

**ADVERTISED COPY****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 in our original planning submission. 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 in our original planning submission.**

**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 36% 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 is some communal space within the common property areas including between dwellings 11 and 12. This space will be managed and maintained by the Owners Corporation and provides a pleasant grassed area for residents enjoyment.

**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 67 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 13 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 13 that each have south-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. The communal area also forms part of the common property. Each lot will own equal entitlement over the common area and the area will be managed by an owners corporation.

**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 at the sites entrance and ample space is available within each lot for bin storage.

## 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: Addressed in original planning submission.

#### 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 1:490m<sup>2</sup> 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 1:490sqm 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. The communal area between dwellings 11 and 12 will also form part of the common property and an owners corporation will be established for the maintenance of this area.

**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.