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Planning Report

501-521 POLICE ROAD, MULGRAVE



Construction of 28 dwellings & associated subdivision

Reference: 28654

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SITE ADDRESS:

501-521 Police Road, Mulgrave

FORMAL LAND DESCRIPTION:

Lot 1 & 2 PS 532442Y

PROPOSAL:

Construction of 28 dwellings & associated subdivision

RESPONSIBLE AUTHORITY:

Monash City Council

DOCUMENT STATUS:

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CONTENTS

EXECUTIVE SUMMARY	2
1 SITE DESCRIPTION	3
2 NEIGHBOURHOOD DESCRIPTION	8
2.1 LOCALITY TO EXISTING INFRASTRUCTURE	10
3 SITE OPPORTUNITIES & CONSTRAINTS	11
4 PROPOSAL	11
4.1 DEVELOPMENT LAYOUT	11
4.2 ACCESS ARRANGEMENT & CARPARKING	12
4.3 VEGETATION REMOVAL/RETENTION	12
4.4 PROPOSED LANDSCAPING	14
4.5 INFRASTRUCTURE SERVICING	14
4.6 SUBDIVISION LAYOUT	15
4.7 WASTE MANAGEEMNT	15
5 SUSTAINABLE DESIGN ASSESSMENT	15
6 PLANNING POLICY FRAMEWORK	18
6.1 PERMIT TRIGGERS	18
6.2 ZONING	19
6.3 OVERLAYS	20
6.4 PLANNING POLICY FRAMEWORK	20
6.5 PARTICULAR PROVISIONS	26
7 CLAUSE 55 - TWO OR MORE DWELLINGS ON A LOT & RESIDENTIAL BUILDINGS	29
8 CLAUSE 56 - RESIDENTIAL SUBDIVISION	37
9 CLAUSE 65 - DECISION GUIDELINES	42
10 CONCLUSION	43

EXECUTIVE SUMMARY

Millar Merrigan have been engaged to lodge this planning application for a **Construction of 28 dwellings & associated subdivision** at **501-521 Police Road, Mulgrave**.

The site is an underdeveloped substantially sized residential property. It is zoned Neighbourhood Residential Zone Schedule 4, and is contained within an existing urban area where local facilities and services, including public transport, are readily available.

The intention is to provide an attractive new development that takes advantage of the site's size, location and proximity to existing facilities and services, and to offer a diverse range of housing options on more compact allotments to cater for the changing needs of the population. The proposed dwellings have been designed to suit the site and surrounds by being respectful of the existing character of the neighbourhood.

The site is currently unburdened by any planning overlays and as such is generally unconstrained. It is located within the Dandenong Creek Escarpment Area where the preferred future neighbourhood character has been detailed in the planning scheme.

A previous planning application for 33 dwellings was refused by Council and appealed by the applicant at VCAT (P363/2021). VCAT upheld the Council's decision and determined no permit should issue for numerous reasons primarily relating to vehicle access and movements, with the proposal seeking entry only via Police Road and exit only to Katoomba Drive. This proposal has been designed having considered the expert evidence presented at the VCAT hearing and the decision of the Tribunal.

The proposal has been designed to meet the objectives of Clause 55: Two or more dwellings in a lot and Clause 56: Subdivision.

This report seeks to demonstrate how the subdivision and development is appropriate in terms of achieving State and Local planning objectives and policies and, in particular, the Monash City Council policies for Residential Development (Clause 21.04), Sustainability and Environment (Clause 21.13), Residential Development and Character Policy (Clause 22.01) associated with Garden City Suburbs Southern Areas, Stormwater Management Policy (Clause 22.04) and Tree Conservation Policy (Clause 22.05).

1 SITE DESCRIPTION

The following sections should be read in conjunction with the Neighbourhood and Site Description Plan (28654P1).

Size, shape and orientation –

The subject site is a large rectangular shaped allotment situated on the northern side of Police Road, Mulgrave. It comprises of two allotments known as Lots 1 and 2 on PS532442Y which together comprise an area of 1.323ha.

The site is unconstrained by any easements or title restrictions.

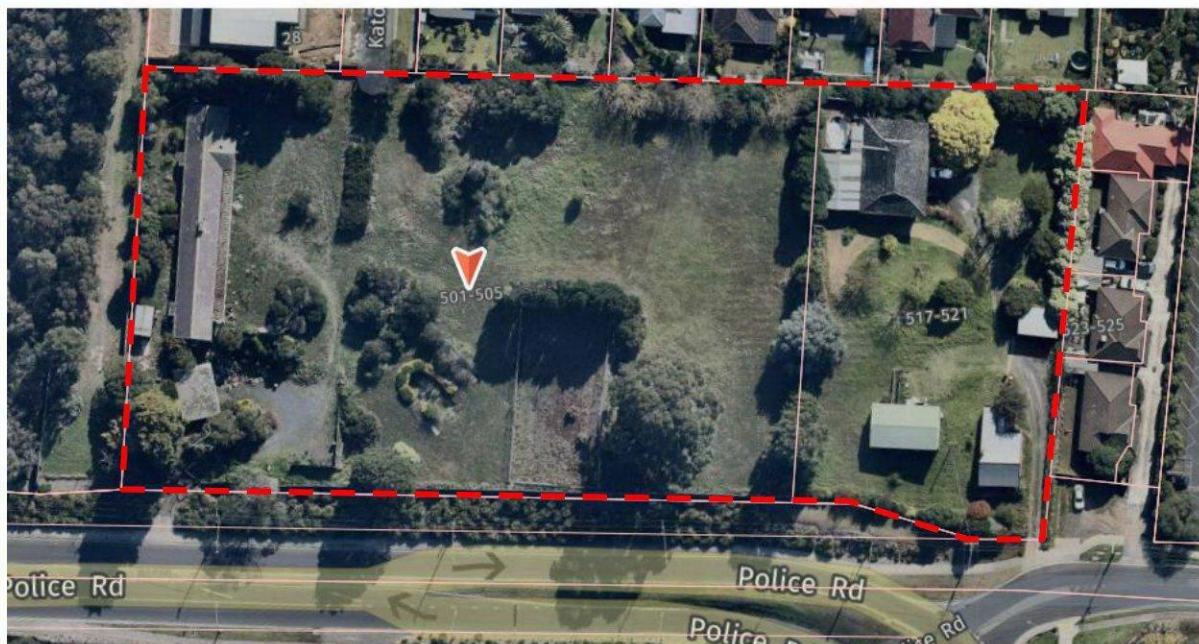


Figure 1: Aerial photograph of subject site

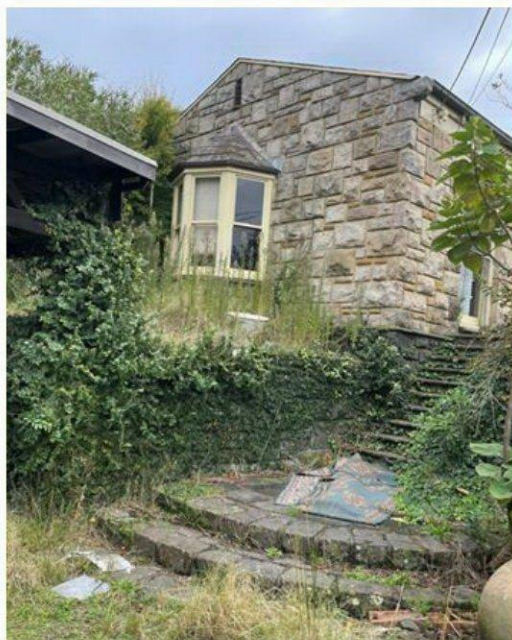
Topography

The topography of the land is undulating falling substantially from the western boundary of the site towards the east. The site sits significantly higher than the Police Road pavement with the road reserve offering battered landscaping. As a result, access opportunities into the site are limited. Areas of cut and fill including retaining walls and battering are available across the site.

Built form –

Lot 1 contains a single storey brick veneer and stone building with a tiled roof situated towards the western boundary of the site with a carport and some shedding available south of the dwelling. The remainder of the allotment comprises of a tennis court, lawn and overgrown garden areas.

Lot 2 contains two dwellings including a single storey weatherboard dwelling towards the south east corner of the lot and a double storey brick veneer dwelling towards the north west corner. A shed and a garage are also available on site and a gravel driveway connects the buildings.



Photograph 1: Existing building on lot 1.



Photograph 2: Existing Dwelling on lot 1



Photograph 3: Existing carport on lot 1



Photograph 4: Balance on lot 1 comprising of garden areas

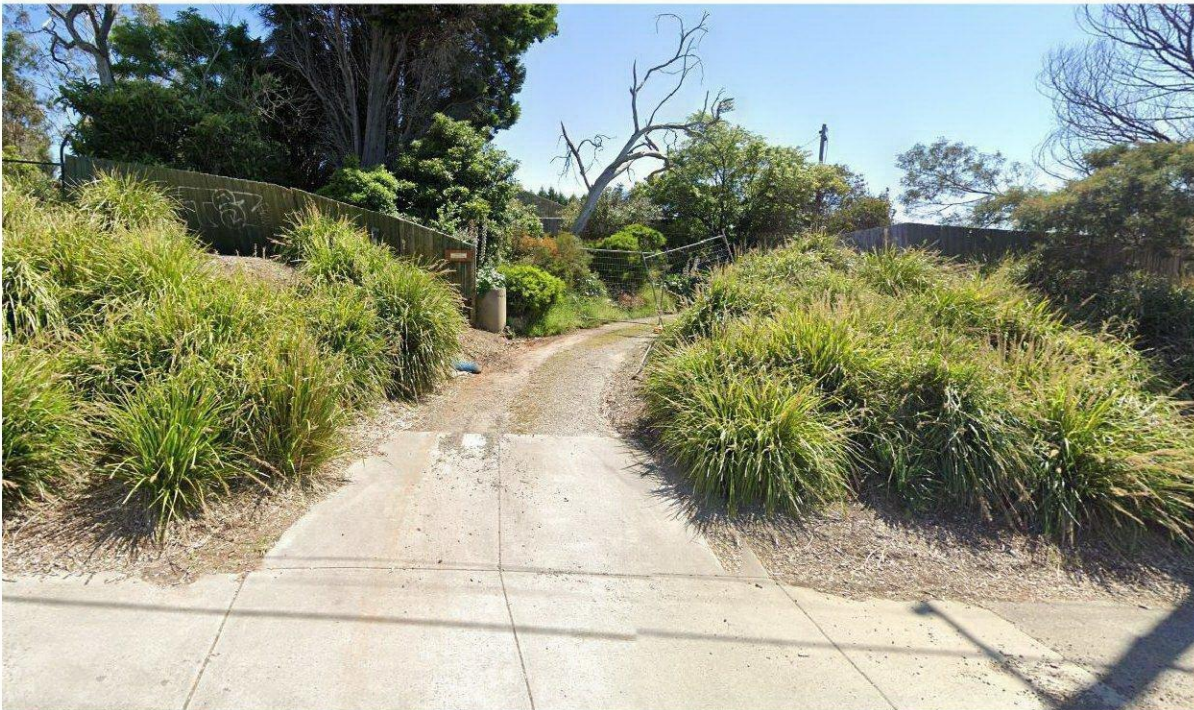


Photograph 5: Looking towards Lot 2 from Police Road

Access and car parking –

Vehicular access to the site is gained via two concrete crossings off Police Road, one at the western end of the site servicing lot 1 and one at eastern end servicing lot 2. The eastern most crossing accesses the Police Road service road while the western most crossing accesses the Transport Zone.

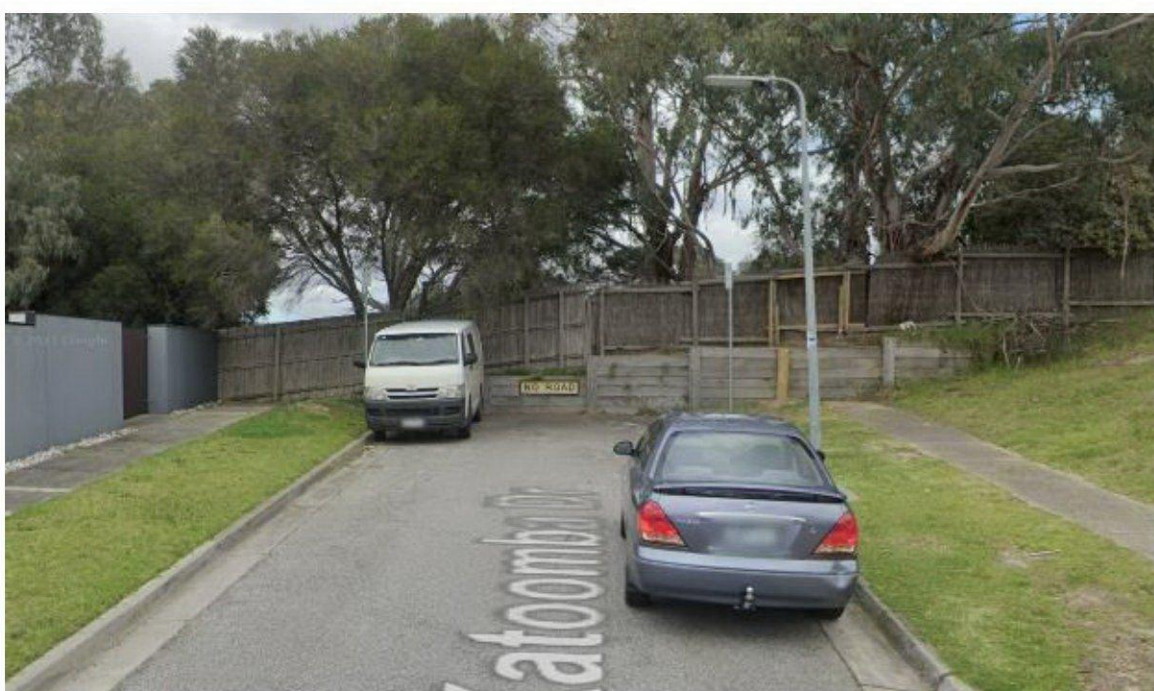
It is noted that Katoomba Drive abuts the northern boundary of the site however no vehicle access is currently available between Katoomba Drive and the subject site.



Photograph 6: Current access into lot 1



Photograph 7: Current access into lot 2



Photograph 8: Sites abuttal to Katoomba Drive

The previous VCAT determination addressed existing traffic conditions and discussed the most appropriate access to the site post development. It included evidence from two consulting Traffic Engineers with the VCAT member determining the following:

In conclusion, we find that there is a greater net community benefit in providing access via Katoomba Drive than via Police Road East due to the safety issues associated with solely relying on the Police Road East access as proposed.

This application has considered the views of the consulting engineers and the VCAT determination in finalising access design to the site.

Vegetation –

The site comprises mostly of lawn areas with numerous trees and shrubs scattered throughout. Generally speaking vegetation is concentrated around fence lines, buildings and the existing tennis court.

As part of the earlier planning application and subsequent VCAT proceedings, an arborist report was prepared by ArborReport Victoria in June 2020 and this was reviewed by John Patrick as part of expert evidence provided at the Hearing.

The Arborist report reviewed 227 trees on and adjacent to the site, many of which were relatively small and had low retention values.

Mr Patrick provided comment on 9 substantial trees on site as part of his expert evidence:

Tree 68 is a Bracelet Honey Myrtle (Melaleuca armillaris) a tree described in the report as having a low retention value. It has the typical poor structure and sprawling habit typical of this species and is of marginal retention value. Tree 80 is a second Melaleuca, Prickly-leaved Paperbark (M.styphelioides) with a medium retention value. This tree has a notably better structure. A Spotted Gum (Corymbia maculata), tree 137, makes a significant visual impact on the site and is located directly adjacent to tree 138, a Southern Mahogany (Eucalyptus botryoides). This is a taxon that shows significant canopy weaknesses, branch shed is common as is evident from this specimen, and though the Architect's plan shows it retained, I would recommend its removal to allow the Spotted Gum to explore its context. There is low level shrub cover and weed growth that should be removed around the base of these trees.

A Blue Gum (Eucalyptus globulus), tree 145 has potential for considerable future growth and shows good health and structure and to its north, within the same boundary alignment, tree 150 is an Argyle Apple (E.cinerea) with distinctive grey foliage. This requires some formative pruning but remains an attractive medium scaled tree. Tree 175 is a Golden Elm (Ulmus glabra'Lutescens'), a visually impressive tree with potential for future growth. Finally, there are two very modest trees to the south-east corner of the site, tree 187, a Bottlebrush (Callistemon sp) and tree 188, a Butterfly Bush (Buddleja davidii), a plant that grows quickly and could easily be replaced if required.



Photograph 9 & 10: Existing trees on site

Easements and services –

The site is unaffected by any easements or restrictions.

All services are available to the site and Council have indicated the legal point of discharge for the property is to the south-east corner. Council have indicated the following in relation to drainage point of connection:

The location of the Point of Connection for a unit development on this site is to direct the entire site's stormwater drainage to the south-east corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip outside of 523-525 Police Road via a 900 mm x 600 mm junction pit and 225 mm pipe to be constructed to Council standards. (A new pit is to be constructed to Council's standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the Point of Connection cannot be located then notify Councils Engineering Department immediately.

2 NEIGHBOURHOOD DESCRIPTION

The subject site is located within *Dandenong Valley Escarpment Areas* which is described as:

The neighbourhood character of this area will evolve within a landscape that has a large number of native trees spread throughout both the public and private realm. This provides an overhead canopy which unifies the diverse built-form of some neighbourhoods and provides a strong relationship with the semi-natural landscape of the Dandenong Valley. An important characteristic of the area is the view lines to the Dandenong Ranges, along streets and between buildings. New dwellings, or additions to dwellings, will seek to maintain these views.

Building scale, height and bulk will continue to enhance and reinforce the existing landscape and built form character and will generally be similar within neighbourhoods. Large scale contrasts between buildings will be discouraged except where existing trees and shrubs soften the junction between buildings or where there is a graduated change in scale.

Garages will be incorporated into the dwelling design so as not to dominate the facade of the building. New developments will typically be sited to address the street, be well designed, energy efficient and sustainable.

Front setbacks will be generous to enable the development and maintenance of significant native tree canopy and understorey vegetation. There may be variation at a neighbourhood level but there will be consistency within individual streets.

Dwellings will be designed to sympathetically integrate with any existing native trees and shrubs on or adjacent to the development site and to the topography. Facades will be articulated with recesses, openings and balconies. Robust and low maintenance materials and finishes that blend with the surrounding natural environment will be used. Long expanses of blank wall will be avoided, particularly when adjacent to public parks, reserves and other open space areas.

Existing trees will be retained where possible and landscaping will reduce the dominance of buildings and provide filtered views of the architecture. Most gardens will be open to the street with no walls or fences, allowing the soft naturalistic qualities of neighbourhoods to be retained. Large walls and fences will be discouraged except where they are already a visually dominant streetscape element. Gardens will be predominantly planted with native vegetation to contribute to the existing natural setting.

The soft quality of the street will be maintained by ensuring that there is only one single crossover per lot frontage.

The following components contribute to the character of the neighbourhood:

Lot sizes –

Standard sized residential allotments of 700-800sqmm are dominant within the neighbourhood, however there are examples of infill development within Katoomba Drive and at 525 Police Road, as well as within the wider neighbourhood. Alternate uses such as the Mulgrave Private Hospital and Outlooks Gardens Aged Care Facility contribute to a varied subdivision pattern within the area.

Built form –

Built form within the neighbourhood is varied as a result of the topography of the land. Single storey, split level and double storey homes are all prevalent. Front setbacks tend to be generous and reduced side setbacks are common.

Access and Car Parking Location –

Access is generally made to lots via a single concrete crossovers. Garages tend to be integrated with dwellings or are forward or to the side of dwellings.

Streetscape and Character –

Front fencing is mostly absent giving a feeling of openness and spaciousness to the area, however other styles can be present giving a mixed presentation to the street. Front gardens are generally informal to semi-formal with lawn surrounded by garden beds and light canopy tree coverage.

Topography and Street Layout –

Topography throughout the neighbourhood is undulating. Streets are generally laid out in a grid pattern and include some cul-de-sacs, all with bitumen surfaces and concrete kerb and channel. Footpaths are present along both sides of the roads.

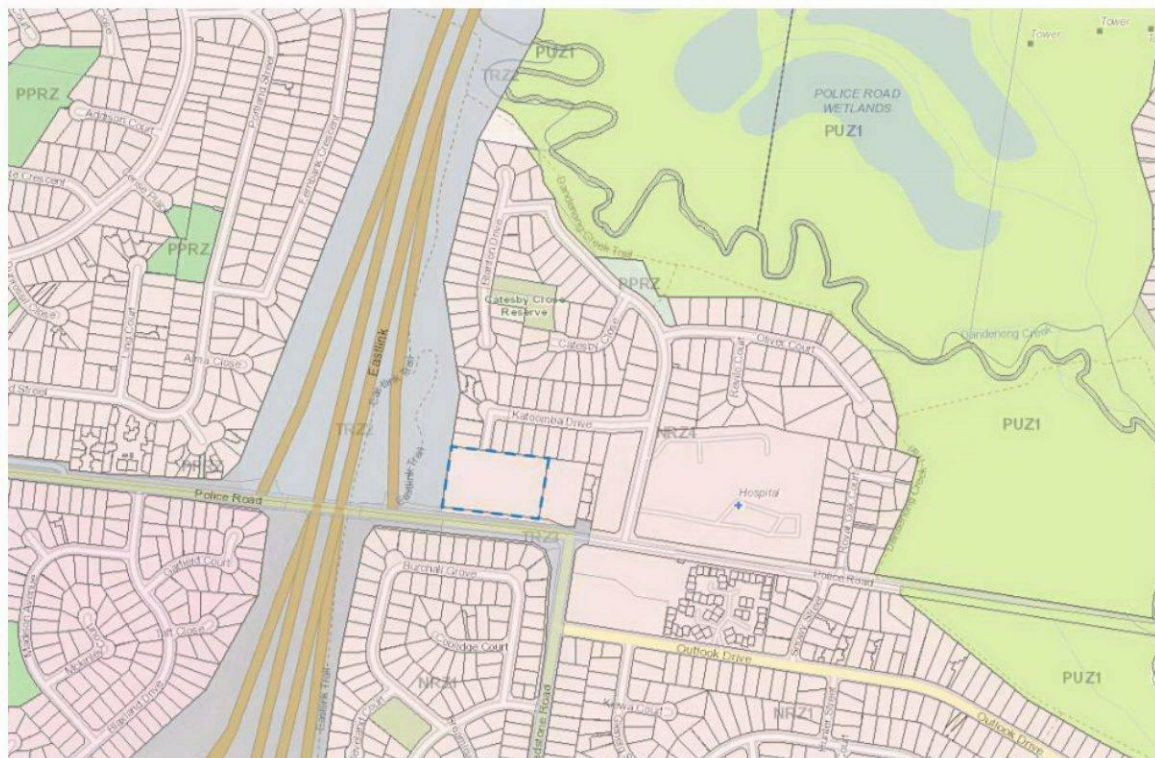


Figure 2: Surrounding subdivision and land use pattern.

2.1 LOCALITY TO EXISTING INFRASTRUCTURE

Plan Melbourne (2017-2050) is a strategic document that aims to guide the growth of metropolitan Melbourne. A key direction is to create a '20-minute neighbourhood', where housing, educational facilities, shops, public transport, recreational reserves and employment opportunities are concentrated around nominated activity centres.

The site is well located to make more efficient use of existing infrastructure as follows:

Shops

- Waverley Gardens Shopping Centre (1.7kms);
- Dandenong Supermarket (1.7kms);
- Outlook Drive Shops (1.6kms).

Primary Schools

- Rosewood Downs Primary School (700m);
- Waverley Foothills Preschool (1.1km)
- Mulgrave Primary School (1.3kms)

Secondary Schools

- Nazareth College (1.2kms)
- Lyndale Secondary College (2km)

Accessibility

- Eastlink;
- Monash Freeway;
- Bus services run along Police Road, Gladstone Road & Outlook Drive.

Recreation

- Tirhatuan Wetlands Conservation Reserve (1.2kms)
- Gladeswood Reserve (1.2kms)
- Starlight Reserve (1.5km); and

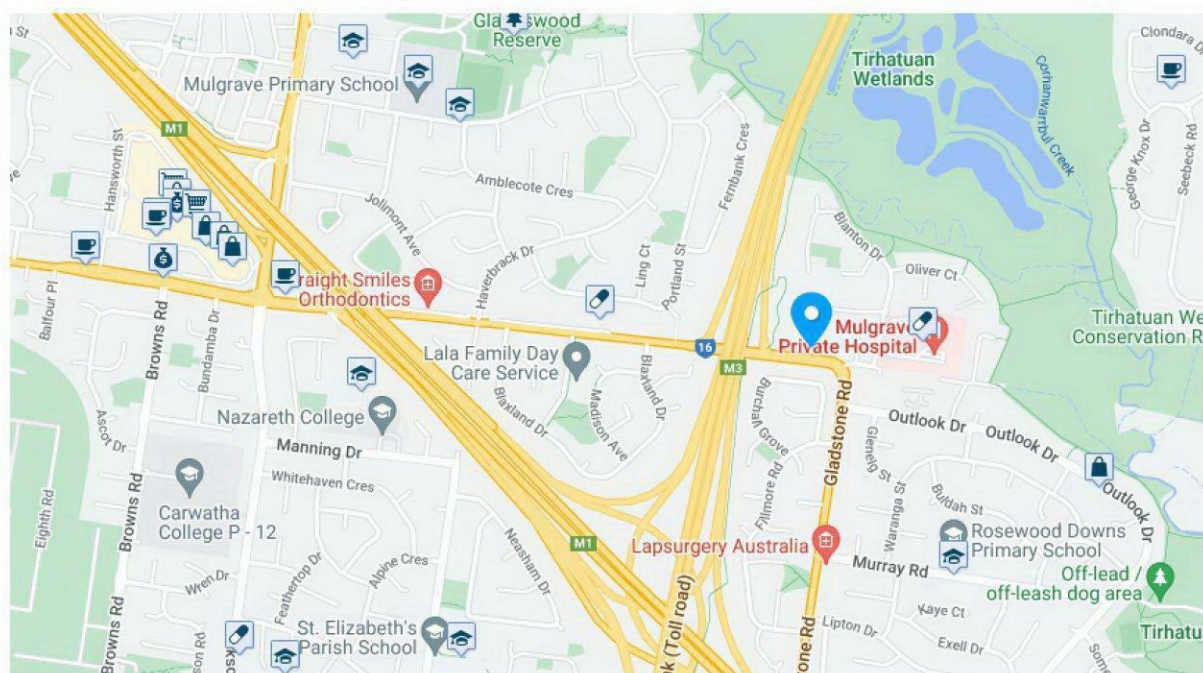


Figure 3: What's nearby? (source: walkscore.com)

3 SITE OPPORTUNITIES & CONSTRAINTS

An analysis of the site has been undertaken and identified the following site opportunities and constraints:

Opportunities

- To take advantage of an underutilised site in a residentially zoned, established urban area;
- To provide increased residential density and take advantage of existing infrastructure in a fully serviced area;
- To replace dated dwellings with new development.

Constraints

- Overlooking to and from neighbouring properties.
- The topography of the land.
- Difficult access to Police Road.

The proposal has been designed to respond accordingly to the site opportunities and constraints identified and relevant considerations in the VCAT determination.

4 PROPOSAL

The following should be read in conjunction with the submitted suite of plans.

Given the particular site conditions, the existing building on site, the surrounding neighbourhood character, the applicable planning controls and the planning and VCAT history of the site, it was considered appropriate to redevelop the site with 28 units and subdivide them into private allotments with a common property access.

4.1 DEVELOPMENT LAYOUT

The proposal provides for 28 dwellings with an internal common property driveway, offering a reduction to the previously proposed 33 dwellings. The layout of the development has been informed by the site opportunities and constraints and expert evidence, and considers the previous VCAT determination.

The layout provides access from Katoomba Drive with an internal east west driveway and dwellings situated on the northern or southern side of the proposed driveway. No access or frontage to Police Road is proposed or required, with a new high paling fence proposed along the site's southern boundary.

A mix of floor plans are provided with dwellings offering open plan living, kitchen and dining areas, between 3 and 5 bedrooms, study rooms where space permits, various service rooms, rear alfresco areas, articulated porches and attached garages. The development proposes the following:

- 18 x Double storey 4 bedroom units
- 5 x Double Storey 5 bedroom units
- 4 x Double storey 3 bedroom units
- 1 x single storey 4 bedroom unit

The dwellings have been sited to ensure separation between the majority of buildings. The exception to this is lots 2/3, 12/13, 16/17 and 18/19 which are each provided with attached garage

walls. Otherwise, there is a minimum 1.5m separation between proposed buildings and rear setbacks of 5m or more.

Where double storey dwellings are provided, the upper levels are well setback from the lower levels, particularly at the front and rear elevations, to provide an appropriate built form, articulation and to minimise overlooking impacts.

The dwellings have been designed specifically to suit the site, in particular the topography of the land. The floor levels step with the topography of the land in an attempt to reduce earthworks required to facilitate the development. Some earthworks are proposed as shown on the attached building elevations, with a balance struck between cut and fill across the site. The maximum proposed retaining wall is situated towards the western extent of the site and is 1.4m in height. The earthworks in this area are required to match existing road grades in Katoomba Drive, with the proposed common driveway and garages for proposed lots 1-3. In this respect the extent of earthworks is considered appropriate.

The dwellings are to be constructed of brick veneer at the lower level with clad upper levels and hipped Colorbond roofs. Materials chosen are similar to those prevalent within the neighbourhood and an earthy colour scheme is proposed to further ensure the buildings are respectful of the neighbourhood character.

Each dwelling is provided with a generous private open space area to the side or rear to cater for the recreational needs of residents. The open space areas generally contain alfresco or terrace areas where space for outdoor entertaining is provided.

4.2 ACCESS ARRANGEMENT & CARPARKING

Due to the topographical and safety constraints in providing access to Police Road, it was considered most appropriate to provide access to the development via Katoomba Drive only as per the recommendations of the VCAT determination. This alleviates safety and functional concerns raised with proposing access to Police Road.

A common property driveway is proposed to extend from Katoomba Drive to provide access to the development. The main driveway is to be constructed of bitumen with a minimum pavement width of 6m, which allows for emergency and service vehicle access and the passing of vehicles within the driveway. It has been designed with turn around areas as required, and the attached plans demonstrate how a service vehicle can turn around within the common area.

Each dwelling offers 3 or more bedrooms and as such is required to be provided with two car spaces. Each dwelling is therefore provided with an attached double garage with the exception of lots 12, 13 and 14 which are provided with a single garage and tandem car spaces.

As required, 6 visitor car spaces are provided within the common area.

It is considered that vehicle access to and within the development is safe and convenient.

4.3 VEGETATION REMOVAL/RETENTION

As per the recommendations of the consulting arborist and evidence provided by John Patrick during the VCAT hearing, seven trees are proposed to be retained on site, with all other vegetation proposed to be removed.

Most trees and shrubs to be removed have been given low retention values and are not considered worthy of retention. In the case of T138 Mr Patrick recommended removal of this tree for the benefit of superior tree T137. Trees to be retained are:

- Tree 68 - Bracelet Honey-myrtle *Melaleuca armillaris*
- Tree 80 - Prickly-leaved Paperbark *Melaleuca styphelioides*
- T137 - Spotted Gum *Corymbia maculata*
- T145 - Blue Gum *Eucalyptus globulus*
- T150 - Argyle Apple *Eucalyptus cinerea*
- T187 - Bottle Brush *Callistemon sp*
- T175 - Golden Elm *Ulmus glabra 'Lutescens'*

The development has been designed to avoid trees that are retained on site and keep encroachment to a minimum. No encroachment in excess of 10% into TPZ is proposed, ensuring all trees that are retained will remain viable post development.

A Biodiversity Assessment Report has been prepared for the vegetation on site and notes the following key points:

There are no patches of remnant native vegetation onsite due to the fact that it has been extensively cleared. Previous owners have planted an array canopy trees, shrubs and fruit trees across the site for screening or amenity purposes. This is apparent in the location of the vegetation along boundaries, or the co-location of different species in a linear arrangement within the site. In addition to this, a large proportion of the species identified in arborist report do not occur naturally in the local area, therefore it is fair to suggest that these have been planted.

An extensive list of species was identified within the site and these include:

- Sweet Pittosporum *Pittosporum undulatum* (weed)
- Cotoneaster *Cotoneaster frigidus* (weed)
- Bottle Brush *Callistemon sp.*
- Protea *Protea obfisticata*
- Loquat *Eriobotrya japonica*
- Golden Ash *Fraxinus excelsior 'Aurea'*
- Camellia *Camellia japonica*
- Golden Monterey Cupressus *Cupressus macrocarpa 'Aurea saligna'*
- Japanese Maple *Acer palmatum*
- Oleander *Nerium oleander*
- Bottle Brush *Callistemon sp.*
- Rhododendron *Rhododendron sp.*
- Bracelet Honey-myrtle *Melaleuca armillaris* (weed of concern)
- Prickly-leaved Paperbark *Melaleuca styphelioides*
- Silver Tarata *Pittosporum eugenioides 'Variegatum'*
- Saw Banksia *Banksia serrata*
- Gossamer Wattle *Acacia floribunda*
- English Box *Buxus sp.*
- Chinese Elm *Ulmus parvifolia*
- Lemon Citrus *limon*
- Orange Bells *Tecoma alata*
- Bay Laurel *Laurus nobilis*
- Leylandi Cypress *Cupressocyparis leylandii*
- Silver Sheen *Pittosporum Pittosporum tenuifolium 'Silver Sheen'*
- Canary Island Date Palm *Phoenix canariensis*
- Manchurian Pear *Pyrus usuriensis*
- Cherry Plum *Prunus cerasifera*
- Apple *Malus domestica*
- Box Elder *Acer negundo*
- Olive *Olea europaea*
- Spotted Gum *Corymbia maculate*
- Southern Mahogany *Eucalyptus botryoides*

- *Willow Myrtle Agonis flexuosa*
- *Cape Broom Genista monspessulana*
- *Buddleia (Butterfly Bush) Buddleja davidii*
- *Blue Gum Eucalyptus globulus*
- *Snow in Summer Melaleuca linariifolia*
- *Argyle Apple Eucalyptus cinerea*
- *Weeping Lilly Pilly Waterhousea floribunda*
- *Monterey Cypress Cupressus macrocarpa*
- *Eastern Cottonwood Populus deltoides*
- *Norfolk Island Pine Araucaria heterophylla*
- *Golden Elm Ulmus glabra 'Lutescens'*
- *Broad Leaf Privet Ligustrum lucidum*

As evident in the list above, there are few species that are native to Victoria and the majority are non-native specimens.

The report concludes that:

As detailed in this report, it is our submission that all vegetation within the site has been planted, and therefore is exempt from requiring a permit for removal under Clause 52.17. This assessment also deems that development of the nature and scale proposed will not adversely impact on the ecological characteristics of the site, provided that an extensive landscape plan is provided to offset the removal of vegetation.

On this basis it is considered that the proposal strikes an appropriate balance between tree retention and removal.

4.4 PROPOSED LANDSCAPING

An extensive landscape plan has been prepared to accompany the proposed development. The Landscape design intent is as follows:

*The landscape design combines an indigenous, native and exotic palette to create diverse streetscapes and residences. Across the development there are proposed canopy trees, as well as ornamental trees, providing large areas of shade once grown. Each dwelling has open lawn space in the front and rear, allowing for recreation and relaxation. A park is proposed near the centre of the development, providing opportunity for community engagement, as well as retaining the existing *Corymbia maculata*. The development also sees the retention of other significant trees, including *Eucalyptus globulus*, *Eucalyptus cinerea*, *Melaleuca amillaris*, *Melaleuca styphellioides* and *Ulmus glabra 'Lutescens'*.*

4.5 INFRASTRUCTURE SERVICING

All services are available in the vicinity of the site and can be connected to each dwelling in accordance with Council requirements.

The proposed lots are to be drained to the legal point of discharge for the site, which is located to the south east of the site. A detailed Stormwater Plan can be prepared as a condition of permit.

4.6 SUBDIVISION LAYOUT

Each dwelling is proposed to be contained on its own private allotment as demonstrated on the attached subdivision plan. Lots vary in size from 326sqm to 502sqm with a density of 1:472m² achieved.

The proposed density responds to the VCAT determination whereby it was determined that a standardised design response of 300sqm lots was not an appropriate design outcome. The VCAT determination noted that the ability of existing 700-800sqm lots to be redeveloped per current planning controls results in an expectation that multi dwelling lots average 350-400sqm. The proposal meets this expectation with its density of 1:472sqm.

4.7 WASTE MANAGEMENT

A Waste Management Plan has been prepared for the proposed development as per the attached and bin collection locations are shown on the attached site layout plan.

There is scope for either a private contractor or Council garbage truck to service the site with the driveway designed to allow a service vehicle to turn around within the site.

Each allotment has ample space for the storage of bins and the common property is capable of accommodating bin collection spaces.

5 SUSTAINABLE DESIGN ASSESSMENT

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

It incorporates 10 key sustainable design criteria as follows:

Criteria	Design response
1. Indoor Environment Quality (IEQ) Objectives: <i>To achieve a healthy indoor environment quality for the wellbeing of building occupants.</i>	<p>The proposed dwellings achieve healthy indoor environments through light filled windows new landscaping outside windows to provide attractive external views and openable windows that are positioned to offer cross ventilation as far as practicable.</p>
2. Energy Efficiency Objectives: <i>To ensure the efficient use of energy, to reduce total operating greenhouse emissions and to reduce energy peak demand.</i>	<p>The dwellings have been designed to ensure the efficient use of energy and reduction in greenhouse gas. North and east or west facing living and private open space areas are provided where possible to achieve appropriate solar access. Where south facing open space is provided it achieves suitable dimension to allow sufficient sunlight.</p>

	Eaves are utilised where possible on lower and upper levels, to aid in shading in summer.
3. Water Efficiency Objectives: <i>To ensure the efficient use of water, to reduce total operating potable water and to encourage the appropriate use of alternative water sources.</i>	The reliance on reticulated water is minimised through the provision of water tanks on each of the proposed lots that can capture roof run off and can be connected to toilet and laundry facilities if so desired. No irrigation is proposed or required as part of the landscape design and plants chosen are water-wise.
4. Storm Water Management Objectives: <i>To reduce the impact of stormwater run-off, to improve the water quality of stormwater run-off, to achieve best practice stormwater quality outcomes and to incorporate the use of water sensitive urban design, including stormwater re-use.</i>	The proposal aims to reduce the impact of storm water runoff through large permeable spaces including front and rear yards, together with the capture of roof run off into water tanks and permeable paving.
5. Building Materials Objectives: <i>To minimise the environmental impacts of materials used by encouraging the use of materials with favourable lifecycle assessment.</i>	The proposed dwellings are to be constructed of brick and render/cladding with hipped Colorbond roofs. All of these materials offer a good lifespan and can be recycled.
6. Transport Objectives: <i>To minimise car dependency and to ensure that the built environment is designed to promote the use of public transport, waling and cycling.</i>	<p>The site is well located in Mulgrave where local facilities and services are available within close proximity. The site has good access to public transport which can reduce car dependency and encourage walking to daily activities.</p> <p>Space for residents' bikes are available in individual garages or rear yards.</p>
7. Waste Management Objectives: <i>To ensure waste avoidance, and reuse and recycling during construction and operation stages of development.</i>	Waste during construction will be appropriately managed and minimised where possible.
8. Urban Ecology Objectives: <i>To protect and enhance biodiversity and to encourage the planting of indigenous vegetation.</i>	The provision of an attractive new landscape design that incorporates indigenous plantings will protect and enhance the biodiversity of the site and surrounding area.
9. Innovation Objectives:	In accordance with the building regulations, each dwelling will offer a high

<p><i>To encourage innovative technology, design and processes in all development, so as to positively influence the sustainability of buildings.</i></p>	<p>energy rating which may be achieved through a series of construction methods including insulation, double glazing etc. These items are outside the scope of the planning scheme and will be detailed at building permit stage.</p>
<p>10. Construction and Building Management Objectives: <i>To encourage a holistic and integrated design and construction process and ongoing high performance.</i></p>	<p>These items are outside the scope of the planning scheme and will be detailed at building permit stage.</p>

6 PLANNING POLICY FRAMEWORK

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

Zoning

Clause 32.09 Neighbourhood Residential Zone – Schedule 4

Overlays

None Applicable

Planning Policy Framework (PPF)

SPPF

Various Clauses

MSS

Clause 21.04 Residential Development
 Clause 21.13 Sustainability and Environment

LPP

Clause 22.01 Residential Character & Development – Dandenong Creek Escarpment
 Clause 22.04 Stormwater Management Policy
 Clause 22.05 Tree Conservation Policy
 Clause 22.13 Environmental Sustainable Development

Particular Planning Provisions

Clause 52.06 Car Parking
 Clause 52.17 Native Vegetation
 Clause 52.29 Land adjacent to the Principal Road Network
 Clause 55 Two or more dwellings on a lot and Residential Buildings
 Clause 56 Residential Subdivision
 Clause 65 Decision Guidelines

6.1 PERMIT TRIGGERS

The following table outlines the permit triggers that apply to the proposal:

Planning Control	Permit Trigger
Clause 32.09 – NRZ4	Construct two or more dwellings on a lot and subdivide land
Clause 52.29 – Land Adjacent to the Principal Road Network	Subdivide Land

6.2 ZONING

Pursuant to the Monash Planning Scheme, the property is contained within the *Neighbourhood Residential Zone, Schedule 4 (Clause 32.09)*. The proposal is in accordance with the relevant purposes of the zone, which alongside implementing the Municipal Planning Strategy and Planning Policy Framework are:

- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

Pursuant to *Clause 32.08-3* a permit is required for subdivision. An application to subdivide land must meet the requirements of *Clause 56*.

Pursuant to *Clause 32.09-4* the minimum garden area requirement for a lot above 650sqm is 35%.

Pursuant to *Clause 32.09-6* a permit is required to construct two or more dwellings on a lot.

Pursuant to *Clause 32.09-10* the maximum building height for a dwelling is 9m and the building must not contain more than 2 storeys.

Schedule 4 to the NRZ is the *Dandenong Valley Escarpment Areas* where the neighbourhood character objectives are:

- *To ensure new development maintains the important view lines to the Dandenong Ranges, along the streets and between buildings.*
- *To ensure development is defined by its spacious and generous garden settings, tall canopy trees and consistent built form and setbacks.*
- *To encourage open gardens to the street, and the planting and retention of significant trees.*

Schedule 4 to the NRZ specifies a minimum lot size of 300sqm. Some variations to Clause 55 are contained in Schedule 4 to the NRZ.

Response – NRZ4:

The proposal is considered to be in accordance with the neighbourhood character objectives of the Dandenong Valley Escarpment Areas.

The development maintains the important view lines to the Dandenong Ranges by providing spacing between each dwelling, minimising building height and responding to the land's topography, and proposing an appropriate built form where upper levels are reduced in size and not visually dominant.

The proposed density and dwelling spacing provides opportunity for vegetation retention and provision of new landscaping. The landscape design proposes various canopy trees with the ability to grow between 10-20m plus additional smaller feature trees which will ensure development is defined by tall canopy vegetation as encouraged by the zone. In total 68 new canopy trees that have the potential to exceed the maximum building height are proposed and this will ensure the development makes a positive contribution to the surrounding landscape.

A minimum garden area of 5916m² or 44.7% is provided which far exceeds the minimum requirement.

The buildings are design to respond to the topography of the land. They have a maximum of 2 storeys and are below the 9m building height maximum.

The proposed subdivision layout achieves a density of 1:472sqm. Lot sizes vary from 326sqm to 502sqm and all lots are above the 300sqm minimum.

A response to the Clause 55 provisions are provided below.

6.3 OVERLAYS

None Applicable

6.4 PLANNING POLICY FRAMEWORK

The PPF seeks to ensure that:

The objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which investigate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Integrated decision making in part states that:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The Planning Policy Framework is structured around the following themes; those relevant to this application are discussed below:

SETTLEMENT (CLAUSE 11)

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

RESIDENTIAL DEVELOPMENT (21.04) lists the following relevant objectives and their associated strategies:

Objectives:

- *To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster and the Boulevards to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality;*
- *To encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs and preferences that complement and enhance the garden city character of the city.*
- *To encourage a high standard of architectural design in buildings and landscaping associated with residential development that takes into account environmentally sustainable development.*

This Clause recognises the Monash Housing Strategy 2014 which includes the Residential Framework Map that identifies the subject site as Category 6 – Dandenong Creek Escarpment.

This correlates with the NRZ4 zoning of the land. Further discussion regarding Neighbourhood Character Policies is provided below.

Response – Settlement:

The proposed development is compatible with the policy for settlement, the site is in an existing urban area and the land is appropriately zoned for residential purposes. It is within proximity to local shopping facilities and the site is well suited to access public transport networks with connecting bus services nearby, providing access to a greater range of shopping centres, services, recreation and education facilities. Consolidation of future population growth is encouraged in this area and infill development of this nature, such as this proposal, helps facilitate this growth. The proposal provides for a diversity of housing types, whilst also seeking to accommodate families on lower maintenance allotments, with the development design to complement and enhance the garden character of the city. The high standard of architectural design results in an attractive modern development that can integrate with the surrounding character and considered environmentally sustainable design.

ENVIRONMENTAL AND LANDSCAPE VALUES (CLAUSE 12)

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

Biodiversity (12.01-1S) This Clause seeks to:

- *To protect and enhance Victoria's biodiversity.*

Native Vegetation Management (12.01-2S) This Clause seeks to:

- *Ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Landscapes (12.05-2S) This Clause seeks to:

- *Protect and enhance significant landscapes and open spaces that contribute to character, identify and sustainable environments.*

Tree Conservation Policy (22.05) This policy seeks to:

- *To maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.*
- *To promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.*

It is policy that:

- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy.*
- *Existing street trees be retained and protected.*
- *Semi-mature canopy trees with spreading crowns be planted as part of any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*

Response – Environmental & Landscape Values:

As discussed above, whilst a number of trees are proposed to be removed from the site, the majority have low retention values and are considered insignificant. None of the vegetation to be removed triggers a planning permit. It is considered that the removal of insignificant vegetation from this residential site is an appropriate design response on the basis that it aids in much needed increase in housing density and diversity.

The proposal seeks to maintain and extend the Garden City Character of Monash through an extensive new landscape design that proposes numerous native canopy trees that in time will dominate the site and blend the development with the surrounding Garden Character. A total of 68 new canopy trees proposed will more than offset the low retention value trees and shrubs that are to be removed.

NATURAL RESOURCE MANAGEMENT (CLAUSE 14)

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

Sustainability and Environment (21.13) lists the following relevant objectives:

- *To ensure that planning, development and associated infrastructure complies with the principles of economic prosperity, social advancement and environmental protection.*
- *To minimise energy usage and increase utilisation of alternative energy resources, particularly renewable sources.*
- *To achieve building design which incorporates accessibility considerations and reduces the need to modify or alter structures in response to future changing needs and/or uses. To increase water conservation and recycling, maximise the use of rainwater, stormwater and secondary water, and minimise the use of potable water.*
- *To reduce the environmental impact of urban development on waterways in the City and the wider catchment through adoption of water sensitive design principles and practices.*
- *To maximise the potential for drainage systems to contribute to the environmental and recreational qualities of Monash.*
- *To encourage best practice waste management techniques and recycling, particularly during demolition and construction of buildings, and by the community and industry.*
- *To minimise the adverse impact on air quality caused by exhaust fumes from motor vehicles using the main roads in Monash by maximising use of alternative modes of transport such as walking, cycling and public transport.*
- *To ensure that appropriate infrastructure is provided to meet changing community needs.*
- *To ensure that there is incorporation of environmentally sustainable design principles when a new building is being designed.*

Stormwater Management Policy (22.04) lists the following relevant objectives:

- *To minimise the risk to personal injury and property from stormwater flows.*
- *To protect waterways, floodplains, wetlands and receiving bodies from the impacts of inappropriate development and a consequent decline in their water quality.*
- *To minimise the introduction of polluted stormwater to the drainage and waterway system.*
- *To promote and enhance the contribution the drainage system can make to environmental, social and economic benefits to the region.*

- *To ensure that development of land which is the subject of any overland flow is subject to floodplain management requirements.*
- *To manage nuisance flows from urban redevelopment.*
- *To encourage the provision of on-site retention systems so that stormwater discharge is maintained at pre-development levels.*

Environmentally Sustainable Development Policy (22.13) This clause includes the following objectives:

- *The development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*
- *In the context of this policy best practice is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.*
- *It is a policy objective to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.*

This policy includes a number of objectives in relation to the following that should be satisfied: Energy efficiency, Water Resources, Indoor Environment Quality, Stormwater Management, Transport, Waste Management and Urban Ecology.

It is noted that a development of 10 or more dwellings should include a Sustainability Management Plan (SMP) and such plan can be provided as a condition of permit.

Response – Natural Resource Management:

The proposed development provides opportunities for environmentally sustainable design and construction as encouraged by the planning scheme. Each dwelling is provided with a water tank to capture roof run off and provide for re use whilst also limiting the discharge of stormwater into the municipal system. A Stormwater Management Plan can be prepared to meet the objectives of the above mentioned policy. The dwellings are provided with large light filled windows and north facing living areas are maximised to allow for solar efficiency. The dwellings will be constructed to achieve best practice ESD outcomes. A Sustainability Management Plan can be prepared as a condition of permit.

BUILT ENVIRONMENT AND HERITAGE (CLAUSE 15)

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

Urban Design (15.01-1S) seeks to:

Create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Building Design (15.01-2S) seeks to:

Achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Subdivision Design (15.01-3S) seeks to:

Ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Healthy neighbourhoods (15.01-4S) seeks to:

Achieve neighbourhoods that foster healthy and active living and community wellbeing.

Neighbourhood character (15.01-5S) seeks to:

Recognise, support and protect neighbourhood character, cultural identity and sense of place.

Residential Development & Character Policy (22.01) seeks to:

- *To build upon the important contribution that landscaping makes to the garden city character of Monash.*
- *To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the applicable preferred future character statement for the area.*
- *To protect and enhance the special character of the heritage precincts, the creek environs and the Dandenong Valley Escarpment.*
- *To encourage the provision of a variety of housing types to accommodate future housing needs and preferences.*
- *To achieve best practice environmentally sustainable development.*

This clause includes numerous policies that relate to Street setback, site coverage and permeability, landscaping, side and rear setbacks, walls on boundaries, private open space, fences, vehicle crossings, built form and scale of development, carparking and environment. A response to the relevant policies is provided below.

As mentioned in Clause 21.04 above the subject site is located within the Dandenong Valley Escarpment Areas. The future character statement for this area is noted as:

The neighbourhood character of this area will evolve within a landscape that has a large number of native trees spread throughout both the public and private realm. This provides an overhead canopy which unifies the diverse built-form of some neighbourhoods and provides a strong relationship with the semi-natural landscape of the Dandenong Valley. An important characteristic of the area is the view lines to the Dandenong Ranges, along streets and between buildings. New dwellings, or additions to dwellings, will seek to maintain these views.

Building scale, height and bulk will continue to enhance and reinforce the existing landscape and built form character and will generally be similar within neighbourhoods. Large scale contrasts between buildings will be discouraged except where existing trees and shrubs soften the junction between buildings or where there is a graduated change in scale.

Garages will be incorporated into the dwelling design so as not to dominate the facade of the building. New developments will typically be sited to address the street, be well designed, energy efficient and sustainable.

Front setbacks will be generous to enable the development and maintenance of significant native tree canopy and understorey vegetation. There may be variation at a neighbourhood level but there will be consistency within individual streets.

Dwellings will be designed to sympathetically integrate with any existing native trees and shrubs on or adjacent to the development site and to the topography. Facades will be articulated with recesses, openings and balconies. Robust and low maintenance materials and finishes that blend with the surrounding natural environment will be used. Long

expanses of blank wall will be avoided, particularly when adjacent to public parks, reserves and other open space areas.

Existing trees will be retained where possible and landscaping will reduce the dominance of buildings and provide filtered views of the architecture. Most gardens will be open to the street with no walls or fences, allowing the soft naturalistic qualities of neighbourhoods to be retained. Large walls and fences will be discouraged except where they are already a visually dominant streetscape element. Gardens will be predominantly planted with native vegetation to contribute to the existing natural setting.

The soft quality of the street will be maintained by ensuring that there is only one single crossover per lot frontage.

Response – Built Environment and Heritage:

The proposal is considered to be appropriate for the neighbourhood character and in particular the Dandenong Creek Escarpment Areas as follows:

Street Setback – The development is designed in a manner in which no street setback is provided or required to the existing road network. The dwellings themselves are well setback from the common area and those on the southern side of the common accessway maintain a generous rear setback which together with the existing reserve, present a substantial setback to Police Road. Garages are designed to be setback behind the front façade as encouraged.

Site Coverage & Permeability – The proposed site coverage is less than the maximum allowable and conversely the permeable surfaces far exceed the minimum allowable. This design response ensures hard surfaces are minimised and on-site stormwater infiltration is maximised as encouraged.

Landscaping – Sufficient space is provided for the provision of landscaping including canopy trees and understorey plantings. As discussed, landscaping will form a dominant feature of this development with many trees proposed to far exceed the maximum building height. Significant trees on site are to be retained where possible and vegetation to be removed is considered insignificant.

Site & Rear Setbacks – The provided side and rear setbacks result in appropriate dwelling spacing, a built form that is respectful of the neighbourhood character and ample space for landscaping.

Walls on boundaries – No walls are proposed along external boundaries to avoid any neighbourhood impacts. Walls on boundaries within the development are also avoided where possible.

Private open space – Private open space areas that meet the planning scheme requirements are provided. Hard spaces within the open space areas are minimised, ensuring suitable space for landscaping is maintained. The spaces provided are suitable for the recreational needs of residents and are well dimensioned to received appropriate sunlight.

Fences – The proposed fencing treatments are consistent with the character of the neighbourhood.

Vehicle Crossings – the proposed common property is an extension of the existing Katoomba Drive and each dwelling has a crossing off the common property. Hard surfaces are kept to a minimum and space for landscaping is provided.

Built Form & Scale of Development – The proposed built form is consistent with that of the surrounding neighbourhood. The dwellings maintain appropriate spacing, upper levels are setback from the lower and views between buildings are provided. Each dwelling achieves excellent articulation with variations between levels, front porch areas and windows that overlook public and private spaces. The buildings respond to the topography of the land to minimise earthworks and building heights.

Carpark – Vehicles from the development can leave the site in a forward direction, thereby reducing impacts on the adjacent residential areas. The proposed car parking spaces will

have minimal impact on pedestrian and vehicle movement within the common property area.

Environment – The proposal can meet best practice environmentally sustainable development through re-use of water resources, efficient building design and construction and appropriate waste management.

HOUSING (CLAUSE 16)

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

Housing Supply (16.01-1S) Seeks to:

Facilitate well-located, integrated and diverse housing that meets community needs.

Housing affordability (16.01-2S) seeks to:

Deliver more affordable housing closer to jobs, transport and services.

Response – Housing:

The proposal is in accordance with the planning scheme objectives of delivering well located integrated and diverse housing that meets community needs. The site is well located within Monash, close to local facilities, serviced by public transport and zoned for residential purposes. The sites existing conditions and applicable planning controls render it ideal for a redevelopment of this nature. The provision of 3-5 bedroom dwellings on smaller low maintenance allotments provides families with a diversity of choice and greater housing affordability.

6.5 PARTICULAR PROVISIONS

Carparking (Clause 52.06)

This Clause seeks:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and Planning Policy Framework;*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;*
- *To support sustainable transport alternatives to the motor car;*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities;*
- *To ensure that car parking does not adversely affect the amenity of the locality; and*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

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

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

Response – Carparking:

The requirements of this standard have been met. The main driveway maintains a minimum width of 6m, with a 3m wide driveway that branches off to the west to provide access to lots 4-7. The main driveway maintains sufficient space for passing vehicles and turning areas, to allow vehicles to enter and exit the site in a safe and efficient manner.

Each dwelling is provided with two car spaces either via an attached double garage or a single garage and tandem car space.

Six visitor car spaces are provided to cater for the proposed 28 dwellings.

The proposed accessways and car spaces are designed in accordance with the standards contained within this Clause.

Native Vegetation (Clause 52.17)

The purpose of this clause is:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation*

A permit is required to remove, destroy or lop native vegetation, some exemptions apply including: *Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding*

Response – Native Vegetation:

A Biodiversity Assessment Report has been prepared to accompany this application. It concludes that there is no indigenous vegetation on site and that all vegetation that exists is either exotic in nature or planted. Therefore, there is no permit triggered for vegetation removal under this clause.

Land Adjacent to the Principal Road Network (Clause 52.29)

This clause applies to land adjacent to a road in the Transport Zone 2. It includes the following purposes:

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Pursuant to Clause 52.29-2 a planning permit is required to subdivide land adjacent to a road in a Transport Zone 2.

Response – Land Adjacent to the Principal Road Network:

The proposal is considered to be in accordance with the purpose of this Clause in that it has no impact on Police Road (TZ2).

As recommended in the VCAT determination, access to development on this site is proposed via Katoomba Drive given the safety and functional concerns associated with access to Police Road. Katoomba Drive has the capacity to accommodate additional traffic associated with the development and as such no new access to Police Road is proposed. The existing accessways will be removed, resulting in an improved outcome from a traffic safety perspective.

7 CLAUSE 55 - TWO OR MORE DWELLINGS ON A LOT & RESIDENTIAL BUILDINGS

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of *Clause 55: Two or More Dwellings on a Lot and Residential Buildings* relevant to this application are:

- *To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Pursuant to this Clause, an application to subdivide land:

- *must meet all of the objectives included in the Clauses specified in the zone and*
- *should meet all of the standards included in the Clauses specified in the zone.*

Clause 55 – TWO OR MORE DWELLINGS ON A LOT & RESIDENTIAL BUILDINGS

STANDARD B1: Neighbourhood character

Objectives:

- *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *To ensure that development responds to the features of the site and the surrounding area.*

Response:

The proposal respects the existing and preferred neighbourhood character, whilst also responding to the features of the site as detailed above. The development aligns with the objectives for the Dandenong Creek Escarpment area.

STANDARD B2: Residential policy

Objectives:

- *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.*
- *To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.*

Response:

The proposal provides for increased medium density on a large well-located site that can take advantage of public transport, community infrastructure and services. The proposed development is in accordance with the applicable housing policies as detailed above.

STANDARD B4: Infrastructure

Objectives:

- *To ensure development is provided with appropriate utility services and infrastructure.*
- *To ensure development does not unreasonably overload the capacity of utility services and infrastructure.*

Response:

All services are currently available to the subject site and can be utilised for the proposed dwellings.

STANDARD B5: Integration with the street**Objective:**

- *To integrate the layout of development with the street.*

Response:

The subject site is unique in that it is a large site with frontage to Police Road where grade changes result in little integration between the site and the streetscape. Following the previous VCAT determination it was considered most appropriate to provide vehicle access to the site via Katoomba Drive which results in the development backing onto Police Road. High fencing along this section of Police Road is common and not visually dominant on the street due to the grade changes and landscaping within the road reserve. The development integrates with Katoomba Drive as far as practical. The proposed design response is considered appropriate.

STANDARD B6: Street setback**Objective:**

- *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

Response:

The site's integration with Police Road and Katoomba Drive result in a situation where the development does not have frontage to an existing streetscape. The dwellings maintain a 5m setback to the southern boundary where a high rear fence is proposed. This then abuts a strip of reserve before abutting the Police Road road reserve. All of these factors ensure the development is not dominant on the street or neighbourhood character when viewed from Police Road. The integration with Katoomba Drive is also one where no new dwellings front the existing road, but rather the common property extends from the road reserve. Whilst no formal front setback is provided, the setbacks that are provided are considered to be respectful of the existing and preferred neighbourhood character and as such this objective has been met.

STANDARD B7: Building height**Objective:**

- *To ensure that the height of buildings respects the existing or preferred neighbourhood character.*

Response:

The maximum height proposed is under the permitted height allowance under the zone. The buildings have been designed to respond to the topography of the land with varying floor levels proposed to minimise the extent of earthworks required. The proposed building heights are consistent with the existing and preferred neighbourhood character.

STANDARD B8: Site coverage**Objective:**

- *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*

Response:

The NRZ4 stipulates a maximum site coverage of 50%. The proposed site coverage is 35.8% which ensures the preferred garden character of the neighbourhood can be maintained.

STANDARD B9: Permeability**Objective:**

- *To reduce the impact of increased stormwater run-off on the drainage system.*
- *To facilitate on-site stormwater infiltration.*
- *To encourage stormwater management that maximises the retention and reuse of stormwater.*

Response:

The NRZ4 stipulates a minimum permeable area of 30%. The proposal achieves 46% permeability which reduces the impact of stormwater run-off.

STANDARD B10: Energy efficiency**Objective:**

- *To achieve and protect energy efficient dwellings and residential buildings.*
- *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*

Response:

The energy efficiency of existing dwellings on neighbouring properties will remain unchanged. The proposed development has been designed to ensure high levels of energy efficiency as far as practical. North facing windows and open spaces are maximised and where south facing areas are proposed, these are provided with suitable setbacks to provide for daylight.

STANDARD B11: Open space**Objective:**

- *To integrate the layout of development with any public and communal open space provided in or adjacent to the development.*

Response:

There are no communal open spaces provided.

STANDARD B12: Safety**Objective:**

- *To ensure the layout of development provides for the safety and security of residents and property.*

Response:

The layout of the development provides for the safety and security of residents and property. Each of the dwellings overlooks the common property driveway and has good

lighting, visibility and surveillance. Private open spaces within the developments are securely fenced and will not be used as public thoroughfares.

STANDARD B13: Landscaping

Objective:

- *To encourage development that respects the landscape character of the neighbourhood.*
- *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*
- *To provide appropriate landscaping.*
- *To encourage the retention of mature vegetation on the site.*

Response:

The development respects and enhances the landscape character of the neighbourhood as described throughout this report. Vegetation to be removed is insignificant and considered appropriate for removal. An extensive new landscape design is proposed. It is noted this standard requests one canopy tree per 5 metres of site width that has the capacity to grow to the prevailing roof height. The subject site is approximately 170m in width and the landscape design includes 68 trees capable of growing to 10m or above which far exceeds the requirement of this standard.

STANDARD B14: Access

Objective:

- *To ensure the number and design of vehicle crossovers respects the neighbourhood character.*

Response:

Access to the site has been debated through the previous application and VCAT determination. As a result of the expert findings the proposed design seeks access via Katoomba Drive only. A common property driveway will extend from Katoomba Drive and provide shared access to each lot. The driveway is safe and functional, will be provided with a 6m wide pavement and allows for access to emergency and service vehicles. Space for large vehicles to turn around and leave the site in a forwards direction is provided.

STANDARD B15: Parking location

Objective:

- *To provide convenient parking for resident and visitor vehicles.*
- *To protect residents from vehicular noise within developments.*

Response:

The parking areas provided are convenient to the dwelling for which they are intended. An attached garage is provided for each dwelling.

The proposed dwellings are well setback from the common accessway and there will be no impact on proposed habitable room windows by vehicle noise.

For further details on car parking arrangements please refer to Clause 52.06.

STANDARD B17: Side and rear setbacks

Objective:

- *To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

Response:

The NRZ specifies a minimum side setback of 1m from a site boundary. The development achieves minimum setbacks of 1.99m and 1.77m to the sites side boundaries, ensuring no impact on the amenity of existing dwellings.

The NRZ specifies a minimum 5m rear setback. All dwellings on the northern side of the common property are setback a minimum 5m from the northern boundary of the site with upper levels setback even further. The dwellings on the southern side of the common property are all setback a minimum of 5m from the southern boundary with upper levels also setback further. It is acknowledged that the alfresco areas for dwellings 4, 5, 6, 12 and 14 encroach into the 5m setback. This encroachment has no impact on any existing dwellings and due to the presence of the abutting reserve will have no impact on the preferred or existing neighbourhood character. Ample space is maintained within the allotments for meaningful landscaping.

STANDARD B18: Walls on boundaries**Objective:**

- *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

Response:

No walls are proposed along external boundaries as part of this proposal. Some adjoining garage walls are provided within the development however are in accordance with the requirements of this standard.

STANDARD B19: Daylight to existing windows**Objective:**

- *To allow adequate daylight into existing habitable room windows.*

Response:

Appropriate setbacks are provided to ensure that ample daylight is available to all existing windows on neighbouring properties.

STANDARD B20: North-facing windows**Objective:**

- *To allow adequate solar access to existing north-facing habitable room windows.*

Response:

There are no existing north facing windows within proximity of the site.

STANDARD B21: Overshadowing open space**Objective:**

- *To ensure buildings do not significantly overshadow existing secluded private open space.*

Response:

There are no overshadowing impacts to existing dwellings.

STANDARD B22: Overlooking

Objective:

- *To limit views into existing secluded private open space and habitable room windows.*

Response:

The proposed dwellings have been designed to overlook their own private open space and the internal driveway and avoid overlooking into neighbouring properties. No overlooking to existing secluded private open space occurs.

STANDARD B23: Internal views

Objective:

- *To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.*

Response:

The proposed development does not provide for the significant overlooking of any internal private open space or habitable room windows. Upper level windows are provided with obscured glazing or a highlight windows to ensure no overlooking occurs. The development has been designed so outdoor entertaining areas are well separated and no overlooking between private open space areas occurs.

STANDARD B24: Noise impacts

Objective:

- *To contain noise sources in developments that may affect existing dwellings.*
- *To protect residents from external noise.*

Response:

No significant noise sources are present, and all new plant and equipment will be located away from the living areas of existing dwellings as far as practicable.

STANDARD B25: Accessibility

Objective:

- *To encourage the consideration of the needs of people with limited mobility in the design of developments.*

Response:

The entrances to each dwelling could easily be made accessible for people with limited mobility. Where possible, master bedrooms and all other essential rooms have been located on the ground floor of each of the dwellings, to provide for the needs of people with limited mobility.

STANDARD B26: Dwelling entry

Objective:

- *To provide each dwelling or residential building with its own sense of identity.*

Response:

The entrance to each proposed dwelling is highly visible, easily identifiable, and provides shelter and a transitional space.

STANDARD B27: Daylight to new windows**Objective:**

- *To allow adequate daylight into new habitable room windows.*

Response:

Adequate daylight is available to all proposed habitable windows.

STANDARD B28: Private open space**Objective:**

- *To provide adequate private open space for the reasonable recreation and service needs of residents.*

Response:

The NRZ4 requires each dwelling to have 75sqm of private open space with one area of 35sqm achieving a minimum dimension of 5m. The private open space areas for each dwelling far exceed the requirements of this standard.

STANDARD B29: Solar access to open space**Objective:**

- *To allow solar access into the secluded private open space of new dwellings and residential buildings.*

Response:

The design seeks to ensure each lot achieves suitable solar access into private open space areas. The dwellings on the southern side of the common accessway are provided with south facing open space. The exception to this is dwellings 12 and 14 that each have west facing open space. The dwellings provided with south facing open space each meet the requirements of this standard at both ground and upper level. In addition, each lot has a small area forward of the dwelling where north facing sunlight is available.

STANDARD B30: Storage**Objective:**

- *To provide adequate storage facilities for each dwelling.*

Response:

Each dwelling has been provided with 6 cubic metres of storage.

STANDARD B31: Detailed design**Objective:**

- *To encourage design detail that respects the existing or preferred neighbourhood character.*

Response:

Particular attention has been given to the architecture to ensure that the development complements the existing and preferred future character of the neighbourhood. Proposed materials, colours and finishes are grey and earthy tones that result in an attractive contemporary development that integrates the prevailing architectural character and will enhance the underutilised site (see the attached development plans and 3D images for further details).

STANDARD B32: Front fences**Objective:**

- *To encourage front fence design that respects the existing or preferred neighbourhood character.*

Response:

No front fencing is proposed. A high fence is proposed along Police Road as the proposal backs onto this space.

STANDARD B33: Common property**Objective:**

- *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.*
- *To avoid future management difficulties in areas of common ownership.*

Response:

The proposed driveway will be provided as common property and provides shared access to each dwelling. Each lot will own equal entitlement over the common area.

STANDARD B34: Site services**Objective:**

- *To ensure that site services can be installed and easily maintained.*
- *To ensure that site facilities are accessible, adequate and attractive.*

Response:

The development is provided with meter and mailboxes adjacent to each dwelling and ample space is available within each lot for bin storage.

8 CLAUSE 56 - RESIDENTIAL SUBDIVISION

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of *Clause 56: Residential Subdivision* relevant to this application are:

- *To create livable and sustainable neighbourhoods and urban places with character and identity;*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas;*
 - *Infill sites within established residential areas; and*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation;*
 - *Livable and sustainable communities;*
 - *Residential lot design;*
 - *Urban landscape;*
 - *Access and mobility management;*
 - *Integrated water management;*
 - *Site management; and*
 - *Utilities.*

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

CLAUSE 56 ASSESSMENT – 16-59 LOTS

STANDARD C1: Strategic Implementation

Objective:

- *To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.*

Response: Covered above.

STANDARD C5: Built environment

Objective:

- *To create urban places with identity and character.*

Response: The proposed subdivision layout has been designed to respond to the identified site constraints and opportunities and considers the previous VCAT determination as discussed above. It ensures a functional, safe and attractive living environment for future residents as required by this standard and is designed to meet the preferred character of the *Dandenong Escarpment Areas*. The retention of significant trees and the provision of a number of large native canopy trees across the site, ensures that over time vegetation will dominate the built form and integrate with the surrounding urban landscape.

STANDARD C7: Lot Diversity and distribution

Objective:

- *To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.*
- *To provide higher housing densities within walking distance of activity centres.*

- *To achieve increased housing densities in designated growth areas.*
- *To provide a range of lot sizes to suit a variety of dwelling and household types.*

The proposal provides for lot diversity that will cater for the changing needs of the population. The area is situated within an area that is a designated higher density development and growth, and as such a density of 1:472m² is proposed. It is submitted that the proposed density is suitable for the sites location and contributes to diversity of lot sizes available in the area.

STANDARD C8: Lot Area and Building Envelopes

Objective:

- *To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.*

Response:

The proposed lots can easily accommodate the dwellings they are proposed to contain whilst achieving appropriate solar access, open space and access. The density of 1:472sqm is appropriate and each lot is above 300sqm.

STANDARD C9: Solar Orientation of Lots

Objective:

- *To provide good solar orientation of lots and solar access for future dwellings.*

Response:

The proposed lots are appropriately dimensioned to ensure suitable solar access.

STANDARD C10: Street orientation

Objective:

- *To provide a lot layout that contributes to community social interaction, personal safety and property security.*

Response:

The layout provides access from Katoomba Drive with an internal east west driveway and dwellings situated on the northern or southern side of the proposed driveway. No access or frontage to Police Road is proposed or required, with a new high paling fence proposed along the site's southern boundary. Given the previous issues concerning access from Police Road, this layout provides for the most appropriate alternate design outcome. The proposed lot layout ensures passive surveillance within the site, with each lot proposed to front and interact with the common property area.

STANDARD C11: Common Area

Objective:

- *To identify common areas and the purpose for which the area is commonly held.*
- *To ensure the provision of common area is appropriate and that necessary management arrangements are in place.*

- *To maintain direct public access throughout the neighbourhood street network.*

Response:

The common property driveway is safe and convenient and will provide shared access to each lot.

STANDARD C12: Integrated Urban Landscape**Objective:**

- *To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.*
- *To incorporate natural and cultural features in the design of streets and public open space where appropriate.*
- *To protect and enhance native habitat and discourage the planting and spread of noxious weeds.*
- *To provide for integrated water management systems and contribute to drinking water conservation.*

Response:

A Landscape Plan accompanies the application and proposes a variety of mature native and exotic canopy trees that will in time dominate the built form and contribute to the landscape and ecological characteristics of the area. Significant vegetation has been retained on the site and provided with tree protection zones and incorporated into the design of the layout. Each lot is provided with a water tank to reduce the dependence on potable water.

STANDARD C13: Public Open Space**Objectives:**

- *To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.*
- *To provide a network of public open space that caters for a broad range of users.*
- *To encourage healthy and active communities.*
- *To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.*
- *To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.*

Response:

N/A. There is no public open space included in this proposal.

STANDARD C15: Walking and Cycling Network**Objective:**

- *To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.*
- *To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.*
- *To reduce car use, greenhouse gas emissions and air pollution.*

Response: N/A. The site is well located close to local amenities, whereby walking and cycling options are available. The proposal does not include a public walking/cycling infrastructure.

STANDARD C17: Neighbourhood Street Network

Objective:

- *To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.*

Response: N/A. No public roads are proposed within this application. The proposal forms a direct connection to Katoomba Drive to the north.

STANDARD C18: Walking and Cycling Network Detail

Objectives:

- *To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.*
- *To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.*

Response: N/A. No walking and cycling paths are proposed within this application.

STANDARD C19: Public Transport Network Detail

Objectives:

- *To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.*
- *To provide public transport stops that are accessible to people with disabilities.*

Response: N/A.

STANDARD C20: Neighbourhood Street Network Detail

Objective:

- *To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.*

Response: N/A. No public roads are proposed as part of this application.

STANDARD C21: Lot Access

Objective:

- *To provide for safe vehicle access between roads and lots.*

Response:

Access to each dwelling will be achieved via a common driveway off Katoomba Drive. Access between the road network and each lot is considered to be safe.

STANDARD C22: Drinking Water Supply

Objectives:

- *To reduce the use of drinking water.*
- *To provide an adequate, cost-effective supply of drinking water.*

Response:

Reticulated water is currently available to the site and can be utilised to service the new lots, making more efficient use of existing infrastructure.

STANDARD C23: Reused and Recycled Water

Objective:

- *To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.*

Response:

The proposed dwellings are to be provided with a water tank, for the use of recycled water for irrigation, and to reduce the dependency on potable water.

STANDARD C24: Waste Water Management

Objective:

- *To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.*

Response:

The subject site has reticulated sewer available and will be connected to each new lot.

STANDARD C25: Urban Run-Off Management

Objectives:

- *To minimise damage to properties and inconvenience to residents from stormwater.*
- *To ensure that the street operates adequately during major storm events and provides for public safety.*
- *To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.*
- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*

Response:

All minor drainage will be designed and installed to Council's requirements. The proposed lots are to be drained to the legal point of discharge for the site, which is located to the south east of the property. A Stormwater Management Plan can be prepared as a condition of permit.

STANDARD C26: Site Management

Objectives:

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.*
- *To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.*

Response:

The site will be managed to the satisfaction of the responsible authority prior to and during any construction works.

STANDARD C27: Shared Trenching

Objectives:

- *To maximise the opportunities for shared trenching.*
- *To minimise constraints on landscaping within street reserves.*

Response:

Any new servicing will utilise shared trenching where possible.

STANDARD C28: Electricity, Telecommunications and Gas

Objectives:

- *To provide public utilities to each lot in a timely, efficient and cost-effective manner.*
- *To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.*

Response:

Services that are available to the site will be supplied to each lot in accordance with the requirements of the relevant authorities.

NB: Some matters covered by the objectives and standards can occur after a permit for the subdivision has been issued, through a condition of permit.

Considering some matters at a later date allows planning assessment to occur at an appropriate time in the design and construction process and can provide for faster, more cost-effective decision making.

9 CLAUSE 65 - DECISION GUIDELINES

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

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

10 CONCLUSION

For the reasons detailed in the body of this report, we submit that the proposed subdivision and development is appropriate for the following reasons:

- The proposal is consistent with the *Neighbourhood Residential Zone (Schedule 4)* in that it appropriately increases housing density and diversity and respects the neighbourhood character;
- The land is currently unburdened by any planning overlays and thus is not highly constrained;
- The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework and particularly the City of Monash's Residential Policies for the Dandenong Creek Escarpment Areas.
- The proposal meets the objectives of *Clause 55: Two or More Dwellings on a Lot and Residential Buildings* and the objectives of *Clause 56: Subdivision*; and
- The proposal is consistent and complies with the decision guidelines stated within *Clause 65*.

Millar | Merrigan