

108 Bellara Drive,  
CROYDON  
VPP2402812 –  
Consent under  
Clause 52.20



Consent under Clause 52.20 Officer Assessment  
Development Approvals & Design




Department  
of Transport  
and Planning

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## Executive Summary

Key Information	Details			
Consent No:	VPP2402812			
Received:	18 March 2024			
Statutory Days:	XXXXXX			
Applicant:	Community Housing Limited c/- Homes Dyer Pty Ltd			
Planning Scheme:	Maroondah			
Land Address:	108 Bellara Drive, Croydon			
Total Site Area:	875 m <sup>2</sup>			
Cultural Heritage	<p>The site is located within an area of cultural heritage. <i>The proposed activity for the construction of 3 dwellings is exempt if: The development of three or more dwellings on, or the subdivision of, a lot or allotment if it is:</i></p> <ul style="list-style-type: none"><li>○ <i>Less than 0.11 hectares in size; and</i></li><li>○ <i>Not within 200 metres of the coast or the Murrey River.</i></li></ul> <p>The proposal is sited on land which is 0.087 Hectares and therefore is not required to provide a Cultural Heritage Management Plan</p>			
Proposal:	The grant of a planning permit exemption under Clause 52.20 of the Planning Scheme. The exemption will approve the construction of 3 single storey, 1 bedroom dwellings.			
Clause 52.20 (Big Housing Build) Pathway Eligibility	<p>Yes – written confirmation, dated 15 March 2024, has been provided by the CEO, Homes Victoria confirming that:</p> <ul style="list-style-type: none"><li>• The application partly funded by Victoria's Big Housing Build; and</li><li>• The proposal has been assessed to be compliant with Homes Victoria's on behalf of guidelines. This demonstrates that the proposal is being carried out on behalf of the CEO, Homes Victoria.</li></ul> <p>The application is eligible for consideration under Clause 52.20.</p>			
Dwellings	<p>3 dwellings comprising:</p> <ul style="list-style-type: none"><li>• 3 x one-bedrooms</li></ul>			
Development Summary	<p>The proposal also provides:</p> <ul style="list-style-type: none"><li>• 2 car spaces</li><li>• 3 bicycle spaces (located within shed in SPOS of each dwelling)</li></ul>			
Why is the Minister responsible?	Clause 72.01 of the Maroondah Planning Scheme specifies that the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a use and development to which Clause 52.20 applies.			
Particular Provisions:	<table><tr><td>Victoria's Big Housing Build</td><td>52.20</td><td>Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).</td></tr></table>	Victoria's Big Housing Build	52.20	Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).
Victoria's Big Housing Build	52.20	Clause 52.20 exempts any requirement of the Planning Scheme to obtain a permit with exception of several overlays (none of which are applicable to this application).		
Community Consultation	<p>Public notice of the application under Section 52 of the <i>Planning and Environment Act 1987</i> <u>was not</u> required because Clause 52.20-2 exempts the proposal from all planning scheme requirements.</p> <p>Clause 52.20-4 requires that before the use or development commences public</p>			



consultation, and consultation with the relevant municipal council, must be undertaken. Community consultation was undertaken for a period of 3 weeks, which included consulting with the public and municipal council with plans and reports that are required under Clause 52.20. An assessment of the submitted consultation report is included within **Appendix A**.

**Has the Applicant satisfied the relevant requirements under Clause 52.20-5 (Plans and Reports)?**

Yes – refer to assessment in **Appendix B**.

**Has an assessment against the provisions of the Planning Scheme that would ordinarily apply been carried out?**

Yes – refer the body of the assessment report and **Appendix C**.

**Recommendation**

The grant of a planning permit exemption under Clause 52.20 of the Maroondah Planning Scheme.

## Proposal Background

1. The key milestones in the application process were as follows:

Milestone	Comment
<b>Pre-application meeting</b>	<ul style="list-style-type: none"><li>A pre-application comments to submitted plans were provided by DTP officers on 30/05/2023. Additional pre-app comments were provided on the 7 Feb 2024.</li></ul>
<b>Decision Plans and Reports</b>	<p><u>Decision Plans</u></p> <ul style="list-style-type: none"><li>Plans, prepared by Everyone, dated 28/02/2024</li><li>Landscaping Plan, prepared by Everyone, dated 14/03/2024</li></ul> <p><u>Decision Reports</u></p> <ul style="list-style-type: none"><li>Arborist Report, prepared by The Green Connection, dated 20 October 2023</li><li>Consultation Report, prepared by Holmes Dyer, V3, dated 15.03.2023</li></ul>
<b>Site Inspection</b>	A site inspection was undertaken on 8 April 2024.

2. The subject of this report is the decision plans, as described above.

## Proposal Summary

3. The development will consist of three one-bed single storey dwellings and the provision of two off street car parks and associated landscaping.



*Figure 1: Street view of proposed dwellings*



### Site Description

4. The subject site is located within the municipality of Maroondah, adjacent to the Bushy Creek Upper Pond and on the northern side of Bellara Drive. It is triangular in shape with an overall site area of approximately 875m<sup>2</sup> and is currently vacant.
5. The sites primary frontage is with Bellara Drive, which is a wide street with footpaths and nature strips on both sides. The entrance to Gary Court is opposite the eastern end of the site.
6. The land is subject to a significant water supply easement that runs along the southern boundary of the property this also includes a public use zone which has been applied for a depth of approximately 10m from the front (southern) boundary encompassing the entire front setback.
7. The site is affected by a notice of interest under Section 110 Housing Act 1983.



Figure 2: Aerial photo of the site.

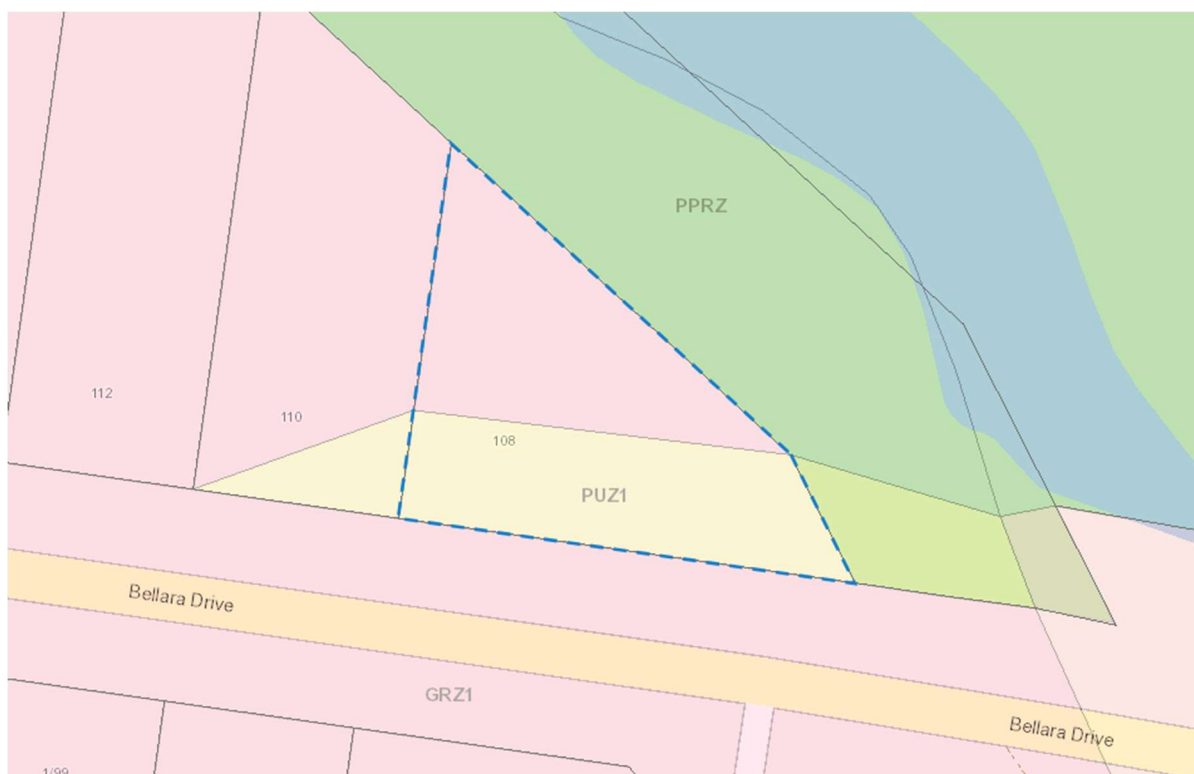


Figure 3: Planning map showing extent of overlays.

## Site Interfaces

8. Development surrounding the site can be described as follows:

- To the **north** of the site is Bushy Creek Upper Pond and associated parkland.
- To the **south** of the site is No. 99 Bellara Drive – Single storey dwelling, No.1 Gary Court – Single storey Dwelling and No.20 Gary Court – double storey dwelling.
- To the **east** of the site is Bushy Creek Upper Pond and associated parkland.
- To the **west** of the site is 110 Bellara Drive – Single storey dwelling.

9. The following photos show the surrounding development.



Figure 4: South side of Bellara Drive.





*Figure 5: South side of Bellara Drive.(No 1 Gary Drive)*



*Figure 6: South side of Bellara Drive.(No 20 Gary Drive)*





*Figure 7: Parkland to the east of the site.*



*Figure 8: Subject site and dwelling to the west.*





### Site Surrounds



Figure 9 - Aerial of the Surrounding Context

10. Surrounding the site are predominantly residential properties to the west and the south and industrial zoned land to the north. A small shopping centre is located on Maroondah Highway, 350m to the west providing services within walking distance and multiple other services in the locality. More specifically:
  - Croydon North shopping centre 350m to the west, including a Coles and a variation of small shops, restaurants and a chemist.
  - Public transport in the form of a bus stop on Maroondah Road, Route 670 and bus route 664 on Bellara drive located 70m to the east from the subject site.
  - The site is positioned within proximity to variety of public open spaces including Brushy Creek Trail which provides access to Barnegeong Reserve.
11. In summary, the subject site is well serviced by a range of amenities and services to service the everyday needs of residents, expected of any established urban settlement.

### Clause 52.20 (Victoria' Big Housing Build)

12. This application seeks consideration for the exemption under Clause 52.20 as a project that is funded under Victoria's Big Housing Build Program and carried out on behalf of the Director of Housing.
13. The permit triggers that sought for exemption through Clause 52.20 are:
  - Clause 32.08-7 (General Residential Zone, Schedule 1) – Construction of two or more dwellings on a lot.

- Clause 36.01-2 (Public Use Zone) – to construct a building and to construct and carry out works
- Clause 42.03 (Significant Landscape overlay) – to remove, destroy or lop vegetation.

14. In order for the application to be granted an exemption under Clause 52.20 for these permit triggers, an application is required to demonstrate that:

- The project is wholly or partly funded by Victoria's Big Housing Build and is being carried by or on behalf of the CEO, Homes Victoria via written confirmation.
- The proposal appropriately responds to the underlying provisions of the Planning Scheme, were they applicable in a conventional planning permit application, and the development standards of Clause 52.20-6 (Development standards for dwellings and buildings).
- The application meets the requirements of Clause 52.20-4 (Consultation Requirements).
- The application provides the appropriate plans and reports under Clause 52.20-5 (Requirements for plans and documents).

15. The above requirements have been met and are discussed in detail below.

## **Planning Provisions and Development Standards**

16. As noted above, an application under Clause 52.20 is required to demonstrate that the proposal responds appropriately to the underlying provisions of the Planning Scheme, that would ordinarily apply were this a conventional application. A detailed assessment has been undertaken below.

17. The proposal has also been against the development standards of Clause 52.20-6 contained in Appendix C.

## **Consultation Requirements**

18. Clause 52.20-4 requires that plans, documents and information required under Clause 52.20-5 are submitted, and that public consultation and consultation with the relevant municipal council be undertaken on plans, documents and other relevant required information.

19. It also requires a report summarising the consultation undertaken and how the development responds to the comments and feedback provided during this period per Clause 52.20-4.

20. This report has been provided and assessed in detail at Appendix A.

## **Plans and Reports**

21. Clause 52.20-5 (Requirements for plans and documents) requires that a variety of plans and reports must be prepared and submitted to the satisfaction of the Minister for Planning.

22. This requirement has not been met, noting that some documents has been submitted as part of the application, however an ESD report remains outstanding. A detailed assessment of the submitted plans and reports can be found at Appendix B.

23. A summary of relevant planning provisions applicable to this development were it not for Clause 52.20 is provided below.

### Plan Melbourne 2017-2050

24. *Plan Melbourne 2017-2050* is the metropolitan strategic planning strategy which seeks to guide the future development of Melbourne and Victoria.
25. Relevant to this application, it specifies:

*Outcome 2 – Melbourne provides housing choice in locations close to jobs and services.*

- Manage the supply of housing in the right locations to meet population growth and create a sustainable city.
- Deliver more housing closer to jobs and housing and public transport.
- Increase the supply of social and affordable housing.

26. Plan Melbourne is translated through the relevant provisions of the Planning Policy Framework.

### Planning Policy Framework

27. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:

- Clause 2 – Municipal Planning Strategy
  - Clause 2.01 Context
  - Clause 2.02 Vision
  - Clause 2.03 Strategic Directions
    - Clause 2.03-1 (Settlement and Housing)
    - Clause 2.03-5 (Built Environment and Heritage)
  - Clause 2.04 Strategic Framework Plan
- Clause 11 – Settlement
  - Clause 11.01-1R Settlement – Metropolitan Melbourne
- Clause 15 – Built environment and Heritage
  - Clause 15.01 – Built Environment
  - Clause 15.01-5S – Neighbourhood Character
- Clause 16 – Housing
  - Clause 16.01 – Residential Development
  - Clause 16.01-1S – Housing Supply
  - Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
  - Clause 16.01-2S – Housing Affordability
- Clause 18 – Transport
  - Clause 18.01 – Land Use and Transport

## Zone, Overlays and Particular Provisions

### Zone

#### General Residential Zone – Schedule 1

28. The subject site located within a General Residential Zone, Schedule 1 (GRZ1).
29. The purpose of the GRZ1 is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To encourage development that respects the neighbourhood character of the area.*
  - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local and community needs in appropriate locations.*
30. Were this a conventional application, a planning permit would be triggered for the use of land for the construction and extension of two or more dwellings on a lot.

#### Public Use Zone – Service and Utility

31. The subject site located within a Public Use Zone (PUZ).
32. The purpose of the PUZ is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To recognise public land use for public utility and community services and facilities.*
  - *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*
33. Were this a conventional application, a planning permit would be triggered to construct or carry out works for any use in Section 2 of Clause 36.01-1.

### Overlays

#### Significant Landscape Overlay – Schedule 4 (SLO4)

34. Were this a conventional application, a planning permit would be triggered under SLO4 to remove, destroy or lop any vegetation specified in a schedule to this overlay.
35. Schedule 4, requires a permit to remove, destroy or lop vegetation. This does not apply to:
- A tree that is less than 5 metres in height and has a single trunk circumference of less than 0.5 metre at a height of one metre above ground level.
  - The pruning of a tree for regeneration or ornamental shaping.
  - A tree within 3 metres of an existing dwelling (excluding outbuildings)
  - Removal of the following vegetation from land less than 2000 square metres in area.
    - Tree Lucerne
    - Mirror Bush
    - Cotoneaster
    - Hawthorn



- 
- Willow Hakea
  - Sweet Hakea
  - English Holly
  - Privet
  - Cape Wattle
  - Sweet Pittosporum
  - Firethorn.

Vegetation Overlay – Schedule 1 (VPO1)

36. Were this a conventional application, a planning permit would be triggered under VPO1 to remove, destroy or lop native vegetation.

38. As noted above, any application seeking an exemption under Clause 52.20 must consider the underlying planning provisions. This is enshrined within Clause 52.20-5 which states that the proposed use or development is required to address how:

*It responds to the purposes, objectives, decision guidelines or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in Clause 52.20-2. This does not include Clauses 54, 55, 58 and 59.*

### Strategic Direction and Land Use

39. The site is located in a General Residential Zone and the use of the site for multiple dwellings is considered appropriate.

### Public Use Zone

40. The site is affected by a Public Use Zone which affects the front 10m of the site. The Public Use Overlay encompasses the front of the site which contains a water supply easement. The PUZ has been include on the land for the purpose of protecting this public utility.
41. The proposed dwellings (apart from the front porch) are located outside of the PUZ and outside of the easement however the applicant will be required to apply for a build over easement to the relevant authority because of the proximity.
42. The proposed buildings are acceptable response to the PUZ considering it is not for the use of recreation but for the purpose of a public asset.

### Built Form, Layout and Height

43. Clause 15.01-5S (Neighbourhood Character) encourages new buildings and design outcomes that respects the existing neighbourhood character or contributes to a preferred neighbourhood character. The proposed development of three single storey dwellings on the site supports this policy reflecting the surrounding pattern of development.

### Building Layout

44. The dwellings are all sited to face the street, with dwellings 1 and 2 separated by a party wall. Dwelling 3 is a stand alone dwelling.
45. The dwellings are located to the rear of the property, the triangular shape and the significant width of the overlay across the front of the property restricts the available space for the construction of dwellings on the site.

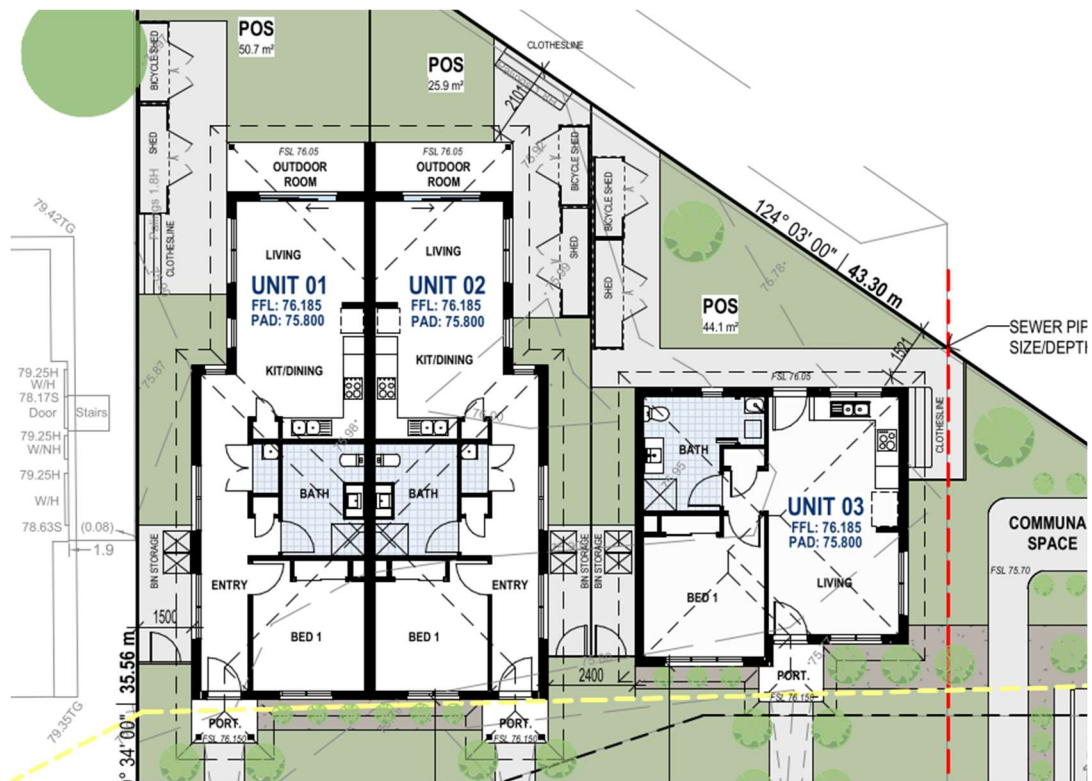


Figure 10: Floor plans of the dwellings

## Built Form

46. The single storey dwellings present as two dwellings to the streetscape and are consistent with the dwellings immediately vicinity. Surrounding properties are predominately single storey and well set back from the street.



Figure 11: Street view of dwellings.

## Height

47. The maximum building height of the dwellings is 4680mm from ground level. The site is generally flat with minimal fall across the site with the block sloping from the street to the rear of the property.



Figure 12: West elevation.

## Landscaping, Trees and Communal Open Space

48. Clause 15.01-2S (Building Design) specifies that new development must provide landscaping that responds to its site context, enhances the build form, creates safe and attractive spaces and supports cooling and greening of urban areas.
49. The submitted landscape plan (Figure 13) highlights a range of landscaping outcomes to facilitate the provision of new canopy trees in addition to Tree 18 – *Eucalyptus cladocalyx* (Sugar Gum) which has been retained on the site.
50. The landscaping plan proposes the following trees to be planted as part of the landscaping outcome. These trees include:
  - *Acacia Melanoxylon* – Blackwood (H 12-15m x W 5m) – 4 Trees
  - *Eucalyptus Radiata* – Narrow- Leaved Peppermint (H 15m x 8-12m) – 4 Trees
51. The trees are supported by a comprehensive list of low growing trees and shrubs and assorted grasses.
52. The landscaping plan can be supported and approved.



Figure 13: Landscaping Plan

## Off-Site Amenity Impacts

53. The purpose of Clause 52.20 to ensure that new development does not unreasonably impact on the amenity of adjoining dwellings.
54. The single storey dwellings will not produce amenity impacts in regards to overlooking to the property to the west with the provision of 1.8m high paling fences along the boundary reducing overlooking opportunities.
55. The adjoining property to the west will not be affected by shadow impacts with the shadow of the new dwelling falling within the existing shadow cast by the boundary fence.
56. The amenity impacts to adjoining properties are minimal and meet the standards.

## Internal Amenity

57. The dwellings are provided with good internal amenity with separate bedroom, bathroom and living area. the living area has direct access to SPOS for each dwelling.



## **Car Parking, Vehicle Access, Bicycle Facilities, and Waste Management**

- 58. The development is provided with two off street car parking spaces meeting the 0.6 space required to be provided under Clause 52.20.
- 59. The car parking spaces are located within the developments front setback and located within land affected by the Public Use Zone and the water supply easement.
- 60. The car parking spaces do not have any structures associated with them and if access to the easement was required the car parking spaces could be removed.
- 61. The car parking arrangement is acceptable and can be approved.
- 62. Each dwelling is provided with a shed located in the SPOS for bicycle parking, this will allow the residents to store it in a safe location.
- 63. Future waste collection from the dwelling will be collected as part of the local council collection with bins located in the service areas of the dwellings.

## **Environmentally Sustainable Design**

- 64. The application has not been provided with an ESD report as part of the application documents. The development is required to achieve a 7.0 average stars for NatHERs as part of the requirements from Homes Victoria.
- 65. Local planning policy Clause 15.01-2L-01 (Environmentally Sustainable Development) requires a Sustainable Design Assessment (including an assessment using BESS, STORM or other methods) for 3-9 dwellings.
- 66. This ESD report is to include measures to meet Clause 53.18 (Stormwater Management in Urban Development) to ensure the development mitigates the impact of stormwater discharged from the property.
- 67. The submission for an ESD report to be submitted for endorsement will be included as a permit condition and all measures are to be shown on the plans.

## **Detailed Design**

- 68. The applicant has provided a material schedule outlining the development will predominately utilise masonry and colorbond steel roofs. These materials will ensure the new dwellings will be consistent with the existing neighbourhood character.
- 69. The applicants have engaged with Melbourne Water as part of the consultation process regarding the extensive drainage easement located within the properties frontage.
- 70. Melbourne water have confirmed the land is subject to flooding and requires the applicable flood levels to be a minimum 600mm above 75.51 AHD. The application plans show the minimum FFL to be 76.185 AHD meeting the requirement.
- 71. The application will need to be submitted to Melbourne Water for separate approval to confirm it meets the flood level and apply for build over easement.

## **Consultation Report**

- 72. A community consultation report has been submitted with the application which demonstrates that public consultation was undertaken for a period of 3-weeks between 13 November 2023 to 4 December 2023 with a variety of required plans and reports, and consultation was undertaken with the council.



## Conclusion

73. Concerns raised by the community through this process were diverse and the applicant has responded to those concerns. The report outlines that a variety of changes were made to the design in response to feedback received from community consultation. Where no change was made, justification was been provided.
74. A detailed assessment against of the consultation report can be found at Appendix A.
75. Overall, community consultation has influenced the design, and community consultation has been carried out satisfactorily against the requirements of Clause 52.20.
76. The development is eligible for assessment through Clause 52.20 (Victoria's Big Housing Build) of the Maroondah Planning Scheme.
77. The proposal responds to the underlying planning provisions that would ordinarily apply were this a conventional application.
78. The application has satisfied the consultation requirements of Clause 52.20-4 (Consultation Requirements).
79. The application has not provided all the appropriate reports, as relevant, in accordance with Clause 52.20-5 (Requirements for Plans and Documents).
80. The proposal meets the development standards under Clause 52.20-6.

## Recommendation

81. It is recommended that the request for consent under Clause 52.20 application number VPP2101473 be issued, subject to the following conditions.
  1. Locations of Tree Protection Zones with all nominated trees clearly identified and numbered on both site and landscape plans.
  2. Details of any external services (i.e heating, cooling and rainwater tanks) to be shown on the plans.
  3. Notation on plans to show redundant vehicle crossover to be removed and reinstated.
  4. Development plans to reflect all sustainability features indicated in the ESD assessment required by condition 5. Where features cannot be visually shown, include a notes table providing details of the requirements.
  5. Concurrent with the endorsement of plans, an Environmentally Sustainable Design (ESD) Statement/Sustainability Management Plan (SMP) prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The ESD Statement/SMP must demonstrate that the building has the preliminary design potential to achieve the following:
    - a. Compliance with Clause 53.18 Stormwater Management in Urban Development of the Maroondah Planning Scheme.
    - b. A report demonstrating the development meets a 7-star NatHERs rating.
  6. A Tree Protection Management Plan (TPMP), setting out for the existing trees and street tree will be protected during construction, prepared by a suitably qualified arborist.

**Prepared by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title: Senior Planner, Development Approvals and Design

Signed:

Phone:

Dated: 9/04/2024

**Reviewed / Approved by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title: Manager, Development Approvals and Design

Signed:

Phone:

Dated: 18/04/2024

## Appendix A – Clause 52.20-4 (Consultation Requirements)

### Assessment

Requirement	DTP Assessment
Before plans, documents and information required under Clause 52.20-5 are submitted:	
Public consultation, and consultation with the relevant municipal council, on the plans, documents and information proposed to be submitted under Clause 52.20-5; and	Public consultation and consultation with the relevant municipal council has been undertaken. The proponent has undertaken consultation on the plans, documents and information that are required under Clause 52.20-5.
A report that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to, must be completed.	<p>The consultation report submitted highlights that:</p> <ul style="list-style-type: none"><li>• A three-week consultation process was undertaken, including public notices erected on the site.</li><li>• Notices were delivered to occupants within 50m from the site via registered post.</li><li>• It has sought views of the municipal council.</li><li>• It contains the individual submissions of community feedback enabling transparency.</li><li>• Summarises the changes made to the design, following the completion of community consultation, and where no change was possible – justification has been provided.</li></ul> <p>As such, it is considered that the consultation requirements have been complied with.</p>

1. Noting the above, the extent of community consultation that has occurred is satisfactory.
2. 2 submissions were received through the community consultation process. These individual submissions have been provided to DTP for completeness within the consultation report.

### Themes Raised Within Community Consultation Not Addressed in Assessment

3. Having considered the individual submissions contained within the consultation report, the primary themes arising were concerns with the land being subject to a single dwelling caveat, no notice from Council, tree removal from the site, use of the site for social housing and safety of surrounding dwellings, feedback not considered and traffic implications.
4. The body of the report has thoroughly assessed character, landscaping, zoning and car parking, and remaining themes are considered below.

#### ***Land subject to a single dwelling covenant.***

5. The application was submitted with a current copy of title, there is no single dwelling covenant affecting the property.

#### ***No notice from Council (yellow advertising sign) advertised on the land.***

6. The application is currently being assessed via Clause 52.20 (Victoria's Big Housing Build) of the Maroondah Planning Scheme. The Minister for Planning is the Responsible Authority under this pathway and advertising via Section 52 is not required, however Homes Victoria's requirements for applications to be considered for funding through this process must undertake a 3 week consultation process in lieu of the standard 14 days required under the *Planning and Environment Act 1987*.

#### ***Tree removal without public notification.***

7. The removal of trees from the site is exempt under Clause 52.20-2 of the Maroondah Planning Scheme, however the applicant has proposed an extensive planting scheme to replace the trees removed from the site which were deemed poor in health and/or low-retention value.
8. The trees proposed on the site as part of the landscaping plan have been selected from Maroondah City Council's indigenous Flora and Fauna species list. New large canopy trees consisting of Narrow leaved peppermint and



Blackwood are included to support the overall landscaping outcome and the retention of the remaining significant tree.

***Mental health tenancy base / risk to safety and security.***

9. The proposed resident cohort is not a planning consideration. The provision of housing for residents providing a safe and stable environment is the major consideration.

***Residents have been provided with an opportunity to provide feedback, however the development is already signed, sealed and almost delivered.***

10. The application is required to go through a three week consultation with adjoining residents prior to lodging with the Department. The applicants have the opportunity to make changes to the plans to address resident concerns and the Department has the opportunity to request changes to the plans if the raised concerns represent a better outcome for the site.
11. Concerns raised by objecting parties is assessed against planning merits and all relevant concerns are assessed against the standards of Clause 52.20.

***Traffic implication posed by increased vehicle use on Bellara Drive and the Dorset Road intersection.***

12. The development of three single storey dwellings is not going to significantly impact the local road network. The development is provided with two off street carparking spaces accessed via a single crossover retaining significant street frontage for vehicles to legally park on the street. There is no evidence that on street parking opportunities are limited.

## Appendix B – Clause 52.20-5 (Requirements for Plans and Documents)

### Clause 52.20-5 Plans and Reports

Requirements	Comments
<i>Written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, under Victoria's Big Housing Build program.</i>	<p>Provided</p> <p>Letter submitted dated 15/03/2024</p>
<i>A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted architectural drawings, design report and reinforced by the submitted planning report demonstrates the project boundary.</li> </ul>
<i>A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted design report accurately describes the site features.</li> <li>- DTP officers have also undertaken a site inspection on the 8/4/24.</li> </ul>
<p><i>A description of the proposed use including:</i></p> <ul style="list-style-type: none"> <li>• <i>The activities that will be carried out.</i></li> <li>• <i>The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.</i></li> </ul>	<p>Provided.</p> <ul style="list-style-type: none"> <li>- Architectural and landscape plans have been provided which includes details of the proposed uses on the site.</li> <li>- The application is supported by a number technical reports including the planning report and arborist report. ESD report will be required to be submitted as a condition of the letter of consent.</li> </ul>
<i>Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- Architectural plans have been provided which depict the proposed development.</li> <li>- A landscape plan has been provided which show the extent of vegetation retention and replacement.</li> </ul>
<i>Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted design report provides an explanation of the how the development has been derived.</li> </ul>
<i>A report that addresses the proposed use or development and how it responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in clause 52.20-2. This does not include clauses 54, 55, 58 and 59. The report must address how a proposed use that is not a dwelling or residential building is in conjunction with that use</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted town planning report provides an explanation as to how the development has responded to the objectives of the planning scheme that would otherwise ordinarily apply.</li> </ul>
<i>A design review report prepared by a suitably qualified architect or urban designer that demonstrates how the project achieves good quality design outcomes.</i>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted design report provides an explanation of the how the development has been derived. The design report was prepared by Holmes Dyer.</li> </ul>



<i>A schedule of works and development including staging and the expected commencement and completion times.</i>	<p>Not Required to be Provided</p> <ul style="list-style-type: none"> <li>- The applicant has advised that given the proposal is funded by Victoria's Big Housing Build, and contractually required to commence once planning consent is granted.</li> </ul> <p>As such this was not required to be provided.</p>
<p><i>A report that details how the proposed development responds to the development standards of:</i></p> <ul style="list-style-type: none"> <li>- <i>Clause 52.20-6 for the construction or extension of a dwelling.</i></li> <li>- <i>Clause 52.20-6 and clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. The development standards of clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of clauses 52.20-6.14 and 52.20-6.18 do not apply to an apartment development or residential building.</i></li> </ul>	<p>Provided</p> <ul style="list-style-type: none"> <li>- The submitted town planning report provides an explanation as to how the development has responded to the objectives of the planning scheme that would otherwise ordinarily apply.</li> <li>- The report also responds to the provisions of Clause 52.20, as appropriate.</li> </ul>
<p><i>If the Minister for Planning has decided that an assessment through an environment effects statement under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:</i></p> <ul style="list-style-type: none"> <li>- <i>A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.</i></li> <li>- <i>A copy of any report, plan or other document required to be prepared under those conditions.</i></li> </ul>	<p>Not applicable.</p> <ul style="list-style-type: none"> <li>- An Environmental Effects Statement is not required.</li> </ul>
<i>A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.</i>	Not Required to be Provided
<i>If the use or development would require a permit were it not for the exemption in clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.</i>	The application was referred to Melbourne Water by the applicant as part of the consultation process due as the site is subject to flooding and contains a significant Melbourne Water Asset. The Melbourne Water response was included in the application package.
<i>Any other plan, document or information the responsible authority considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause.</i>	<p>Yes – The applicant has also provided:</p> <ul style="list-style-type: none"> <li>- An arborist report detailing the trees on adjoining properties and on the subject site.</li> </ul> <p>This report has been factored into the above assessment.</p> <p>The applicant has failed to provide an ESD report, including WSUD to be assessed as part of the application. This will be required to be submitted as a condition and plans updated to reflect any measures required.</p>



*A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.*

Not applicable

- The subject site is not affected by any Environmental Audit Overlays (or similar).

## Appendix C – Clause 52.20-6 Development Standards Assessment

### Clause 52.20.6 Response

Requirement	Response
<p><b>52.20-6.1 Infrastructure</b></p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p><b>Complies</b></p> <p>The proposal will utilise the existing established infrastructure. The submitted stormwater management plan demonstrates that the proposal is capable of integrating with the existing infrastructure.</p>
<p><b>52.20-6.2 Street setback</b></p> <p>Walls of buildings should be set back from streets at least the distance specified.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p><b>Complies</b></p> <p>The adjoining property to the west is set back approximately 10 metres as it also affected by the PUZ across part of the front of the property.</p> <p>The proposal provides front setbacks to Bellara Drive of 10.5 metres for the buildings to be located outside of the PUZ and the water supply easement.</p>
<p><b>52.20-6.3 Permeability</b></p> <p>The site area covered by the pervious surfaces should be at least 20 percent of the site.</p>	<p><b>Complies</b></p> <p>The proposal provides achieves a site permeability of 53% based on the current site area of 875m<sup>2</sup>.</p>
<p><b>52.20-6.4 Safety</b></p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares</p>	<p><b>Complies</b></p> <p>The proposal provides an appropriate contribution to the public realm noting that all entries are easily identifiable and the extent of blank walls have been kept to a practical minimum.</p>
<p><b>52.20-6.5 Access</b></p> <p>The width of accessways or car spaces that front existing streets should not exceed:</p> <ul style="list-style-type: none"> <li>- 33 per cent of the street frontage, or</li> <li>- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p><b>Complies</b></p> <p>The proposal provides for a single crossover for the two car parking spaces and is located at the eastern end of the block, accessed directly from Bellara Drive.</p>



<p><b>52.20-6.6 Parking location</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>- Be reasonably close and convenient to dwellings.</li> <li>- Be secure.</li> <li>- Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p><b>Complies</b></p> <p>The proposed car parking is located greater than 1.5 metres from windows of habitable rooms. The two car parking spaces are located within the property boundary and are easily accessible from the dwellings.</p>
<p><b>52.20-6.7 Car parking</b></p> <p>A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building.</p> <p>Car parking for other land uses must be to the satisfaction of the responsible authority.</p> <p>Car spaces may be covered or uncovered.</p> <p>If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.</p>	<p><b>Complies</b></p> <p>The proposal provides 0.66 spaces per dwelling, which is in excess of the requirements.</p>
<p><b>52.20-6.7 Design Standards</b></p> <p>Accessway</p> <p>Car Parking Spaces</p> <p>Gradients</p> <p>Mechanical Parking</p> <p>Urban Design</p> <p>Safety</p> <p>Landscaping</p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>- The accessway is a minimum of 5m in width.</li> <li>- Car parking spaces are a minimum of 2.6m</li> <li>- No gradient is applicable</li> <li>- No mechanical parking is proposed</li> <li>- No structure is proposed as part of the carparking.</li> <li>- The car parking has been provided with pedestrian routes to the dwellings.</li> <li>- Landscaping measures ensure the parking meets the standard.</li> </ul>
<p><b>52.20-6.8 Side and rear setbacks</b></p> <p>A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p>	<p><b>Complies</b></p> <p>Dwelling 1 is setback a minimum of 1.5m from the western boundary.</p>



<p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	
<p><b>52.20-6.9 Walls on boundaries</b></p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.</li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>Not applicable</b></p> <p>No walls are proposed on any boundaries.</p>
<p><b>52.20-6.10 Daylight to existing windows</b></p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</p>	<p><b>Complies</b></p> <p>The proposal is located greater than 1m from the adjoining property boundary.</p>
<p><b>52.20-6.11 North-facing windows</b></p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback</p>	<p><b>Complies</b></p> <p>The proposal does not impact any north-facing habitable windows.</p>



from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	
<b>52.20-6.12 Overshadowing open space</b> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	<b>Complies</b> The proposal does not impact any SPOS of adjoining properties.
<b>52.20-6.13 Overlooking</b> A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"><li>- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li><li>- Have sill heights of at least 1.7 metres above floor level.</li><li>- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li><li>- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li></ul> Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:	<b>Complies</b> The proposal does not overlook into the SPOS of any neighbouring properties within 9m of the site.



<ul style="list-style-type: none"> <li>- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>- Permanent, fixed and durable.</li> <li>- Designed and coloured to blend in with the development.</li> </ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary</p>	
<p><b>52.20-6.14 Noise impacts</b></p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p><b>Complies</b></p> <p>The dwellings are provided with sufficient space to locate mechanical noise sources associated with heating and cooling away from sensitive interfaces.</p>
<p><b>52.20-6.15 Daylight to new windows</b></p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>- A verandah provided it is open for at least one third of its perimeter, or</li> <li>- A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><b>Complies</b></p> <p>All dwellings are proposed with habitable windows.</p>
<p><b>52.20-6.16 Private open space</b></p> <p>A dwelling (other than an apartment) should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or</li> <li>- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or</li> <li>- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	<p><b>Complies</b></p> <p>The dwellings are provided with the following SPOS areas:</p> <p>Dwelling 1: 50.7m<sup>2</sup></p> <p>Dwelling 2: 25.9m<sup>2</sup></p> <p>Dwelling 3: 44.1m<sup>2</sup></p> <p>All POS is accessed via the living room for dwellings 1 and 2 and via the kitchen door for dwelling 3.</p>





Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.	
<b>52.20-6.17 Solar access to open space</b> The private open space should be located on the north side of the dwelling if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.	<b>Complies</b> All dwellings have POS located on the northern side of the dwellings and have uninterrupted solar access.
<b>52.20-6.18 Storage</b> A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	<b>Complies</b> Each dwelling is provided with two outdoor storage sheds, combined they provide 6 cubic metres.
<b>52.20-6.19 Front fence</b> A front fence within 3 metres of a street should not exceed a maximum height of: <ul style="list-style-type: none"><li>- 2 metres for streets in a Road Zone, Category 1, and</li><li>- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary</li></ul>	<b>Complies</b> No front fence is proposed.
<b>52.20-6.20 Common property</b> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	<b>Complies</b> The development clearly delineates public, communal and private areas. Private areas are fenced for the residents.
<b>52.20-6.21 Site services</b> The design and layout of buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	<b>Complies</b> The proposal provides sufficient space and facilities for bin and recycling and mailboxes.  Bin and recycling facilities are located within the service areas down the side of each dwelling.  Mailboxes are conveniently located at the front boundary.