

## **YR-2024/269 - 7 Ryrie Street, Healesville - Planning Report**

### **APPLICATION DETAILS**

<b>Site Address</b>	7 Ryrie Street, Healesville
<b>Application No.</b>	YR-2024/269
<b>Proposal</b>	Buildings and works to construct a second dwelling, construct a carport to existing dwelling, two lot subdivision and removal of vegetation.
<b>Existing Use</b>	Dwelling
<b>Applicant</b>	Paul Meenks
<b>Zone</b>	Clause 32.09 - Neighbourhood Residential Zone Schedule 2
<b>Overlays</b>	Clause 44.06 - Bushfire Management Overlay Schedule 1 (BMO1) Clause 43.02 - Design and Development Overlay Schedule 6 (DDO6) Clause 42.03 - Significant Landscape Overlay Schedule 22 (SLO22)
<b>Particular Provisions</b>	Clause 52.06 – Carparking Clause 53.18 – Stormwater Management in Urban Development Clause 55 – Two or more dwellings on a lot and residential buildings. Clause 56 – Residential Subdivision
<b>Objections</b>	28 (includes two petitions with the same signatories)
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	No
<b>Reason for Council Decision</b>	More than 10 objections
<b>Ward</b>	Ryrie

## SUMMARY

The proposal is for buildings and works to construct a two storey dwelling at the rear of existing dwelling on the land, construct a new carport for the existing dwelling, a two-lot subdivision and removal of vegetation. The proposed dwelling is a three (3) bedroom with two carparking spaces to be provided.

The application has undertaken multiple design amendments with subsequent multiple public notification processing. The application received twenty-eight (28) objections submissions. The key concerns raised relate to overdevelopment, loss of amenity, tree removal, height and scale, overlooking, possible AirB&B/short term accommodation use, parking and traffic and inaccuracies on the development plans.

Overall, the proposed development achieves an acceptable response to the relevant planning policies including the Planning Policy Framework, Zone, Overlays and provisions of the Yarra Ranges Planning Scheme.

## RECOMMENDATION

***That Council resolve to approve Planning Application YR-2024/269 for buildings and works to construct a second dwelling, construct a carport for the existing dwelling, two lot subdivision and removal of vegetation at 7 Ryrie Street, Healesville 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 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 addressed at 7 Ryrie Street, Healesville, and formally known as (Crown Allotment 16 Section E township of Healesville, Parish of Gracedale). The subject site is located approximately 45 metres north of Harker Street and 145 metres from High Street to the south, on the western side of Ryrie Street (**Error! Reference source not found.**).



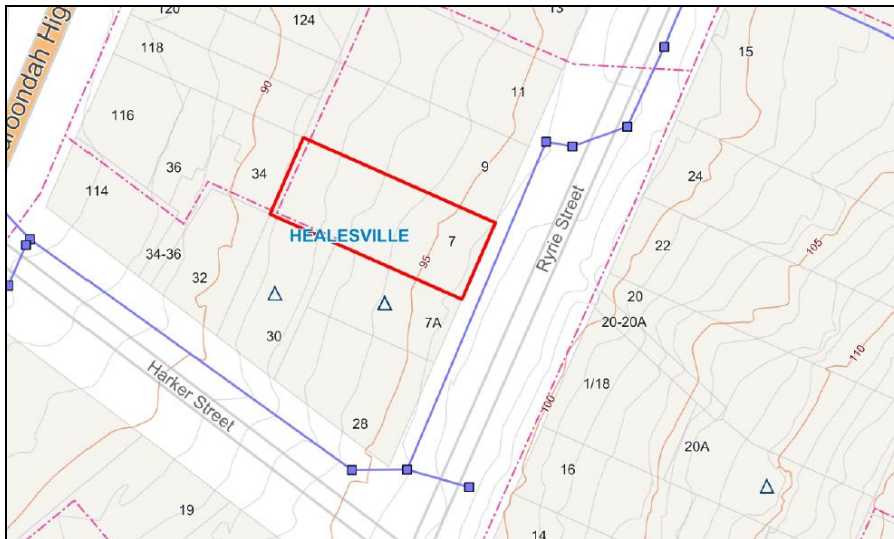
**Figure 1- Aerial image**

Key features of the site are as follows:

- The total combined site area is approximately 1,022 square metres.
- The site is currently developed with a single detached dwelling with vehicle access from Ryrie Street.



- The land slopes downward from east to west, from Ryrie Street to the rear of the property.
- The site is connected to reticulated sewer and drainage infrastructure, located within the Ryrie Street Road reserve directly in front of the site (Figure 2).
- A two-metre wide Metropolitan Melbourne Water Board easement (Instrument No. N974446V) is located along the southern and western boundaries. While the instrument does not specify a purpose, a sewer line is known to exist within this easement.



**Figure 2 – Drainage and Sewer locations**

Figures 3 and 4 provide context for the views to the site and surrounds.



Street view of subject site



Street view looking south-west (subject site on right of image)



Street view looking south-east (opposite subject site)





Street view looking north (subject site located to the right)



Street view looking north-west further along Ryrie Street (subject site nearby to the south-west)





Street view looking south-west (subject site nearby to the right)



Street view looking north (subject site to right)



Street view looking south-west (opposite side of Harker Street nearby subject site)

**Figure 3 – Eight (8) views from Ryrie Street**

## **SURROUNDING AREA**

The immediately surrounding area is residential, with a mix of single and double storey dwelling built form on a single lot and some emerging examples of old housing stock on similar sized lots to the subject site, converted into multi-unit residential developments. Figures 1 (above) and 4 (below) demonstrate the presence of multi-unit residential development within the immediate residential area.

The subject site adjoins the following properties:

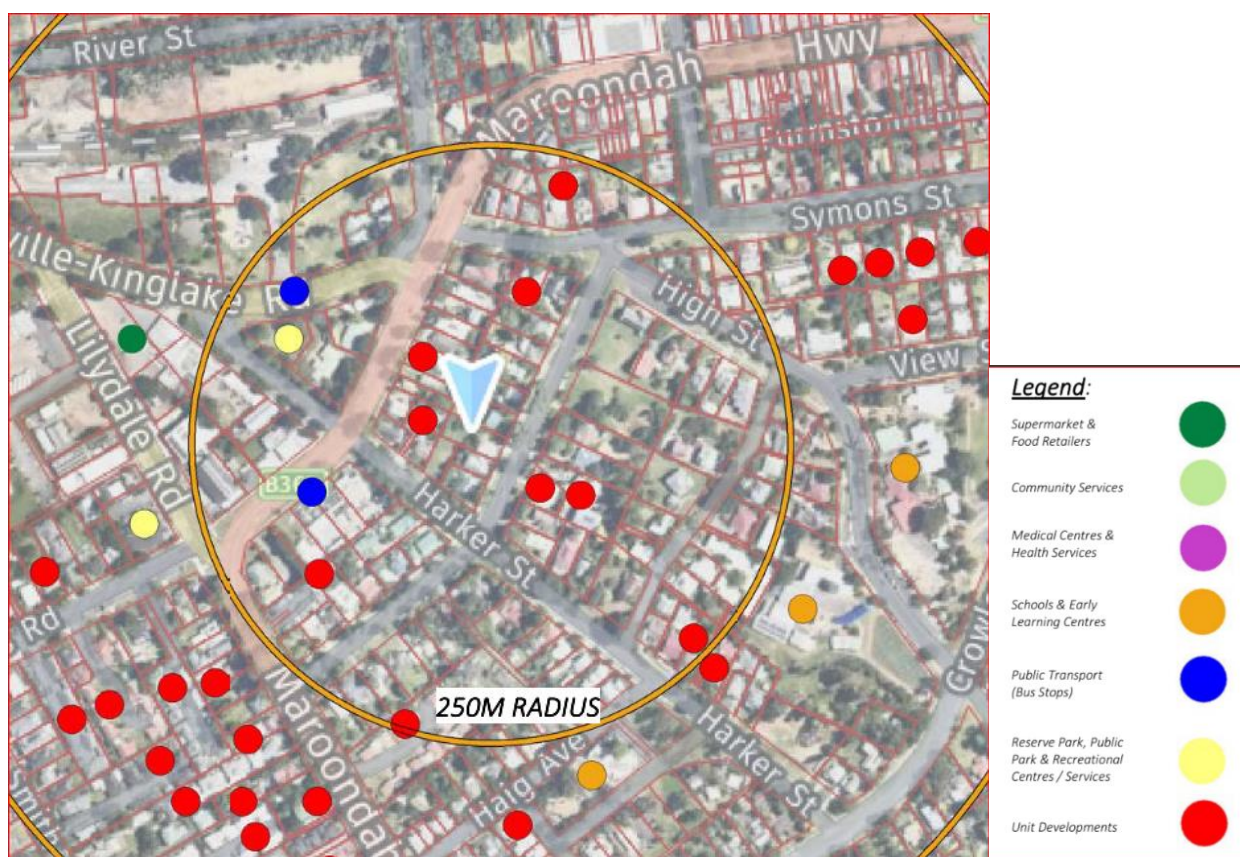
<b>North:</b>	<ul style="list-style-type: none"> <li>9 Ryrie Street, which is developed with a single storey weatherboard dwelling with a single access off Ryrie Street and no front fence</li> </ul>
<b>East (opposite):</b>	<ul style="list-style-type: none"> <li>18 Ryrie Street is a unit development with two (2) single storey dwellings with a central access off Ryrie Street and no front fence</li> <li>20 Ryrie Street is a double storey dwelling with an access off Ryrie Street and a well vegetated frontage</li> <li>20A Ryrie Street is a single storey dwelling with an access off Ryrie Street and no front fence</li> </ul>
<b>South:</b>	<ul style="list-style-type: none"> <li>7A Ryrie Street is developed with a single storey, brick dwelling, with a single access off Ryrie Street, low level front</li> </ul>



	fence <ul style="list-style-type: none"> <li>30 Harker Street is currently under construction to establish a single storey dwelling with a single access off Harker Street</li> </ul>
<b>West:</b>	<ul style="list-style-type: none"> <li>32 Harker Street is developed with a single storey dwelling, brick dwelling with a low-level front fence and access off Harker Street</li> <li>34 Harker Street is developed with a single storey dwelling with a common property access off Harker Street</li> <li>118 Maroondah Highway is developed with a single storey dwelling with a carport in the frontage and low-level front fence and has a central access off Maroondah Highway</li> </ul>

Beyond residential development area, there are notable community and commercial services of interest within proximity to the subject site. These are as follows:

- Healesville Walk Shopping Centre – 750 metres north-east
- Healesville Primary School – 300 metres east
- St Brigid's Catholic Primary School – 300 metres east
- Apex Park – 250 metres west
- Healesville Tourist Railway Station – 300 metres northwest.
- Healesville Town Centre – 400 metres northeast



**Figure 4 - Unit Developments in the area (Red Dots)**

## PROPOSAL

The application seeks to construct a second dwelling to the rear of an existing dwelling, construct a carport to existing dwelling, removal of vegetation (one tree) and a two-lot subdivision.

The development plans (Attachment 3) include:

- Full Set Development Plans
- Primary Development Plans
- Landscape Plan
- Tree Protection Plan
- Subdivision Plan.

The following tables outline key attributes.

**Table 1. Summary of proposed development**

Attributes	Unit 1 (existing)	Unit 2 (proposed)
Storeys	Single	Double
Front setback	5.47 metres	N/A
Maximum height of dwelling	4.6 metres	7.48 metres
Bedrooms	One (1)	Three (3)
Car parking	Single carport	Single garage and parking space
<b>Details of proposal attributes for each dwelling</b>		
<b>Proposed additions to existing dwelling</b>	Single space carport	
<b>Proposed Dwelling Floor Plan Layout</b>	<p><b>Ground Floor</b></p> <ul style="list-style-type: none"><li>• Single garage</li><li>• Single car space</li><li>• Open plan kitchen, meals and living room and deck off the living room</li><li>• Separate lounge with deck and bathroom</li><li>• Powder room</li><li>• Laundry</li></ul> <p><b>First floor</b></p> <ul style="list-style-type: none"><li>• Master bedroom and ensuite</li><li>• Two (2) bedrooms</li><li>• Bathroom</li><li>• Powder room</li></ul>	



**External materials  
and finishes for  
new dwelling**

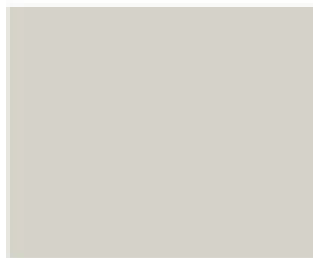
**Roofing -**



**Roof Sheeting**

*Steel sheet corrugated  
profile with colorbond  
"windspray" Finish.*

**Wall Cladding -**



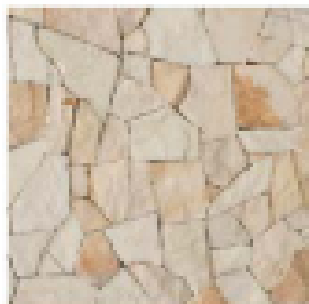
**Dulux "Feathersoft"**

*James hardie Linea  
Wall Cladding with  
Feathersoft paint finish.*



**Timber Cladding**

*Vertical Timber cladding.*



**Sandstone Cladding**

*Sandstone wall cladding.*

**Window Frames -**



**Timber Window Frames**

*Timber framed windows  
with vivid white trims.*

Other details	
<b>Site coverage (buildings)</b>	Overall development has a site coverage of 26.4 percent - <ul style="list-style-type: none"> <li>Proposed Lot 1 – 29.9 percent</li> <li>Proposed Lot 2 – 25.2 percent</li> </ul>
<b>Permeability (garden area)</b>	Overall development - 73.6 percent (26.4 percent impervious) <ul style="list-style-type: none"> <li>Proposed Lot 1 - 70.1 percent (29.9 percent impervious)</li> <li>Proposed Lot 2 - 74.8 percent (25.2 percent impervious)</li> </ul>
<b>Garden area</b>	531 square metres or 51.9 percent (minimum required is 35 percent)
<b>Front fence details</b>	Existing front fence to be kept
<b>Vehicle access</b>	Existing access to be utilised for both dwellings
<b>Common property area</b>	15.6 square metres (comprising internal accessway)
<b>Waste bin storage</b>	Four (4) bins for each dwelling
<b>External storage</b>	Six (6) cubic metres for each dwelling
<b>Waste collection</b>	Council
<b>Subdivision Configuration (Attachment 3).</b>	
<b>Lot 1 (existing dwelling)</b>	<b>Area: 414.01 sqm</b>
<b>Lot 2 (proposed dwelling)</b>	<b>Area: 596.64 sqm</b>
<b>Common Property</b>	<b>11.35 square metres</b>



## Vegetation retention and removal:

A total of thirty-one (31) trees were assessed for the development. Of these, there are 30 trees on site and one Council tree (Tree number 1) on the road reserve. Of all the trees to be removed only one tree requires a planning permit, see below:

- Tree 5 (tree fern) requires a planning permit for its removal under the Significant Landscape Overlay. However, it's removal is contested as it can be transplanted and retained, and this has been secured by way of condition to this effect.
- Eleven (11) trees are protected by the Significant Landscape Overlay. Of these eleven (11) trees, ten (10) will remain viable – tree numbers 1, (which is the street tree) 9, 12, 17, 20, 22, 24, 25, 30, and 31.
- Twenty (20) trees do not need a planning permit to be removed, as they meet one of the exemption criteria, which are:
  - Does not meet the minimum dimensions (Diameter at Breast Height – DBH less than 16 centimetres) identified in the relevant overlay or general provision.
  - Considered weed species; or
  - Located within two metres (2m) of an existing building.
  - Or within four metres (4m) of a fence line built before September 10, 2009
- The following trees are exempt for one or more of these reasons –
  - Trees 2 – 4, 6 - 8, 10, 11, 13 - 16, 18, 19, 21, 23, 26 - 29.

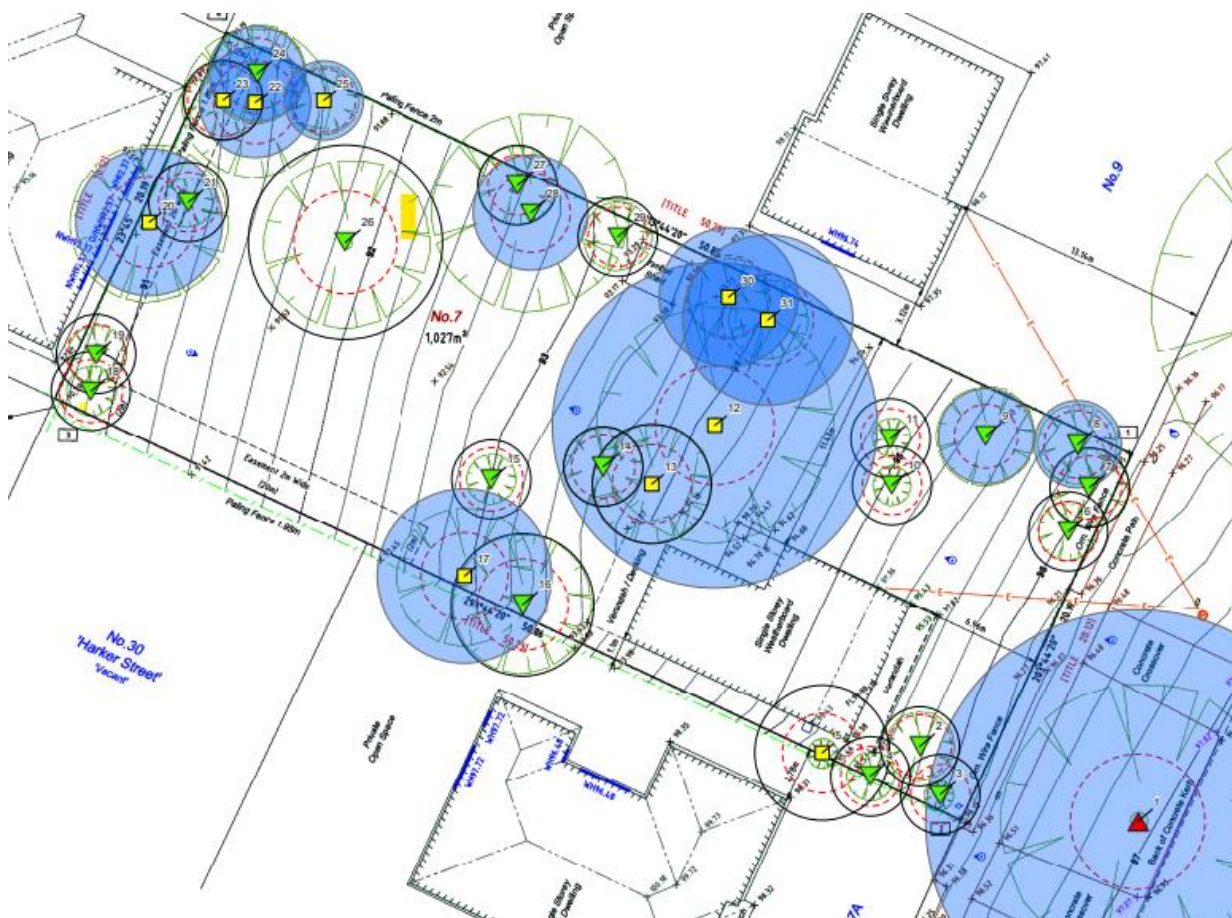
The table below details all trees on site, including those being retained and removed and which trees require a permit to be removed:

Tree	Name	Retained/ Removed	Permit required for removal (Y/N)
1	<i>Eucalyptus camphoras</i> (Mountain Swamp Gum) - Native	Retained	Council Street Tree
2	<i>Jacaranda mimosifolia</i> (Jacaranda) - Exotic	Removed	Meet one of the exemption criteria
3	<i>Acacia floribunda</i> (Gossamer Wattle) -Native	Removed	Meet one of the exemption criteria
4	<i>Pleroma granulosum</i> (Laisandra) - Exotic	Removed	Meet one of the exemption criteria
5	<i>Dicksonia antartica</i> (Soft Tree Fern) - Native	Relocated (by condition)	Yes – to be transplanted
6	<i>Grevillea sp.</i> (Grevillea)	Removed	Meet one of the exemption criteria
7	<i>Callistemon viminalis</i> (Weeping Bottlebrush) -	Removed	Meet one of the exemption criteria

Tree	Name	Retained/ Removed	Permit required for removal (Y/N)
	<i>Native</i>		
8	<i>Pittosporum tenuifolium</i> (Kohuhu)- <i>Exotic</i>	Retained	Meet one of the exemption criteria
9	<i>Acer palmatum</i> (Japanese Maple) - <i>Exotic</i>	Retained	Provided that driveway is constructed above the existing grade using permeable materials
10	<i>Camellia japonica</i> (Camellia) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
11	<i>Camellia japonica</i> (Camellia) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
12	<i>Brachychiton populneus</i> (Kurrajong) - <i>Native</i>	Retained	Provided that driveway is constructed above the existing grade using permeable materials
13	<i>Acer palmatum</i> (Japanese Maple) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
14	<i>Syzygium paniculatum</i> (Magenta Cherry) - <i>Native</i>	Removed	Meet one of the exemption criteria
15	<i>Acer palmatum</i> (Japanese Maple) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
16	<i>Arbutus unedo</i> (Irish Strawberry Tree) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
17	<i>Fagus sylvatica</i> ( <i>European Beech</i> ) - <i>Exotic</i>	Retained	
18	<i>Coprosma repens</i> (Mirror Bush) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
19	<i>Laurus nobilis</i> (Bay Laurel) <i>Exotic</i>	Removed	Meet one of the exemption criteria
20	<i>Quercus palustris</i> ( <i>Pin Oak</i> ) - <i>Exotic</i>	Retained	
21	<i>Betula pendula</i> (Silver Birch) - <i>Exotic</i>	Removed	Meet one of the exemption criteria
22	<i>Callistemon salignus</i> ( <i>Willow Bottlebrush</i> ) - <i>Native</i>	Retained	
23	<i>Melaleuca squarossa</i> (Scented Paperbark) - <i>Native</i>	Removed	Meet one of the exemption criteria
24	<i>Callistemon Viminalis</i> ( <i>Weeping Bottlebrush</i> ) - <i>Native</i>	Retained	
25	<i>Callistemon citrinus</i>	Retained	



Tree	Name	Retained/ Removed	Permit required for removal (Y/N)
	(Crimson Bottlebrush) - Native		
26	<i>Frazinus Augustifolia</i> (Claret Ash)- Native	Removed	Meet one of the exemption criteria – Weed
27	<i>Melaleuca ericifolia</i> (Swamp Paperbark) - Native	Removed	Meet one of the exemption criteria
28	<i>Eucalyptus lehmannii</i> (Bushy Yate) - Native	Removed	Meet one of the exemption criteria
29	<i>Banksia ericifolia</i> (Heath- leaved Banksia) - Native	Removed	Meet one of the exemption criteria
30	<i>Callistemon citrinus</i> (Crimson Bottlebrush) - Native	Retained	
31	<i>Melaleuca linariifolia</i> (Snow in Summer) - Native	Retained	



**Figure 5: Tree Protection Plan (refer to Attachment 6 for further details)**

Figure 5 shows the tree protection for Trees 9, 12, 30 and 31 for the driveway access which will be conditioned for retention if driveway is constructed above the existing grade using permeable materials. The tree protection plan needs to be updated to reflect Tree 28 as being exempt from a permit.

## HISTORY

<b>Planning permits</b>	Nil
<b>VCAT History</b>	Nil

## PLANNING CONTROLS AND PERMIT TRIGGERS

<b>Zoning:</b>	<p>Clause 32.07 - Neighbourhood Residential Zone (NRZ)</p> <ul style="list-style-type: none"> <li>• Clause 32.09-7 - A permit is required for the construction of two or more dwellings on a lot</li> <li>• Clause 32.09-7 - A permit is required to extend a dwelling if there are two or more dwellings on a lot.</li> <li>• Clause 32.09-3 - A permit is required to subdivide land</li> </ul>
<b>Overlay:</b>	<p>Clause 42.03 - Significant Landscape Overlay (SLO 22)</p> <ul style="list-style-type: none"> <li>• Clause 42.03-2 - A permit is required to remove, destroy or lop any vegetation specified in a schedule to the SLO22.</li> <li>• Clause 42.03-2 - A permit is required to construct a building or construct or carry out works (works within 4m of a substantial tree).</li> <li>• A planning permit is not required provided the height of the building is below 7.5 metres (this proposal is 7.48m)</li> </ul> <p>Clause 44.06 - Bushfire Management Overlay (BMO)</p> <ul style="list-style-type: none"> <li>• Clause 44.06-2 - A permit is required for a building or construct of carry out works associated with Accommodation (Dwelling)</li> <li>• Clause 44.06-2 - A permit is required to subdivide land.</li> </ul> <p>Clause 43.02 - Design and Development Overlay (DDO6)</p> <ul style="list-style-type: none"> <li>• Clause 43.02-3 - A permit is required to subdivide land.</li> </ul>
<b>Start Planning Policy:</b>	Clause 02.03 Settlement, Housing, Strategic Framework Plan
<b>Local Planning Policy:</b>	<p>Clause 11.01-1S Settlement</p> <p>Clause 11.01-1L-02 Healesville</p>



	Clause 12.05-2S Landscapes Clause 13.02 Bushfire Clause 15.01 Urban Design and Building Design Clause 15.01 Residential Subdivision Design and Neighbourhood Character Clause 16.01 Housing Supply, Incremental Change Areas and Affordability
<b>Clause 51.03 – Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan</b>	Not applicable
<b>Particular Provisions</b>	Clause 52.06 Car Parking Clause 55 Two or more dwellings on a lot and residential buildings. Clause 56 Residential Subdivision
<b>Other Requirements:</b>	Clause 65 – Decision guidelines

For further information on the planning controls refer to Attachment 2.

## PUBLIC NOTIFICATION AND CONSULTATION

### *Internal Referrals*

This application was referred to appropriate business units within Council for advice on particular matters.

The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
<b>Engineering (Traffic)</b>	No objection, subject to conditions. <u>Comments:</u> Revisions to plans for carport internal dimensions, vehicle crossing width notations, and standard construction and maintenance conditions.	Refer to conditions 1f, 1g, 1h, 1i, 22, 24, and 25 in Attachment 1 which will include requirements for minor revisions to plans for carport internal dimensions, vehicle crossing width, and notations, standard construction and maintenance conditions.

Department	Summary of Response	Conditions required
<b>Engineering (Stormwater)</b>	<p>No objection, subject to conditions.</p> <p><u>Comments:</u></p> <p>Upgrade outfall drainage from the site to the Council pit in Harker Street, provision of Stormwater Drainage Engineering Plans, detention system, and general construction and maintenance requirements.</p>	<p>Refer to conditions 1a, 16, 17, 18, 26, 27, 28, 29, 30, 40, 41, 42, 43, 44, 45, 46 and 51 in Attachment 1 which will include requirements for upgrading of outfall drainage from the site, provision of Stormwater Drainage Engineering Plans, detention system, and general construction and maintenance requirements.</p>
<b>Arborist</b>	<p>No objection, subject to conditions.</p> <p><u>Comments:</u></p> <p>Provide tree protection in the form of permeable paving constructed above grade for trees 9, 12, 30 and 31, Tree 5 tree fern transplantation, installation of services requirements, tree protection fencing, street trees not to be damaged, and specified tree removal approval.</p>	<p>Refer to conditions 1i, 1j, 9, 10, 11, 15, 24 and 31 in Attachment 1 which will include requirements for provision of tree protection in the form of permeable paving constructed above grade for Trees 9, 12, 30 and 31, Tree 5 tree fern transplantation, installation of services requirements, tree protection fencing, street trees not to be damaged requirement, and specified tree removal approval.</p>
<b>Strategic Planning</b>	<p>The Housing Strategy identifies Healesville as an increased change area – <i>Activity Centre Type – Large Neighbourhood Activity Centre</i> where the objectives are to –</p> <ul style="list-style-type: none"> <li>• Encourage the development of medium density housing types in residential areas with good walking access to the townships of Mount Evelyn, Yarra Junction, Healesville and Yarra Glen.</li> <li>• Provide opportunities for ageing in</li> </ul>	<p>Nil</p>

Department	Summary of Response	Conditions required
	<p>place and downsizing for residents of Mount Evelyn, Yarra Junction, Healesville and Yarra Glen, and their outlying rural-residential areas.</p> <ul style="list-style-type: none"> <li>• Encourage a design response that emphasises restricted site cover, landscape values and planting opportunities.</li> <li>• Ensure design responds appropriately to the valued character of Yarra Ranges' distinctive neighbourhoods.</li> <li>• Encourage more affordable housing outcomes.</li> <li>• Encourage the planning and provision of physical and social infrastructure.</li> </ul> <p><u>Comment:</u></p> <p>This proposal meets each of these objectives to ensure additional housing is located within good walking distance to township. In this case the site is approximately 150 metres from the main commercial area of Healesville.</p>	

### **External Referrals**

This application was referred to the following statutory referral authority for bushfire matters given the application is for more than one dwelling on a lot. Following is a summary of the relevant advice:

Referral Authority	Consent Summary of Response	Summary of Conditions
Country Fire Authority (CFA) as a recommending referral authority	<p>No objection, subject to conditions.</p> <p><u>Comments:</u></p> <p>CFA consents to proposal and requests that the mandatory conditions as required under Clause 44.06-5 of the Yarra Ranges Planning Scheme for the building and works as well as</p>	<p>Refer to conditions 1e, 1f, 1k, 32, and 33 which will include requirements for:</p> <ul style="list-style-type: none"> <li>• An amended Bushfire Management Plan to include clumping for Trees 12, 30 and 31.</li> <li>• The entering into a Section 173 Agreement for bushfire protection for Lot 2 only</li> </ul>



	subdivision be included on a permit should it be issued.	(standard when sharing firefighting water tank requirements for the site) and subsequent endorsement of Bushfire Management Plan.
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### ***Public Notification***

Notification of the application was undertaken by:

- ☒- Placing of one (1) sign on the land for a minimum of 14 days
- ☒- 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

Notice was given on three (3) separate occasions due to the application being amended each time on:

- **3 October 2024:** Twenty-three (23) Objections
- **16 January 2025** (re-advertised) – One (1) new objection
- **6 March 2025** - Four (4) new objections

Following the first notification period, there were changes made to the application in response. The changes re-notified in the 16 January 2025 notice were:

- **Roof Pitch Adjustment:** The roof pitch was reduced from 27 degrees to 25.5 degrees.
- **Amended Notations:** Notations on sheet P004 were updated to better reflect the dimensions and conditions of neighbouring properties.
- **Dimension Updates:** Dimensions on sheet P014 were amended to correspond with the reduced roof pitch.
- **Elevation Update:** A new elevation was added to sheet P016, for comparison of the maximum height of the proposed dwelling to the existing neighbouring dwellings.
- **Shadowing Area Adjustment:** The area of additional shadowing was revised on sheet P019 to account for the reduced roof height.
- **Street Name Correction:** The street name on sheets P026, P027, and P028 was corrected to show the accurate street name.
- Spot elevations were included.

Further changes below were made to the application for the 6 March 2025 re-advertised proposal. These were:

- **South elevation:** Recessed upper floors over garage and changed cladding treatment to upper walls.

### ***Objections and Grounds***

A total of twenty-eight (28) objections were received. The grounds of objection are summarised as:

- Overdevelopment of the site
- Bulk and scale
- Tree removal
- Neighbourhood character
- Visual impacts
- Overlooking
- Use of the land as an Air BnB
- Crossover construction
- Reduction of on street parking
- Inaccuracies of plans.

A response to each of the grounds of objection has been provided in Section 9 of this report.

## **ASSESSMENT/ KEY ISSUES**

The proposal has been assessed against the applicable Planning Policy Provisions, Clause 32.09 Neighbourhood Residential Zone, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay, Clause 44.06 Bushfire Management Overlay, Clause 52.06 Car Parking, Clause 55 ResCode and Decision Guidelines of Clause 65.01 of the Yarra Ranges Planning Scheme.

The proposal is an acceptable planning response to the relative planning objectives. In particular, the proposal satisfactory meets the provisions of Clause 11.01-1L (Healesville Residential Strategies), and Neighbourhood Character 15.01-1S, and achieves a full compliance with Clause 55 (ResCode) design standards, including all numerical standards.

### ***Clause 55 - Procedural Matter***

It is important to note that this application was lodged before the gazettal of the new Townhouse and Low-Rise Code on 6 March 2025, under Amendment VC267. This application meets the technical requirements of this new clause.

However, as any multi-unit applications lodged before 6 March 2025 must be assessed the application against the under the former Clause 55 Rescode provisions, this application has been considered against the original Clause 55 requirements.

## **PLANNING POLICY**

The proposed development introduces a modest increase in built form and housing density on a relatively large lot size of 1022 square metres, strategically located within walking distance of the Healesville Town Centre, primary schools, and outdoor recreational facilities.

This aligns with the objectives of the planning policy including Healesville Structure Plan, zones, and overlay, which supports incremental housing growth in residential areas well-served by community amenities.

### **Settlement**

The site is located within Large Neighbourhood Activity Centre, Healesville under Clause 02-03 (*Settlement*) where the role of an Activity Centre Hierarchy as identified for Healesville refers to – “*Land within and adjoining these centres is generally an appropriate location for additional housing*” in an ‘*Incremental Change Area*’.

The recommendations of the *Yarra Ranges Council Housing Strategy 2024* and the *Healesville Structure Plan 2016* for Healesville area are now reflected in the Planning Scheme in Clause 02-03 as mentioned above and supported by the Strategic team in their referral for this proposal.

### **Housing Supply**

Housing supply policy is applicable to this site and is found within the Local Planning Policy at Clause 16.01-1L and the Neighbourhood Residential Zone. These policies provide guidance in direction of new residential development within residential areas and within and adjoining activity centres.

The objectives are in line with the *Residential Framework Plan*. The proposal is in an *Incremental Change Area* where the strategy is to:

- *Retain a predominantly low residential density in areas identified as Incremental Change Areas in the map to this clause.*
- *Support additional housing that is consistent with the existing character of the neighbourhood in areas with access to services.*
- *Accommodate incremental development in identified locations within metropolitan residential areas and in rural and foothill townships.*

The new three (3) bedroom dwelling on a smaller lot provides additional housing choice to the local area, which is consistent with these strategies.

This is reinforced in Clause 1501-4R - *Healthy neighbourhoods* – the strategy is to –

*Create a city of 20-minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.*

This site is a 10-minute walk to the main centre of Healesville and is a highly desirable outcome in achieving neighbourhoods that foster healthy and active living and community wellbeing.

### **Neighbourhood Character**

The proposal appropriately achieves the desired outcomes in urban design and neighbourhood character principles outlined in Clause 15.01-1S (*Urban Design*) Clause 15.01-2S (*Building Design*), and 15.01-5S (*Neighbourhood Character*). The development architectural styling and features, varied setbacks from boundary,



upper floor recession around building, varied pitched roof form, and use good use of natural, muted toned and durable materials applied across the façade contribute positively to enhance local urban character and public realm.

*Planning Practice Note 43: Understanding Neighbourhood Character* (DELWP, January 2018) makes it clear that respecting character does not mean preventing change. It states that the neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. See Attachment 8.

A recent VCAT decision *Victor v Yarra Ranges SC [2025] VCAT 257* for 4 Clive Court, Mooroolbark, see Attachment 9, the member was satisfied -

*“that the proposal is consistent with the existing neighbourhood character. The creation of one additional dwelling on a lot as proposed will not in any obvious sense, be an unreasonable character outcome. Given the irregular shaped allotment, the proposed double storey dwelling, will be set back from all site boundaries to comply with clause 55 (side and rear set backs), with the exception of the garage built on the boundary. The wall on the boundary is not out of character with the prevailing neighbourhood character, it is single storey and responds to clause 55. This ensures that there are no unreasonable building bulk or sense of enclosure when viewed from the adjoining properties. Further, I am satisfied that the proposal is consistent with the purpose and decision guidelines of the NRZ. The proposal will provide the opportunity for a modest residential development which is encourage by NRZ”*

This proposal also involves a two-storey dwelling situated behind a single-storey dwelling at the front of the site. Similar to the current proposal, the Tribunal member previously identified several consistent planning considerations which this proposal meets as well:

- *“It is an established residential area, lots vary in shape and size, with varying dwellings contained within the allotments.*
- *The proposed dwelling will be built behind the existing dwelling and will continue to address Clive Court as a single dwelling allotment.*
- *The irregular shaped allotment can accommodate the additional dwelling, utilising the existing cross-over, creating a shared driveway. This arrangement will not impact the streetscape character.*
- *Except for the garage, built on the boundary, the proposed dwelling is setback from all site boundaries, consistent with its neighbours and the backyard realm. VCAT Reference No. P550/2024 Page 10 of 20*
- *The proposed dwelling is appropriately articulated, with varying setbacks and varying roof form, with a built form responding to the existing neighbourhood character. There are no sheer walls.*
- *The proposed dwelling will be built behind the existing dwelling, therefore retaining all elements of the front setback.”*

The above planning consideration are supported by the assessment below for this application as discussed in relation to siting, built form and building height.

### ***Siting***

The proposed siting of a new dwelling at the rear of the existing dwelling is consistent with emerging development patterns within the local area and is an acceptable design response. These pattern arrangements are commonplace under this zone, particularly in areas strategically identified for incremental net housing increase.

The Significant Landscape Overlay (Schedule 22) states the total building footprint should not occupy more than 30 percent of the site and the total hard surface area (impervious surfaces) should not exceed 50 percent of the site. This is achieved.

Retaining the existing front dwelling, with minor modifications to include a new covered car parking space within the front setback, is considered acceptable. This approach provides opportunity for an additional house, and the location of the existing dwelling close to the front boundary allows for good access to the rear, maximizing the usability and flexibility of the remaining site area, supporting future planning opportunities with minimal disruption. This proposed development is similar to the unit development of the site at 34-36 Harker Street albeit single storey.

### ***Built form and height***

The proposal seeks to introduce a double storey-built form, to area already comprising a mix of double and single storey-built form.

The proposed height is 7.48 metres, which is below the maximum height allowed under the of zone of nine (9) metres, and below the height of 7.5 metres set out in the Significant Landscape Overlay Schedule 22.

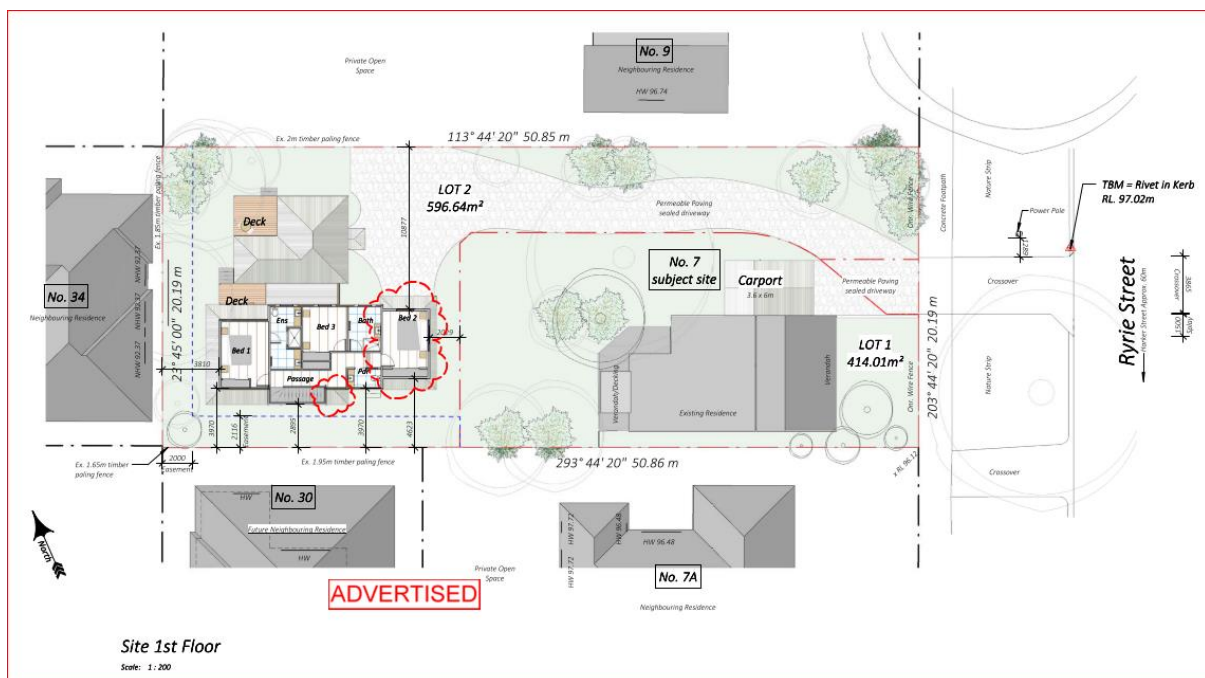
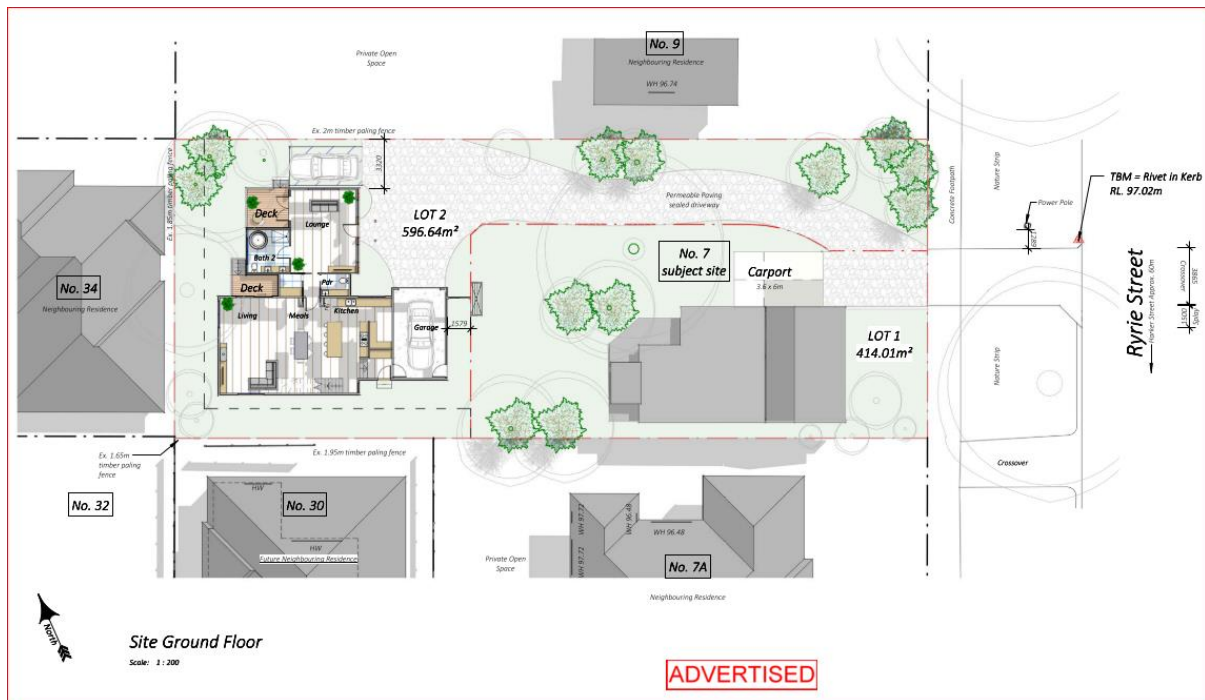
Two-storey built form in this area is acceptable. The area is developed with single storey-built form, with some examples of double-storey development.

The new dwelling design delivers a contemporary architectural outcome that provide a blend of modern design which modern references to existing dominant neighbourhood character features to overall contribute positively and ingrate the into built form landscape character.

Some of key design attributes of mention are:

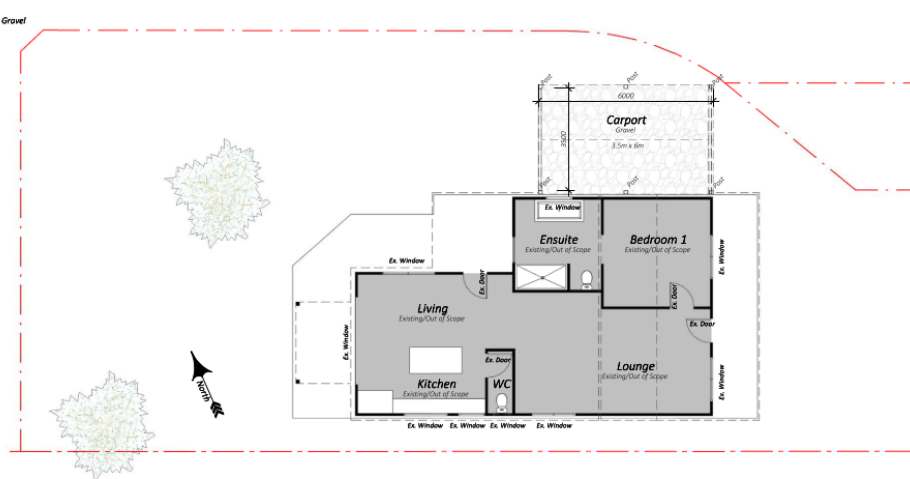
- pitched roof form of 25.5 degrees with feature gable ends
- mute earthy toned external materials applied in alternation for visual interest
- generous upper floor articulation all around
- minimised overshadowing to adjoining properties
- designed to carefully interface with neighbours to prevent overlooking
- sufficient car parking and vehicle manoeuvrability.

The planning scheme envisages a changing and emerging character which can be a mixture of single and double storey-built form to support an incremental increase in housing choice in this residential area.





### Floor Finishes



**U1 Floor Plan**  
Scale: 1 : 100

**ADVERTISED**

Area Schedule (Existing)	
Name	Area
Ex. Overland	81.40 m <sup>2</sup>
Ex. Site	1026.82 m <sup>2</sup>
Existing Verandahs	21.38 m <sup>2</sup>

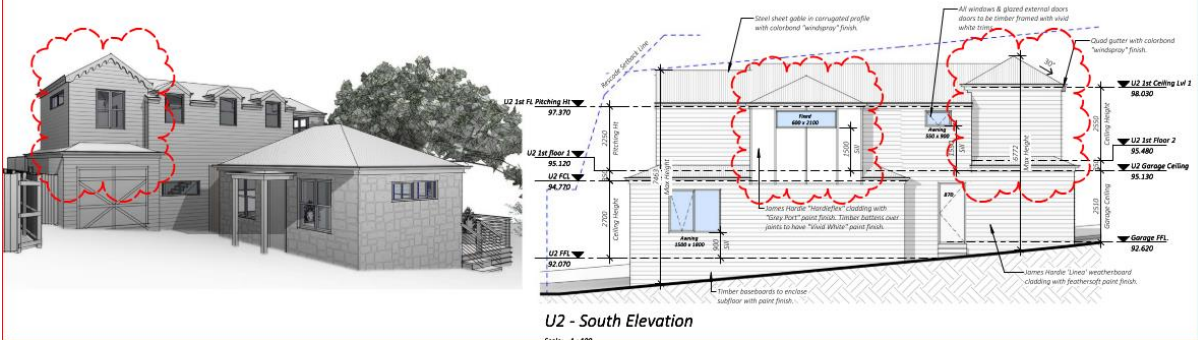
Area Schedule (New Construction)	
Name	Area
North	1.48 m <sup>2</sup>
U2 Carport	21.90 m <sup>2</sup>
U2 First Floor	80.05 m <sup>2</sup>
U2 Garage	23.81 m <sup>2</sup>
U2 Ground Floor	122.29 m <sup>2</sup>
U2 North Deck	7.80 m <sup>2</sup>
U2 South Deck	4.43 m <sup>2</sup>
Grand Total	260.81 m <sup>2</sup>

### Planning Issue Not for Construction

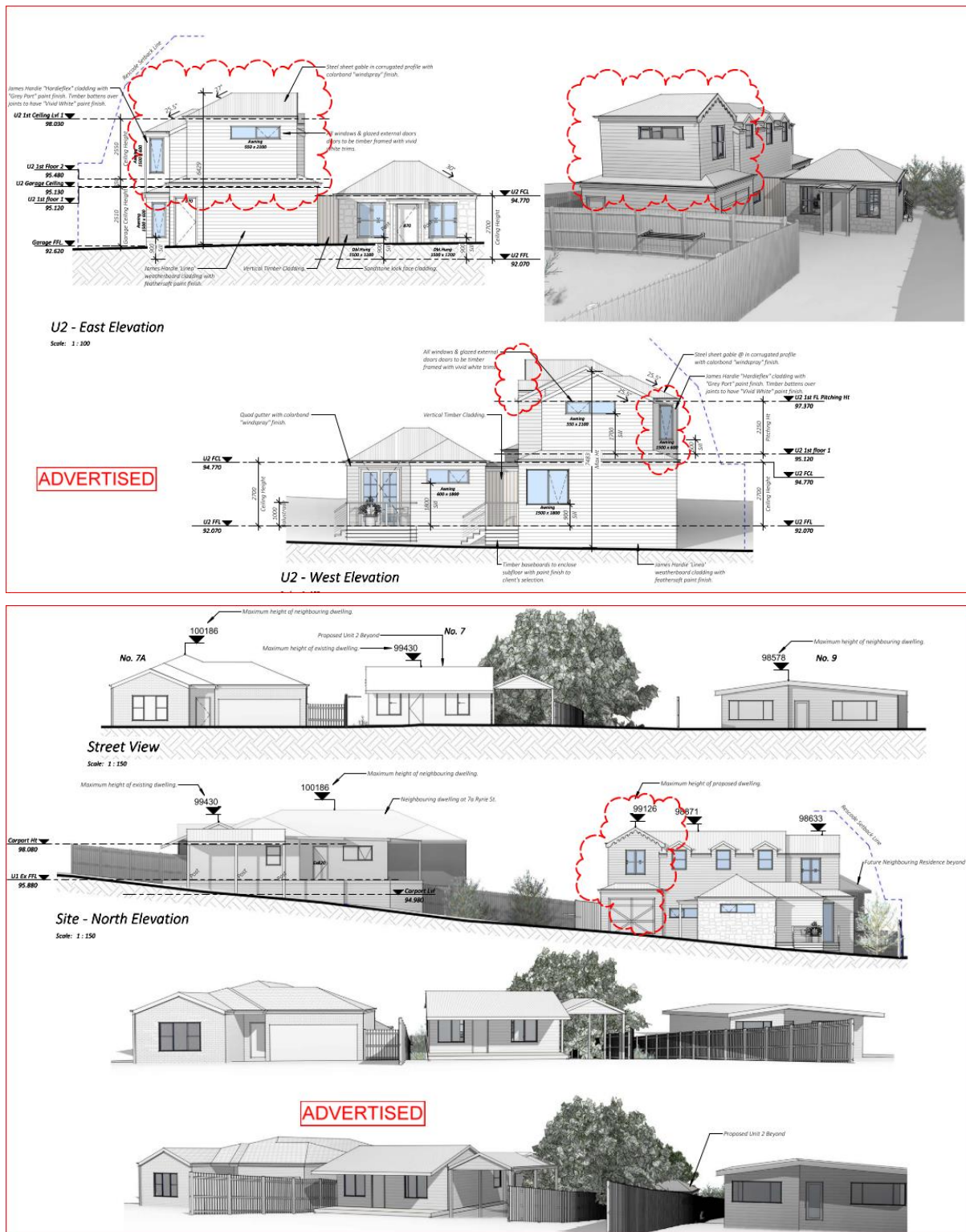


**U2 - North Elevation**  
Scale: 1 : 100

**ADVERTISED**



**U2 - South Elevation**  
Scale: 1 : 100



**Figure 6 - Unit Developments Latest Exhibited Plans and Elevations**

### ***Mandatory design requirements***

The proposal achieves the mandatory minimum garden area provision and no more than maximum building height under the zone:

	<b>Requires</b>	<b>Lot 1 Provides</b>	<b>Lot 2 Provides</b>	<b>Complies</b>
Garden Area	Mandatory minimum 35 percent	35.8 percent	44.4 percent	Yes
Building Height	Building height allowance of 7.5 metres (maximum 2 storeys)	4.1 metres	7.48 metres (two storeys)	Yes

### ***SIGNIFICANT LANDSCAPE OVERLAY - VEGETATION REMOVAL AND RETENTION-***

A detailed outline of the vegetation to be retained and removed has been included in the proposal section of this report.

Subject to conditions, it is considered the extent of vegetation removal is appropriate. There is only one protected tree that requires planning approval to be removed (tree 5 to be replanted onsite), and replacement planting will be appropriate to ensure revegetation of the site, including relocation of this tree required by condition. The extent of removal is acceptable to achieve a balanced outcome to support development as allowed by the planning controls, subject to relandscaping to ensure a long term positive outcome for the land and the surrounds.

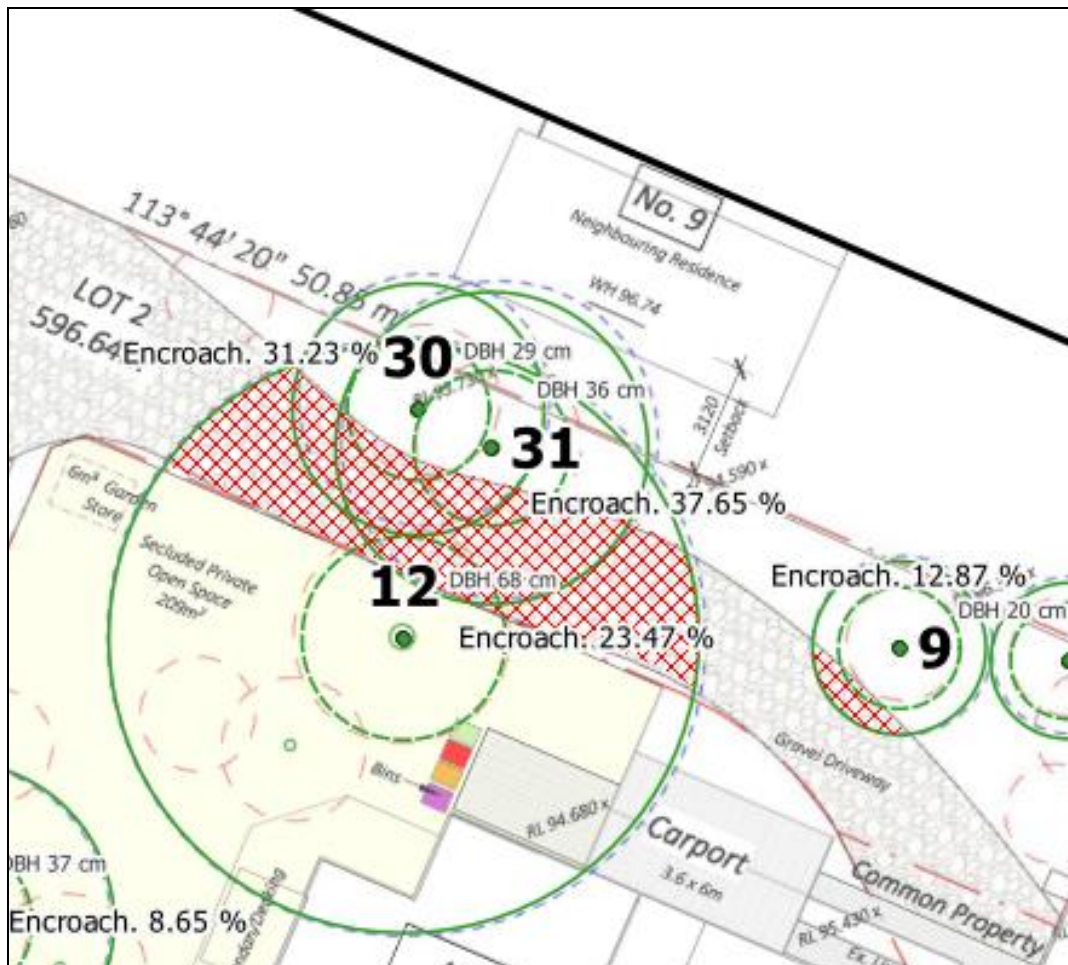
Tree 5 triggers a planning permit for removal is a protected native tree fern that can be transplanted within the site. This has been secured by relevant permit condition 1j, 14f, and 24 in Attachment 1.

It is considered that the removal of vegetation that is exempt from requiring permission is acceptable, as they are either:

- A weed species.
- Do not meet the minimum dimensions as outlined in the Significant Landscape Overlay.
- Are within two metres of the existing dwelling and therefore do not require a permit to be removed.
- Or are within four metres of a fence line built before 10 September 2009.

There are no planning grounds to refuse the application based on the loss of these 20 trees.

In addition, there are four trees (Trees 9, 12, 30 and 31) in proximity to the internal driveway, which can be retained with appropriate construction techniques (Figure 7). If it was not possible to retain these trees, they would be considered lost, however Condition 1i, 14 and 24 secures the retention and protection of these trees.



The application is accompanied by a Concept Landscape Plan (Attachment 3.2) which shows appropriate landscaping opportunities between the dwellings, and in the front, side and rear setbacks. A revised landscape plan required by Condition 14 will ensure that landscaping is reintroduced onto the land to provide a positive landscape response as a result of the development.

It is considered that the vegetation removal, retention and re-landscaping is acceptable when assessed against the Significant Landscape Overlay and it is appropriate to support the development.

Appropriate landscaping as part of the development will reintroduce appropriate species, in locations that will result in an overall improvement of landscaping contribution as required by the Significant Landscape Overlay.

## DESIGN AND DEVELOPMENT OVERLAY – SUBDIVISION PATTERN

The subdivision pattern is commonly found in emerging housing developments as identified in the surrounds section of this report.

The purpose of the Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.



The permit requirements relate to subdivision only as there is no buildings and works trigger, given the development meet the requirements, as:

- The total area of the site covered by buildings does not exceed 30 percent.
- The total area of site covered by impervious surfaces (including buildings) does not exceed 50 percent.

Having regard to subdivision, a permit is required to subdivide land, and must meet the following (as relevant) requirements:

- *When subdividing a lot into two lots with an existing dwelling, lots of less than 500m<sup>2</sup> can be created providing the subdivision application is accompanied by a permit application showing the ultimate development of the site and must meet the following site coverage requirements:*
  - *The total area of each lot covered by buildings must not exceed 30 percent;*
  - *The total area of each lot covered by impervious surfaces (including buildings) must not exceed 50 percent.*

The total area of each lot covered by buildings is less than 30 percent (Lot 1: 29.9 percent and Lot 2: 24.6 percent).

The total area of each lot covered by impervious surfaces (including buildings) is great than 50 percent (Lot 1: 70.1 percent and Lot 2: 74.82 percent).

This complies with the provision.

The proposal subdivision achieves the decision guidelines requirements within schedule to the overlay. The subdivision achieves the requirements for site coverage in that the site coverage is less than thirty (30) percent for both proposed lots.

## **BUSHFIRE MANAGEMENT OVERLAY**

Bushfire planning strategy prioritises human life, with the Yarra Ranges Planning Scheme applying rigorous controls through the Bushfire Management Overlay – clause 44.06 as well as 13.02, and Clause 53.02- Bushfire Planning to manage bushfire risks in at-risk areas such as Healesville. The development falls under Clause 53.02's Pathway 2 assessment for multiple dwellings on a lot and was referred to the CFA, which conditionally supported the permit subject to water supply, vegetation management, and access requirements.

A Bushfire Management Statement has been prepared for the proposed development (Attachment 7). The site is within a Landscape Type 2 with moderate bushfire risk.

The risk is mitigated by sufficient separation from vegetation, BAL-12.5 construction, and defensible space within 50 metres or the property boundary. The design meets Approved Measures 2.1–4.1, including access to sealed roads and compliance with emergency service access standards. Static water supply requirements are met subject to conditions to correct the alignment of the plan with the Bushfire Management Plan 10,000 litre tank requirement. The proposed siting avoids vegetation removal for defensible space requirements. CFA confirmed via follow up verbal confirmation that clumping for the purposes of considering grouping of

specified trees as one single canopy can be considered via condition of any approval given it was considered but not specified in their referral response.

The proposal meets the objectives and mandatory standards of Clause 53.02, with appropriate defensible space, vegetation management, water supply, and access provisions ensuring acceptable bushfire risk and resilience in an urban, low-threat vegetation setting.

### **VEHICLE ACCESS AND CAR PARKING**

Table 1 at Clause 52.06-5 sets out the car parking requirements that apply to a use listed within the table.

The car parking provision complies with the statutory requirement:

<b>Dwelling</b>	<b>Number of Bedrooms</b>	<b>Number of Parking Spaces Required</b>	<b>Number of Parking Spaces Provided</b>
Existing Dwelling	1	1	1
Proposed Dwelling	3	2	2

### ***Vehicle Access to Ryrie Street***

The proposed driveway and vehicle crossing have been designed in accordance with the design standards of Clause 52.06. The development plans under Attachment 3 demonstrate the proposed concrete driveway is shown to be a minimum of three (3) metres wide, with an internal radius of four (4) metres and incorporates a gradient (incline down towards the rear of the site) of nearly one in ten (10 percent).

Council's Traffic Engineering Department have confirmed the proposed internal access arrangements and access to Ryrie Street is satisfactory subject to minor conditions (Conditions 1 and 22 in Attachment 1).

The proposal demonstrates access can be provided in accordance with Clause 52.06 and the relevant design standards.

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

Under the provisions of the Neighbourhood Residential Zone, the proposal must meet the requirements of Clause 55 (Rescode). 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 confirms the application meets the provision. The Clause 55 Assessment can be found at Attachment 5.

### **RESPONSE TO SUBMITTERS CONCERNS**

Each of the objector concerns are discussed and responded to in detail below:

Grounds of Objection	Officer Response and assessment
<p><b>Overdevelopment of the site</b></p> <p><b>Neighbourhood character</b></p>	<p>Submitters raised concerns that the proposed second dwelling is too large for the rear yard context and is an overdevelopment of the site characterised by a visually bulky design with insufficient setbacks.</p> <p>As discussed in this report, neighbourhood character is not intended to result in the replication of existing building stock or stop change, this proposal dwelling is appropriately articulated, with varying setbacks and varying roof form, with a built form responding to the existing neighbourhood character. There are no sheer walls. The proposed double storey dwelling will be set back from all site boundaries to comply with clause 55 (side and rear setbacks), and the building height meets the 7.5 metres as required by the Significant Landscape Overlay.</p> <p>The proposal will provide the opportunity for a modest residential development which is encourage by the zone.</p> <p>In addition, the Neighbourhood Residential Zone allows and foreshadows an incremental change to the area, and it is considered this development response introduces a measured and appropriate incremental change to the area.</p>
<p><b>Visual Impacts</b></p> <p><b>Bulk and scale</b></p>	<p>As previously discussed within this report and above section, the double storey dwelling features is a modern design incorporating hip and gable roof forms, in a partially articulated rectangular building form with an adjoined single storey component. These are similar forms in the surrounding area and is an acceptable outcome in a two-storey built form.</p> <p>The dwelling complies with the standards of ResCode, there are other examples of infill development. There are no policies that require any upper floor to be of a particular size and the side and rear setbacks are compliant.</p> <p>The designer has reduced the visual bulk by reducing some of the side setbacks to create articulation in some of the facades, such as the south, north and west facades, those being the most sensitive. This is a balanced outcome based on planning policy.</p> <p>The building height at 7.48 metres is considered appropriate for a double storey dwelling and the brown coloured textured finishes of Colorbond roofing, James Hardy and Timber cladded walls comprise an appropriate external finish.</p>
<p><b>Tree removal</b></p>	<p>Despite some on-site tree removal not requiring a permit and as noted within this report, only one (1) tree requires</p>

Grounds of Objection	Officer Response and assessment
	<p>planning permission for their removal, however, this tree will be replanted onsite.</p> <p>Whilst 20 trees are to be removed, they do not trigger a Planning Permit as they are a mixture of exotic species or a weed species or do not have a diameter breast height of greater than 16cm, for example, camelias, Japanese maples.</p> <p>This is not excessive, and on balance the removal of these trees is considered reasonable to support the development of the site for a second dwelling.</p>
<b>Overlooking</b>	<p>As discussed within this report, a full and complete assessment of all windows within the development finds there are no instances of unreasonable overlooking because windows are either designed with highlight windows or are beyond the nine (9) metre threshold distance to affect overlooking, or do not have to comply (such as bathroom or stairwell windows).</p>
<b>Use of the land as an Air BnB</b>	<p>This is not a relevant planning consideration as the use of the dwelling as an Air BnB (short-stay accommodation), or any other form of tenure, is not regulated under the planning scheme.</p>
<b>Crossover construction</b>	<p>The crossover widening is to occur on the south side in front of the subject site and will not impact neighbouring properties.</p>
<b>Reduction of on street parking</b>	<p>There will be no loss of existing on-street car parking as the existing crossing is to be widened by less than a metre.</p> <p>The required car parking has been provided in accordance with the car parking requirements of Clause 52.06.</p>
<b>Inaccuracies of plans</b>	<p>The applicant has addressed the inaccuracies on plans in the initial amendment received and this is also reflected in the latest set of exhibited plans.</p>

## CONCLUSION

This application has demonstrated that it meets the requirements of the Yarra Ranges Planning Scheme. The proposal achieves the strategic intent for Healesville in terms of the *Healesville Structure Plan 2016* which informs the Policy consideration under 11.01-1L-02 in that the development is an incremental change proposal that is convenient walking distance to services and provides a development that is suitable to the changing needs of the community.



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 neighbourhood character, the development reflects incremental change and complies with the amenity assessment contained in ResCode. It is not expected that the proposal would lead to any unreasonable impacts. It is also considered that the proposal will have a minimal impact upon the parking and traffic conditions in the area.

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. Planning Scheme Policies
3. Full Set Development Plans
  - 3.1 Development Plans
  - 3.2 Landscape Plan
  - 3.3 Tree Protection Plan
  - 3.4 Subdivision Plan
4. Planning Report
5. Clause 55 Assessment
6. Arborist Report
7. Bushfire Management Plan
8. Planning Practice Note 43: Understanding Neighbourhood Character (DELWP, January 2018)
9. VCAT decision *Victor v Yarra Ranges SC [2025] VCAT 257* for 4 Clive Court, Mooroolbark