11.01-1L-01 'Activity Centres' and Clause 11.03-1L-02 'Lilydale Activity Centre'.

Clause 11.03-1S – Activity Centres, encourages 'a diversity of housing types at higher densities in and around activity centres', and 'build up activity centres as a focus for high-quality development. In particular, the policy among other things,

encourage to “provide different types of housing, including forms of higher density housing” in and around activity centres.

Clause 02.03-1 categorises Lilydale as a Major Activity Centre, with Lilydale required to accommodate increases in housing density and housing variety close to the core retail and transport district. Clause 11.03-1L-02 ‘Lilydale Activity Centre’ provides strategic direction for development, with residential precincts to ‘encourage residential development that is diverse in size and scale affordable and accessible’. The zoning of the subject site as Residential Growth Zone reflects the policy direction set by Clause 11.03-1L-02.

The Lilydale Activity Centre is an important employment hub and a key location for convenience shopping, education, and other commercial functions in the municipality and the wider region. The subject site is located within the Residential Precinct of the Lilydale Activity Centre.

The Shire of Yarra Ranges Housing Strategy (May 2009) identifies that the Lilydale Activity Centre offers significant opportunities to provide for additional housing. Medium density housing is scattered throughout these residential precincts, although some areas contain valued neighbourhood characteristics that limit the scope for extensive redevelopment.

Clause 15.01-2S ‘Building Design’ encourages development that ‘responds and contributes to the strategic and cultural context of its location’. Development is encouraged to contribute to the local context and minimise impact on neighbouring properties. The proposal has been designed to sit within the natural topography of the area. The overall massing and scale are an acceptable outcome within this consolidation area.

### ***Design Response***

The development is appropriately sited and designed in accordance with the requirements of Clause 55 (ResCode), and the Council adopted Yarra Ranges Multi-Residential Design Guidelines. The guidelines provide guidance on a range of relevant design issues including built form, setbacks, landscaping, amenity, and parking, and are aimed at improving urban design outcomes and consistency with residential neighbourhood character. The guidelines provide criteria and guidance as to what good design outcomes can be achieved when accommodating and encouraging higher density development in residential areas.

The Yarra Ranges Planning Scheme also includes a range of more specific built form requirements in the Design and Development Overlay – Schedule 7. A more detailed built form assessment is provided below in this report.

The subject site is located at the head of a court bowl, with a particularly narrow frontage of 10.11 metres to Janson Place that is part of a wider western boundary of more than 80 metres. Given the limited street frontage and shape of the site, dwellings generally front the internal common accessway, and reduced setbacks to the street frontage proposed. Dwellings No. 1 and 11 respect the Janson Place frontage by placing porches on the corner of the dwellings. This is an appropriate

outcome given the constraints of the site and the opportunity for an appropriate level of landscaping within the front setback, including the provision of canopy trees.

All setbacks and wall heights meet the requirements of Standard B17 of Clause 55. A rear setback of 3.04 metres is proposed. A minimum setback of 4.7 metres to the northern boundary is considered acceptable in Residential Growth Zone where higher densities are encouraged.

No walls are proposed on boundaries. A minimum 1.2 metre setback is proposed for Dwelling one (1) to the western boundary, and a minimum 1.0 metre side setback is proposed for Dwelling eleven (11) along the western boundary. These setbacks are smaller than the preferred two (2) metre minimum preferred by the Yarra Ranges Multi-Residential Design Guidelines but are balanced by the articulation in the west elevation and angle of the west boundary in relation to the Dwelling eleven (11), and the public reserve land use adjacent to Dwelling 1.

A minimum 2.0 metres separation has been provided between Dwellings nine (9) and ten (10) to break up the visual bulk of the built form when viewed from the internal accessway and from Janson Place. Balconies provide visual interest along the internal accessway, activating the space. First floor footprints are generally recessed except for along the internal accessway. Additional interest is provided by introducing different finishes and colours, maintaining a muted pallet and utilising brick and vertical cladding for most surfaces, with elements of render to accent and provide visual interest.

Private open space has been provided as balconies or ground floor open space. Each balcony, with the exception of Dwelling four (4), meets Standards B28 and B29 of Clause 55 in terms of dimensions. A solid wall is proposed between balconies to provide privacy. If a permit to be issued, a condition will be included to ensure that air conditioning units will be prohibited on balconies to maximise the available space for leisure. All dwellings also have adequate ground level open space that meets Standards B28 and B29 of Clause 55 in terms of dimensions and area.

Dwellings have been designed with a combination of skillion and flat roof forms. Although these roof forms are not the more traditional gabled or hipped style like found on many of the dwellings in the surrounding area, the proposed angle matches the angle on many nearby dwellings, providing a contemporary response to a traditional roof form.

The existing crossover will be removed, and one double width crossover will be constructed on Janson Place to provide access to all Dwellings. This location will not impact on-street car-parking or street trees. The common accessway surface is proposed to be coloured concrete, with exposed aggregate concrete for private driveways to break up the extent of hard surface and delineate between public and private realms.

A landscape plan will be required as a condition on the permit is issued. Canopy trees will be required throughout the development, particularly within the front setback, common areas and private open space of each dwelling. Screen planting will be required, particularly along the northern boundary. Landscape design will



need to respect the easement to avoid canopy trees, but can accommodate shrubs, ground covers and grass planting.

### ***Neighbourhood Character***

The construction of eleven (11) double storey attached and semi-detached dwellings reflects emerging built form character that is encouraged in the Residential Growth Zone. Whilst the surrounding development in Janson Place are single dwellings on smaller allotments, the neighbourhood character of the wider area is changing, particularly further to the west where development of similar intensity is occurring.

It is noted that the Residential Growth Zone is unlike other residential zones that seek to protect and enhance existing neighbourhood character. Rather, the Residential Growth Zone is where substantial change to the existing character is anticipated, effectively establishing a new character for the area.

The built form has responded to the constraints and shape of the site by providing one common accessway for all dwellings, visual breaks within the development, generous setbacks to the adjoining properties to the north which are zoned Neighbourhood Residential, providing adequate visual separation from adjoining residential land uses, and opportunities for landscaping throughout the development to further soften the interface.

### ***Land Subject to Inundation Overlay***

The subject site is subject to inundation in the north-west corner of the site extending to the Janson Place frontage. The application was referred to Melbourne Water for comment. Melbourne Water stated the following:

*The subject property is not subject to flooding from any Melbourne Water asset as the site has been filled to a minimum 600mm above the 1% Average Exceedance Probability (AEP) flood level.*

It is considered with respect to Melbourne Water assets the site is not at risk of inundation.

Drainage concerns with regards to Council assets are discussed in a later section of this report.

### ***Design and Development Overlay Schedule 7***

The subject site and surrounding land zoned Residential Growth Zone are subject to the controls of the Design and Development Overlay Schedule 7. The Overlay sets out design guidelines for new development relating to building form, design and layout, driveways and car parking, and landscaping. Section 2.0 of the Schedule refers specifically to 'Lilydale Activity Centre Residential Areas', providing guidance on appropriate design outcomes under the Overlay.

The proposal, as per the development plans, is a reasonable demonstration of the design objectives of the Overlay. The appearance of the streetscape will be enhanced by Dwellings one (1) and eleven (11) addressing both Janson Place and the internal accessway, and open space for canopy plantings and new gardens in

the site frontage. The overall heights of the dwellings are substantially less than what the Overlay schedule anticipates, and the proposed two-storey form in this area is appropriate.

The development has a maximum building height of 8.07 metres from the natural ground level. For a site of this size (3703.45 square metres), Schedule 7 of the Overlay contemplates a maximum building height of eleven (11) metres. and promotes developments that respect the existing streetscape, encourage the protection of amenity of existing buildings and ensuring new buildings have an appropriate transition of scale and forms to buildings on adjacent lots. The modest height and scale of the development is indicative of the proposal's desire to blend in with the existing surrounds without being visually obtrusive.

The existing style of development in Janson Place, all built within the past two years, is based on dwellings generally having a small setback to the street boundary, with a driveway accessing a garage within the front façade. The proposal demonstrates and increase in density on existing development within Janson Place, a reduction in spacing and shift to an attached style of housing. The proposal respects the existing housing within Janson Place as the development's narrow frontage with two dwellings with aspects fronting Janson Place maintains the rhythm. There will be no walls on boundaries, emphasising that the proposal sits comfortably within the site and is not an overdevelopment.

The development would provide one cross over to access a common accessway through the centre of the site. Garages have been set behind dwelling porches and entries where possible, with appropriate turning circles to allow vehicles to enter and exit the site in a forward motion.

Three (3) visitor parking spaces are located to the rear of the site. Given the unusual shape of the site it is deemed a reasonable location for visitor parking and maximises a space that would otherwise be undevelopable due to the easement and wing wall. The location of the visitor car parking over the easement is supported subject to conditions.

The proposed minimum front setback is four (4.0) metres. The setback of dwellings within Janson Place varies from three (3.0) to six (6.0) metres. While the proposed setback is minimal, it is generally in keeping with the varied front setbacks of the streetscape and is appropriate.

The proposed building style, including skillion and flat roof forms and cantilevered balconies, is a contemporary take on more traditional built form. First floor footprints are recessed or articulated, to avoid sheer two storey walls and reduce visual bulk when viewed from adjoining properties and sensitive interfaces. The inclusion of balconies as a cantilevered element adds visual interest to the internal accessway elevations, providing articulation and breaking up the visual bulk, whilst recessing the garage beneath. A visual break is provided between Dwellings nine (9) and ten (10), to allow for landscaping and reduce the repetitive nature of buildings along the southern side of the common accessway. The combination of no front fence forward of Dwellings one (1) and eleven (11), and landscape treatment across the site is appropriate. The front gardens of Dwellings one (1) and eleven (11) will allow for canopy tree planting and softening of the dwellings when viewed from McComb

Street. Overall, the development offers landscape opportunities in both the common property and private open space for the development. A condition of the permit will require screen planting of shrubs along the north boundary due to the north boundary interfaces with adjoining properties.

The design of the driveway and generous setbacks of most dwellings from the driveway allows for an acceptable level of planting. The driveway surfaces will be broken up by using two different concrete finishes with the common accessway to be coloured concrete, and the shorter driveways to be exposed aggregate. This outcome helps to define private property vs common property and also provides a visual break.

### ***Rescode (Clause 55)***

Pursuant to the Residential Growth Zone, a development for two or more dwellings must meet the requirements of Clause 55. A detailed assessment of the proposal against the objectives and standards of ResCode is included in Attachment 5 for Clause 55.

### ***Council's Multi-residential Guidelines for Townhouses***

It is considered that the application has suitably addressed the Yarra Ranges Multi-Residential Guidelines for Townhouses. A detailed assessment is included in Attachment 6 however some key considerations showing how the proposal complies include:

- The development includes breaks in the built form, dividing the built form into three (3) structures across the site.
- Materials and colours proposed are contemporary, and suitable to the area. Each dwelling would be visibly definable.
- The proposal offers significant landscaping opportunity, providing for planting in the front setback, along the driveway and in the rear private open space of each dwelling.

The built form is split into three across the site, with visual breaks offering landscaping opportunities and softening of repetitive nature of townhouse development. The balconies are proposed to be cantilevered elements in the built form, however, are setback from the common driveway to maintain a sense of openness within the public realm. The proposal complies and exceeds side and rear setback requirements, with no walls on boundaries and generous setbacks to the neighbourhood residential zoned land to the north of the site.

### ***Site Drainage***

The subject site contains a five (5.0) metre-wide drainage easement set off the northern boundary of the site, from a wing wall in the north-east corner of the site to a second wing wall located in the adjacent site to the north-west. One (1) submission was received by Council with concerns regarding flooding of properties located in Bounty Court, to the north of the drainage easement within the subject site due to ongoing blockages of the eastern wing wall and drainage system.

The application was referred to Council's Drainage Engineers to provide a response to both the suitability of the proposed development, and to the concerns of flooding raised in the submission.

Under YR-2016/602 for the 36-lot subdivision that created the subject site, external catchments contributing to flows through the site in addition to the flows generated from the site were considered. As a result of the subdivision permit, the following drainage systems were constructed:

- A new Melbourne Water drainage system to cater for the external catchment and development land. This system caters for 1 percent Average Exceedance Probability (AEP). This pipe runs in a north-south direction parallel and west of with the western boundary of the subject site, connecting to the wing wall north-west of the subject site.
- A Council drainage system was to drain an external catchment from the east. This system caters for 1 percent AEP. This pipe is within the easement that traverses through the nine, 90 Jansen Place (See figure 7).

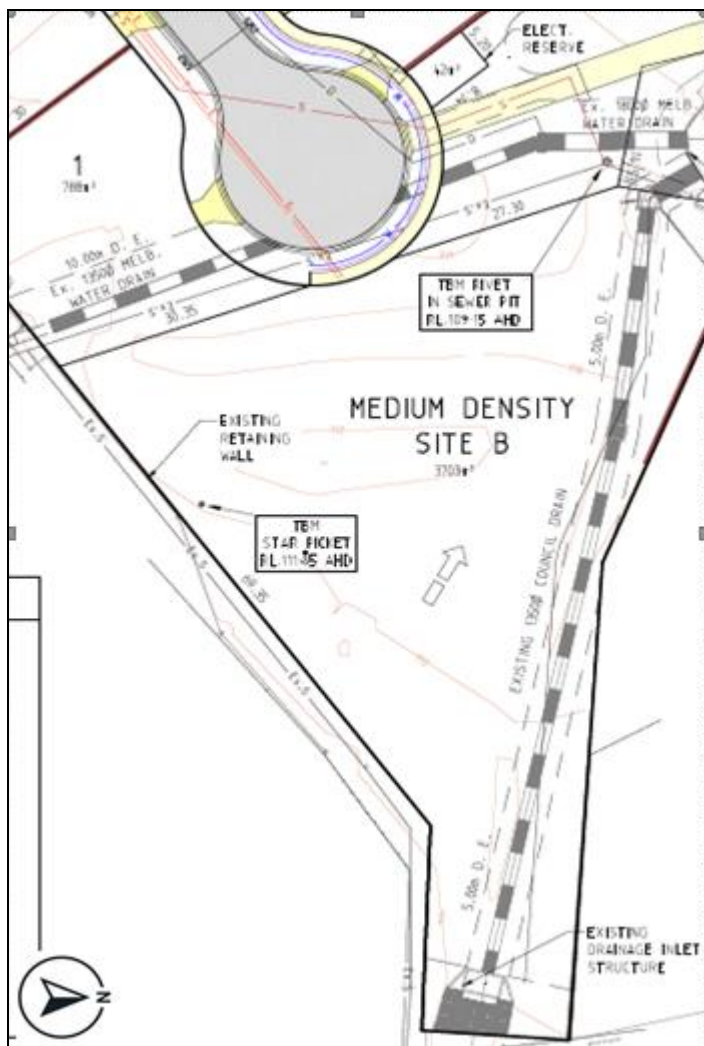


Figure 7- Existing Drainage Infrastructure

This drainage system provided on the site and within the subdivision is considered by Council's Drainage Engineers as more than adequate for the existing and proposed conditions and has been designed to cater for 1:100-year flood events.

In response to the submission, Council's Drainage Engineers were able to add the wing wall and inlet structure on the subject site to a proactive maintenance program by Council's Maintenance Team, for maintenance and clearing on a quarterly basis. In addition to the quarterly maintenance by Council, conditions have been requested to be placed on the permit to ensure the overland flow through the easement is not obscured and maintained clear of structures. This will include no cut or fill and no hard surfaces or solid structures within the easement, and all fencing to Dwellings one to four will be open at the base to allow for unobstructed overland flow within the easement. The earth bund along the northern side of the easement will also be increased as a condition of permit, to retain any flooding within the drainage easement and further protect properties within Bounty Court and the subject site. The berm height requirements will be determined through detailed engineering design required which will be required by condition of the permit. Apart from the works required by the application, Council's infrastructure team have identified upgrades to the inlet structure and vegetation removal to assist with preventing future blockages of the drain during heavy rain events. These Council's works are expected to be completed within the next ten weeks.

A Section 173 Agreement will be included as a condition if a permit is issued, to ensure the ongoing maintenance of the drainage easement and system to prevent obstructions and blockages.

The subject site is covered by a Land Subject to Inundation Overlay. As noted above, confirmation from Melbourne Water states that inundation from Melbourne Water assets will not occur from the site as the site has been filled to a minimum 600mm above the 1% Average Exceedance Probability (AEP) flood level, negating flooding concerns.

### ***Traffic and Car Parking***

The proposal satisfies the requirements of Clause 52.06 of the Yarra Ranges Planning Scheme, with regards to the car parking requirement for each dwelling and exceeds the visitor car parking requirement of the Planning Scheme.

As listed in the Table one (1) to Clause 52.06-5, two car spaces are required for a dwelling with three or more-bedrooms, one (1) car parking space is required for everyone (1) or two (2)- bedroom dwelling and one (1) visitor car space is required for every five (5) dwellings.

The proposal comprises eleven (11) dwellings, consisting of three (3) two-bedroom dwellings, five (5) three-bedroom dwellings and three (3) four-bedroom dwellings, as such requires a minimum of 19 resident car spaces and two (2) visitor car spaces. Each two-bedroom dwelling is to have a single garage and each three and four-bedroom dwelling is to be provided with a double garage. Three visitor car spaces are provided – in the north-east corner of the site.

Council's Traffic Engineers have provided comment regarding the turning radius for garages, and all comply with the Clause 52.06-9. A condition will be placed on the permit to limit landscaping in garden beds adjacent to all garages to a maximum height of 150mm, to not obstruct vehicle movements. A double width crossover and passing area has been provided within the common accessway adjacent to the front boundary. Appropriate splays will be required to the north and south of the common accessway at the Janson Place boundary as a condition to ensure that drivers exiting the site can view traffic and pedestrians in Janson Place.

Council's Traffic Engineers raised concerns regarding vehicle turning circles provided for the waste collection trucks, and the potential for conflict with any vehicle that may park within the driveway of Dwelling 5. Whilst a tandem car space has not been shown on the plans, it is likely given the dimensions of the space that a vehicle may on occasion park in this location. As such, the Waste Truck would not be able to perform the required movements to exit the site in a forward direction. Condition 1, of the proposed permit, will require that the common accessway be widened and the turning bay provided be relocated to accommodate the turning requirements of the waste collection trucks.

### ***Waste Collection***

The application included a Waste Management Plan, available at Attachment 7 which shows that the site will use a private waste collection service with bins to dwelling Nos. 4, 6-10 collected from the bin area adjacent to Dwelling 4, and the remainder collected to the front of each Dwelling. The plan has been assessed by Council's Waste Management Department who consider the plan satisfactory. Condition 13, of the proposed permit, will require the approved plan to be implemented.

### ***Environmentally Sustainable Development***

For a development of 11 dwellings, a Sustainable Design Assessment is required to demonstrate how the proposal incorporates sustainable design initiatives that respond to the objectives of the policy.

The planning application includes the submission of a Sustainable Design Assessment (SDA) which has calculated that the current proposal achieves a BESS (Built Environment Sustainability Scorecard) score of 'Best Practice'. Refer Attachment 8.

The report is recommended to be endorsed under the planning permit with a condition requiring that before occupation of the dwellings, all measures specified in the SDA must be confirmed to have been implemented in accordance with the approved documentation.

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

The application has been advertised and three (3) objections have been received. A summary of key themes of objections and a response to respective concerns is provided under the table below.

<p>Inadequate parking provided on site.</p>	<p>The development would provide for private car parking at a rate consistent with the requirements of Clause 52.06 of the Yarra Ranges Planning Scheme. In addition, a surplus car spaces would be provided in each of the driveways of Dwelling Nos. 1 – 3, 10 – 11. Three (3) dedicated visitor spaces have been provided to the rear of the development. Signage will direct visitors to the car parking.</p>
<p>Vehicles will park on the street or Maroondah Highway.</p>	<p>Car parking can only be requested at the rates outlined in Clause 52.06. This application provides car parking above the required rate. Vehicles can park in the street and Maroondah Highway if permitted to do so and following all appropriate parking restrictions.</p>
<p>Safety exiting onto Maroondah Highway when vehicles parked on street.</p>	<p>The subject site is part of a larger subdivision with a single access point to Maroondah Highway. As with any such arrangement, there is potential for congestion particularly during peak times as vehicles enter and exit the subdivision. Council would have considered safety of the access to Maroondah Highway at the time of subdivision, knowing that the land would be developed for residential purposes.</p>
<p>Potential flooding of properties to the north from Melbourne Water drain.</p>	<p>The drain questioned in this concern is a Council asset and not a Melbourne Water asset, and as such is to be maintained as appropriate by Council. Council's Drainage Engineers have implemented a maintenance plan for the drain. In addition, the development will be required to ensure no built form within the easement within secluded private open spaces, except for fencing so long as the fencing is open at the bottom to allow for overland flows. The existing earth bund will also be increased in height along the northern boundary to further limit overflow into adjoining properties.</p>
<p>Removal of existing trees along northern boundary adjacent to easement.</p>	<p>The removal of trees along the north boundary did not require a planning permit. A landscape plan has been provided as</p>

	part of the development which has required screen planting particularly along the northern boundary to replace vegetation being removed. Replacement planting to be planted at a mature size of two metre minimum height so as to provide almost immediate impact.
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## **CONCLUSION**

The development application has been assessed in accordance with Section 60(1) of 'The Act' and all relevant instruments and policies. The proposal is consistent with the objectives of state planning policies, local planning policies and the relevant zone and overlay provisions of the Planning Scheme. As such, approval is recommended.

## **ATTACHMENTS**

- 1 Proposed Conditions
- 2 Proposed Development Plans
- 3 Planning Report
- 4 Planning Scheme Provisions
- 5 Clause 55 Assessment
- 6 Multi-Unit Development Guidelines Assessment
- 7 Waste Management Plan
- 8 Environmental Sustainable Design Management Plan