

# Refreshing Homes Pty Ltd

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## Town Planning Report

Project: Propose Two New Dwellings

For: \_\_\_\_\_

Address: 13 \_\_\_\_\_, Mitchem VIC 3132

Date: 1 July 2025

## Document Information

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## 1. Executive Summary

This report provides a comprehensive planning assessment for a residential development at **13 \_\_\_\_\_, \_\_\_\_\_ VIC 3132**. The site is a large residential allotment of approximately **1,665 m<sup>2</sup>** situated in a leafy, established neighbourhood. It currently contains a single detached dwelling (four bedrooms) with associated outbuildings, set amid mature vegetation.

The proposal seeks to **retain the existing front dwelling and construct two new double-storey dwellings at the rear** of the site. The development has been carefully designed to respect the neighbourhood character and significant landscape features of \_\_\_\_\_, while modestly increasing housing supply in line with state and local planning policies.

### Proposal Overview

The application seeks approval to:

- Retain and refurbish the existing four-bedroom dwelling at the front of the site, while enhancing the established streetscape appearance.
- Construct **2 × new double-storey dwellings** at the rear of the site, each containing modern family accommodation 5 bedrooms, private open space, and two car parking spaces (in garages or carports).
- Develop a shared access driveway along the eastern side of the site to provide vehicular access to the rear dwellings, **and the new double carport proposed to serve the existing dwelling**.
- Remove or lop a small number of trees (if necessary) and undertake new **landscaping**, including planting of canopy trees, to satisfy the Significant Landscape Overlay Schedule 9 (SLO9) objectives of retaining and enhancing \_\_\_\_\_'s leafy character.

A planning permit is required due to several **permit triggers** (detailed in Section 2.1 of this report), notably the construction of multiple dwellings on a lot in the Neighbourhood Residential Zone and the SLO9 tree protection controls.

All **relevant planning controls and policies** have been reviewed (see Section 5), and the proposal has been found to be **highly compliant** with the Whitehorse Planning Scheme provisions.

## Key points include:

- **Consistency with Planning Policies:** The development supports state and local housing policies by providing modest infill housing in an established urban area with excellent access to transport and services. (Road, local shop, industrial and commercial nearby)

It balances growth with the need to protect neighbourhood character and environmental values. The design is responsive to the site context and aligns with the Municipal Planning Strategy's vision for sustainable residential development in Whitehorse.

- **Zone & Overlay Compliance:** The proposal meets the purpose and standards of the Neighbourhood Residential Zone Schedule 1 (NRZ1), respecting the low-density, 2-storey character of the area.

It also addresses the Significant Landscape Overlay Schedule 9 (SLO9) by retaining significant trees where possible and allowing space for new canopy tree planting, thereby maintaining the verdant landscape character of \_\_\_\_\_. The Development Contributions Plan Overlay Schedule 1 (DCPO1) will be addressed via a standard condition requiring payment of the applicable infrastructure levy.

- **Townhouse and Low-Rise Code (Clause 55) Compliance:** A comprehensive Clause 55 assessment has been undertaken for the proposal to retain the existing dwelling and construct two five-bedroom double-storey dwellings to the rear (see Section 6). The development complies with all applicable objectives and standards, including building height, setbacks, private open space, overlooking, overshadowing, access, parking layout, and residential amenity.

The minimum garden area requirement for NRZ sites (35% for lots over 650 m<sup>2</sup>) is comfortably achieved, with approximately 40% garden area maintained across the site, supporting a well-landscaped and spacious suburban character.

All Clause 55 standards are met or exceeded **with the exception of Standard B2-5 – Site Coverage**. The proposal results in a total site coverage of **40.6%**, marginally above the **40% maximum** specified in the NRZ1 schedule and Clause 55.03-3.

This **0.6% variation** is minor in scale and has been carefully considered in context. A built-form review of the immediate neighbourhood confirms that comparable multi-dwelling developments within \_\_\_\_\_ and the adjoining streets commonly exhibit site coverage levels between **44% and 51%**, establishing an existing pattern of development.



Accordingly, a **variation to Standard B2-5 (Site Coverage)** is sought on the basis that the exceedance is negligible, contextually justified, and results in a balanced and high-amenity development outcome aligned with the objectives of the Neighbourhood Residential Zone.

## Design Considerations

### Neighbourhood Character:

The existing front dwelling, which contributes positively to the established streetscape character of \_\_\_\_\_, is retained without any changes to its external presentation. This ensures continuity with the prevailing rhythm of single-dwelling frontages. The two new five-bedroom dwellings are positioned well to the rear and largely concealed from the public realm, thereby preserving the visual integrity of the street.

Their double-storey scale is consistent with the NRZ1 provisions and comparable developments nearby. Building materials will include muted natural tones, face brick, and pitched roofing to ensure compatibility with surrounding homes. The development reinforces the neighbourhood character through appropriate scale, generous setbacks, and a low-visual-impact layout that retains a garden-dominated streetscape.

### Amenity and Privacy:

Each dwelling is designed to offer functional, spacious, and private indoor–outdoor living environments. The new rear dwellings are sensitively sited to minimise amenity impacts to neighbours, with upper-storey windows facing sensitive interfaces treated with fixed obscure glazing or sill heights of at least 1.7 metres to prevent overlooking. Setbacks to side and rear boundaries exceed Townhouse and Low-Rise Code minimums, ensuring strong visual separation and access to light.

### Landscape and Environment:

The landscape design has been carefully tailored to respond to the site's opportunities and the objectives of SLO9 and the Whitehorse Tree Conservation policy. Several mature trees are retained along the boundaries and rear, supported by new canopy trees and native species plantings in both front and rear gardens.

An arborist report outlines tree proposed for removal are of minor nature and low in value.

The proposal maintains over 40% site permeability—with a focus on maintaining a garden setting.

## Infrastructure:

The site is well located within a fully serviced urban area and has existing connections to water, sewer, electricity, stormwater, and telecommunications.

Engineering advice confirms capacity is sufficient to accommodate two additional dwellings. The proposal incorporates robust **Water Sensitive Urban Design (WSUD)** measures, including two **strategically positioned rain gardens**—one near the crossover and one at the end of the common driveway—to capture and treat runoff from paved areas.

In addition, the development will utilise **two 4000L rainwater tanks (one per new dwelling)**, achieving a total 8,000L stormwater detention capacity to meet best practice requirements. These measures ensure the development maintains pre-development stormwater flow rates and complies with Clause 22.10 and Council's Engineering Standards. Waste collection will continue at the kerbside with each unit providing adequate bin storage and access.

## Summary:

By adhering to the relevant planning objectives and controls, and by demonstrating a context-responsive design with minimal off-site impacts, the proposal strikes an appropriate balance between facilitating new housing and protecting the valued character and environment of \_\_\_\_\_. The development is an exemplar of site-responsive infill that respects its neighbours and neighbourhood, contributes positively to the community, and warrants Council's support.

## 2. Introduction

This planning report is submitted in support of a planning permit application for residential development at 13 \_\_\_\_\_, \_\_\_\_\_ VIC 3132. The application proposes to retain the existing front dwelling and construct two new five-bedroom, double-storey dwellings to the rear of the lot.

The report assesses the proposal against all relevant provisions of the Whitehorse Planning Scheme, including zoning and overlay controls, State and Local Planning Policy Frameworks, and Clause 55 (Townhouse and Low-Rise Code) requirements for two or more dwellings on a lot.

### 2.1 Permit Requirement

A planning permit is required under the following provisions of the Whitehorse Planning Scheme:

#### **Use and Development of Multiple Dwellings:**

The land is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1). Under Clause 32.09-6, a permit is required to construct two or more dwellings on a lot. The proposed development (total of 3 dwellings on site) triggers this provision and must meet the requirements of Clause 55.

The proposal complies with the mandatory maximum building height of 9 metres and 2 storeys, with a proposed building height of approximately 8 metres.

#### **Buildings and Works within a Significant Landscape Overlay:**

The site is affected by the Significant Landscape Overlay – Schedule 9 (SLO9). Under Clause 42.03 and Schedule 9, a permit is required for buildings and works, and for the removal or lopping of any vegetation above specified thresholds.

The proposal includes construction within the SLO9 area and tree removal, triggering a permit requirement. The design must be assessed against the landscape character objectives and decision guidelines of SLO9 (refer to Section 5.4).

#### **Development Contributions Overlay:**

The land is also subject to the Development Contributions Plan Overlay – Schedule 1 (DCPO1). While this overlay does not influence the design directly, it mandates that a condition will be placed on any permit requiring payment of an infrastructure levy, in accordance with the Whitehorse Development Contributions Plan.

## Clause 55 (Townhouse and Low-Rise Code) – Minor Variation:

Although not a separate permit trigger, the proposal seeks a minor variation to Standard B2-5 (Site Coverage) under Clause 55. The combined building footprint results in a total site coverage of 40.6%, marginally exceeding the 40% maximum specified in the NRZ1 schedule.

As detailed in Section 6, this 0.6% exceedance is minor, does not materially reduce landscaping opportunities, and remains consistent with the established built-form character of \_\_\_\_\_, where comparable multi-dwelling developments commonly exhibit site coverage in the 44%–51% range.

## Other Considerations:

No other overlays or particular provisions significantly affect the proposal. There is no Heritage Overlay on the site, and no Special Building Overlay or flooding controls. Clause 52.06 (Car Parking) requirements are met on-site, so no parking reduction is sought.

## 2.2 Supporting Documentation

This application is supported by the following documents:

	Document	Prepared By
1	Planning Permit Application Form	Refreshing Homes Pty Ltd
2	Certificate of Title	Included
3	Town Planning Report	Refreshing Homes Pty Ltd
4	Architectural Drawings	Refreshing Homes Pty Ltd
5	Traffic Design	Zav Traffic
6	Arborist Report	Axis Arboriculture
7	Landscape Design	Native Green Landscape Design
8	Water Sensitive Urban Design	Passive Energy

### 3. Site Context

#### 3.1 The Subject Site

Location	13 _____, _____
Site Area	Approximately 1665 sqm
Easement	8 foot wide easement located along the northern boundary
Caveats	None
Existing Built Form	<p>A single detached dwelling (circa 1970s brick veneer house, in good condition) located toward the front of the lot, facing _____. The existing dwelling is a single-storey house with a pitched tile roof, set back roughly 9 meters from the front boundary. It has a detached double garage and sleepout on the eastern side and a driveway connecting to _____.</p> <p>To the rear of the house, there is a large expanse of private open space (backyard), which includes a lawn, some mature trees and shrubs.</p>
Vehicle access	The site gains vehicular access from _____ via an existing concrete crossover and driveway along the eastern boundary.
Vegetation	Referring to Architectural Drawing A02 and the accompanying arborist report, which details the existing vegetation on site.
Zone	The subject site is located within a Neighbourhood Residential Zone with a Schedule 1 variation
Overlay	The subject site is impacted by Significant Landscape Overlay with Schedule 9 variation.

## 3.2 Surrounding Context

### Neighbourhood Character

\_\_\_\_\_ displays the hallmarks of a leafy, low-density garden suburb, consistent with \_\_\_\_\_'s "Natural Garden Suburban" character designation. The street is characterised by wide verges, mature canopy trees, and generous front setbacks with landscaped gardens. The prevailing built form consists of detached dwellings dating from the 1950s through to the 1990s, typically single-storey or split-level brick or weatherboard homes with pitched tile roofs.

While the street retains a spacious, green character, selective redevelopment has occurred over time—particularly on larger lots—resulting in a mix of traditional homes and more recent townhouses or dual occupancies. New development is generally well-integrated, reflecting prevailing heights, front setbacks, and materials.

### Adjacent Properties

East (15 \_\_\_\_\_)

To the east is 15 \_\_\_\_\_, a site that has been redeveloped with three dwellings. The dwellings include habitable room windows \_\_\_\_\_ed westward, facing towards the subject site. This interface has been carefully considered in the proposed design, with respectful setbacks and appropriate screening to preserve privacy and manage shadow impacts.

West (11 \_\_\_\_\_)

To the west is 11 \_\_\_\_\_, a single-storey brick dwelling with its driveway along the shared boundary. An outbuilding occupies the rear corner of No. 11.

North (22 & 24 \_\_\_\_\_)

To the rear, the subject site abuts the rear boundaries of 22 & 24 \_\_\_\_\_. Each of these properties has been redeveloped with multiple dwellings. The proposed dwellings at 13 \_\_\_\_\_ are setback well away from all boundaries and are separated by retained vegetation and rear fences, maintaining visual privacy and low impact.

In this context, the development is consistent with the evolving neighbourhood character and provides superior amenity outcomes compared to neighbours nearby.

### Wider Context

The subject site benefits from excellent access to public transport, services, and community infrastructure:

- **Transport:** \_\_\_\_\_ is approximately 1.4km — or a 15-minute walk—from \_\_\_\_\_ Railway Station and the \_\_\_\_\_ shopping village, offering excellent access to amenity and public transport.

A bus stop is located just 220 metres from the site.

In addition, the site's proximity to major roads such as \_\_\_\_\_ Road, Canterbury Road, and Eastlink (accessible via nearby on-ramps approximately 3 kilometres away) further enhances connectivity.

This makes the location well-suited for moderate residential densification in accordance with state policy, which encourages housing within walkable catchments of public transport.

- **Shops and Services:** Retail and daily convenience needs are well served by \_\_\_\_\_ Village to the west, and Brentford Square to the south. Larger shopping and commercial destinations such as Eastland Shopping Centre and Box Hill Metropolitan Activity Centre are accessible within 10–15 minutes by car or public transport.
- **Schools and Community Facilities:** The property is located within desirable school zones including Rangeview Primary School and Vermont Secondary College. Community facilities nearby include Simpson Park, \_\_\_\_\_ Community House, and Heatherdale Reserve, all supporting the family-friendly character of the area.
- **Neighbourhood Character Precinct:** The site is located within a Natural Garden Suburban character precinct under the Whitehorse Neighbourhood Character Study. Key features include spacious garden settings, leafy outlooks, and built form that is recessive within the landscape.

The application responds to these values through retention of the original dwelling, generous landscaping, low site coverage, and integrated WSUD treatments that enhance permeability and greenery. The landscape response, including retention of canopy trees and strategic planting, reinforces the naturalistic character expected under SLO9 controls.

Overall, the site's context can be summarized as a **low-density suburban area with high landscape amenity**, where limited infill development is supported provided it respects the prevailing character and environmental features. The proposed development has been designed in direct response to this context, as detailed in subsequent sections.

## 4. The Proposal

The application proposes to develop the land at 13 \_\_\_\_\_ with three dwellings in total (retaining one and adding two). Key components of the proposal are as follows:

### **Retention of Existing Dwelling:**

The existing four-bedroom dwelling at the front of the site will be retained with no significant structural changes. This ensures the streetscape character remains intact, with the original single-storey façade, pitched tiled roof, and mature front garden continuing to contribute to the leafy and low-scale presentation of \_\_\_\_\_.

Minor cosmetic works (such as repainting or window upgrades) may be undertaken to refresh the appearance, but no additions or extensions are proposed. A new single carport will be constructed to the side of the existing dwelling, along with an additional tandem open car space behind it, ensuring two compliant car spaces are provided in accordance with Clause 52.06.

The dwelling will retain a large front and side garden as private open space—well in excess of the 25m<sup>2</sup> minimum secluded private open space (SPOS) requirement—clearly delineated from the shared accessway and other dwellings on site.

### **Two New Rear Dwellings (Dwellings 1 and 2):**

Behind the retained front dwelling, two new double-storey dwellings are proposed—Dwelling 1 in the middle of the site and Dwelling 2 at the rear. Each has been thoughtfully designed to accommodate five bedrooms across both floors, with generous setbacks and private open space that respond to site conditions and planning requirements.

On the ground floor, each new dwelling features an open-plan kitchen, dining, and living area \_\_\_\_\_ed toward a north-facing garden to maximise natural light and passive solar access. A ground-floor bedroom or flexible study space is provided to support multigenerational living or guest accommodation, along with a full bathroom and direct access to a spacious double garage.

The proposal satisfies Clause 52.06 requirements by providing two car spaces per three-bedroom or larger dwelling. Internal layouts also allow for integrated storage areas and a workshop within the garage.

The upper floors of Dwellings 1 and 2 include four additional bedrooms, including a master suite with ensuite, a shared bathroom, and a retreat space to enhance liveability. These levels are carefully articulated from the ground floor footprints to reduce visual bulk and ensure compliance side and rear setbacks.



Each new dwelling reaches a maximum height of approximately 8 metres from natural ground level to ridge line—comfortably below the 9-metre height limit mandated by NRZ1. The built form remains two storeys, consistent with the mandatory restriction on the number of storeys.

## Architectural Design:

The proposed dwellings adopt a contemporary, context-sensitive style, with materials and colours carefully selected to complement the surrounding residential character. Both the ground and first floors will feature face brickwork, with articulation and thoughtful colour choices used to reduce visual mass, integrate with the neighbourhood, and retain the traditional brick-and-tile aesthetic—while incorporating modern elements such as gable eaves and a lower-pitch roof.

Roofs will be hipped or gabled with a 15-degree pitch and clad in concrete tiles. Each façade is articulated through the use of balconies, porches, eaves, and varied material treatments to avoid any sense of uniformity or visual bulk.

## Private Open Space and Landscaping:

Secluded private open space (SPOS) has been designed to comfortably exceed the Clause 55 minimum requirement of 40 m<sup>2</sup> per dwelling, with each unit providing over 100 m<sup>2</sup> of SPOS. Dwelling 1 features SPOS areas to the north and east, while Dwelling 2 enjoys a rear-facing garden with northern, eastern, and western \_\_\_\_\_ation. These spaces will include decked alfresco areas for outdoor living, landscaped lawns, and tree planting that reinforces the green, garden-suburban character of \_\_\_\_\_. All SPOS areas are directly accessible from the main living zones and benefit from excellent year-round solar access.

The proposal includes the planting of new canopy trees and shrub. The landscape plan provides extensive canopy coverage across the site, including:

- **Existing dwelling:** eight canopy trees plus two smaller trees of varying sizes in the front yard, plus four canopy trees at the rear.
- **Dwelling 1 (middle):** five canopy trees of varying sizes.
- **Dwelling 2 (rear):** three canopy trees of varying sizes.

A detailed landscape plan accompanies the application. Existing significant trees on site and on adjoining lots will be retained where feasible and protected in accordance with the arborist's report and tree protection zones (TPZs).

Permeable surfaces across the site—including lawn, garden beds, and permeable paving—account for over 40% of the total site area, significantly exceeding the 20% minimum requirement. This supports water infiltration and helps reduce urban runoff.

## **Vehicle Access and Parking:**

All three dwellings will be served by a single vehicle access point from \_\_\_\_\_, utilising the existing crossover location. The common driveway runs along the eastern boundary and will be upgraded to a compliant crossover and turning area to facilitate safe ingress and egress. Driveway gradients have been designed to meet access standards, and turning areas are provided for all dwellings to ensure vehicles can exit the site in a forward direction.

## **Fencing and Interface Treatments:**

The existing low picket front fence will be retained. Side and rear boundary fencing along the eastern, northern, and western boundaries will also remain as existing.

Within the development, new internal fencing between the backyards of the dwellings will consist of 2-metre-high timber paling fences to ensure privacy.

## **Environmental Sustainability:**

While not formally required at this scale, the development embraces sustainable design principles. All dwellings are \_\_\_\_\_ed to maximise passive solar gain, with large north-facing glazing shaded by eaves or pergolas.

Each **new** dwelling will include a 4,000L rainwater tank connected to toilet flushing and garden irrigation, bringing the total site provision to **8,000L**—supporting compliance with the WSUD objectives and ESD requirements.

Additionally, rain gardens will be located at the driveway entrance and near the end of the common driveway, helping treat stormwater runoff from hard surfaces. All new dwellings will be designed to achieve at least 7-star NatHERS energy ratings, and will incorporate high-performance glazing, insulation, LED lighting, and efficient appliances to reduce environmental impacts.

## 5. Planning Policy Framework / Controls

This section analyses how the proposal responds to the relevant provisions of the Whitehorse Planning Scheme, including the Municipal Planning Strategy, Planning Policy Framework (Clauses 10–19), zone and overlay controls, and particular provisions (Clause 55). Each applicable clause is identified and discussed in turn.

### 5.1 Clause 02 – Municipal Planning Strategy (MPS)

The Municipal Planning Strategy for Whitehorse outlines Council’s strategic vision for land use and development. Key themes relevant to this application include housing, neighbourhood character, and environment:

- **Housing and Residential Growth:** The MPS recognizes the need to accommodate population growth and diverse housing needs in Whitehorse by encouraging **medium density housing** in appropriate locations, such as around activity centers and transport nodes, while **protecting suburban character** in lower-intensity areas.

\_\_\_\_\_ is identified as a substantial residential area where moderate infill can occur near the \_\_\_\_\_ Neighbourhood Activity Centre (station and shops). The subject site, being within walking distance of the train station and shops, aligns with the strategic direction of focusing new housing in accessible, well-served locations.

By providing two additional dwellings on a large under-utilized lot, the proposal contributes to urban consolidation in line with Plan Melbourne and local strategy, without overdevelopment – it’s an example of the “right housing in the right location”.

- **Neighbourhood Character:** The MPS emphasizes the importance of **neighbourhood character and heritage** in Whitehorse’s identity. Particularly, it notes that in areas like \_\_\_\_\_ (often covered by SLO controls for vegetation), new development must **respect the valued garden character**, maintaining space for front and rear gardens and canopy trees.

The proposal addresses this by retaining the existing dwelling and its garden presentation to the street, siting new buildings to the rear, and ensuring that ample open space and new landscaping are provided. The double-storey form is consistent with the planned character (NRZ allows up to 2 storeys) and the design’s scale and setbacks will keep it from dominating the surroundings.

- **Environmental and Landscape Values:** A key objective in Whitehorse’s strategy (formerly Clause 21.05 – Environment and Clause 22.04 – Tree Conservation) is to **protect and enhance vegetation cover**, given the City’s reputation as a “Leafy Green” suburb. The permanent Significant Landscape Overlay (SLO9) across residential areas underscores this.

The MPS supports development that preserves significant trees and adds to the tree canopy. This application is consistent with that policy: it avoids wholesale clearing (many existing trees will remain) and includes new canopy tree planting as part of the design, thereby upholding the landscape character objectives.

- **Sustainability and Amenity:** The strategy encourages environmentally sustainable design and ensuring livable, high-amenity outcomes for residents. The proposed development is of a high quality, offering spacious, energy-efficient homes and maintaining the amenity of both future occupants and existing neighbours. By concentrating on an infill site in an established area, the development makes efficient use of existing infrastructure, aligning with sustainability principles.

In summary, the proposal is considered to **align well with the Municipal Planning Strategy**. It achieves a balance by contributing to housing growth and diversity (additional family-sized townhouses) while respecting the key local values of neighbourhood character and environmental sustainability. It demonstrates that a modest increase in density can be achieved **sensitively and in line with Council’s strategic vision** for the City’s residential areas.

## 5.2 Clauses 10-19 – Planning Policy Framework

The state and local Planning Policy Framework provides broad objectives and strategies guiding land use in Victoria. The proposed development responds to numerous relevant PPF clauses, notably in the themes of housing, urban design, and infrastructure:

**Clause 11 – Settlement:** Clause 11 encourages planning to promote sustainable growth and development in existing urban areas, taking advantage of existing infrastructure. The project supports urban consolidation within the Melbourne Urban Area by adding dwellings in an established suburb rather than on the fringe. It makes better use of well-located urban land (close to jobs, transport, and services) and thus aligns with the strategy to accommodate growth **within established areas** to limit sprawl.

### Clause 15 – Built Environment and Heritage

**Clause 15.01-1S Urban Design** and **Clause 15.01-2S Building Design** encourage high-quality design outcomes that positively contribute to the local character and public realm. The proposed development achieves this by responding sensitively to site conditions, neighbourhood context, and landscape qualities.

The existing dwelling is retained, maintaining continuity with the streetscape and minimising visible change from \_\_\_\_\_. The new dwellings are sited to the rear, with generous setbacks and limited visual prominence. Their design uses pitched roofs, articulated forms, and a recessive upper level to harmonise with the established residential pattern.

Upper-level walls are limited in length and massing, with generous setbacks from boundaries, reducing any perception of visual bulk. Articulation is achieved through a thoughtful combination of material separation, contrasting textures and colours, roof forms, and the integration planter boxes and privacy screens (such as timber batten or louvre-style elements). These features break up the built form, enhance architectural interest, and contribute to a high-quality outcome that is responsive and site-specific.

**Clause 15.01-5L (Local) Neighbourhood Character:** The site is located within a neighbourhood character area consistent with the “Bush Suburban” or “Natural Garden Suburban” typologies outlined in Whitehorse’s local policy and SLO9 controls. Key attributes include low-profile buildings, mature trees, spacious setbacks, and open garden areas. The development respects these characteristics by:

- Retaining the front dwelling and its garden setting;
- Maintaining wide side setbacks and space between the proposed new dwellings;
- Minimising upper-storey dominance through setbacks, articulation, and recessive design elements;

- Retaining or replanting canopy trees and preserving permeable garden space;
- Avoiding any high front fences, thereby retaining the open character of the street.

The proposed landscaping plan reinforces this character with the planting of native canopy trees, layered garden beds, and vegetated boundaries that soften built form and support biodiversity.

**Clause 15.02-1S Energy and Resource Efficiency** promotes energy-efficient subdivision and building design. The proposal includes:

- Northern \_\_\_\_\_ation of living areas and SPOS to maximise passive solar gain;
- Eaves and screening devices to control heat load in summer;
- Use of thermally efficient materials and glazing;
- 4,000L rainwater tanks per **new** dwelling to reduce potable water demand;
- Over 40% site permeability and generous garden area to support stormwater management and reduce heat island effect;
- Location within walking distance of public transport and local services, reducing car dependency.

The design exceeds baseline energy efficiency standards and incorporates sustainable features that align with Council's expectations for environmentally responsible urban growth.

## **Clause 16 – Housing:**

- *Clause 16.01-1S Housing Supply* supports a diversity of housing in defined locations that cater for different households and are close to jobs and services. The proposal contributes to the range of housing in \_\_\_\_\_ by adding two new dwellings suitable for families, in an area with good access to schools, transport and employment (through the rail network). It's an incremental increase that helps address Melbourne's housing needs. Specifically, Plan Melbourne identifies the importance of facilitating housing growth in established suburbs to accommodate population increase – this development is a clear example.
- *Clause 16.01-2S Housing Affordability* promotes housing projects that can improve affordability. While these are likely market housing, providing more supply in a desirable area can have a tempering effect on prices. Additionally, townhouses can offer a more affordable option relative to large standalone houses on big blocks. By using land efficiently, the project aligns with making better use of existing urban land for housing, a sustainability and indirectly affordability measure.

## **Clause 18 – Transport:**

- *Clause 18.02-1S Sustainable Personal Transport* encourages developments that are \_\_\_\_\_ed to encourage walking and cycling. The site's design allows for easy pedestrian access (footpaths to

the street). It's also near public transport – the convenience of walking to \_\_\_\_\_ Station may encourage residents to use trains instead of cars, aligning with this policy.

- *Clause 18.02-4S Car Parking* seeks to ensure adequate provision of car parking that is appropriately designed and located. The proposal provides the required number of parking spaces on-site (2 per dwelling for 3+ bedrooms). The car parking layout has been designed to be functional and not visually obtrusive; for instance, the garages and parking spaces are tucked behind the existing house away from the street. By avoiding additional crossovers and keeping parking behind or beside dwellings, the impact on the streetscape is minimal.

## Clause 19 – Infrastructure:

- *Clause 19.03-3S Integrated Water Management* encourages consideration of stormwater management in development. The project's stormwater strategy (on-site detention and permeable areas) demonstrates alignment with this clause by ensuring no adverse flood or drainage impacts and by reusing rainwater on-site.
- *Development Contributions (Clause 19.03-1S)* – the inclusion of DCPO1 on the site means Council's strategic planning has identified infrastructure needs from development in this area. The proponent will pay the required contributions, which go towards local infrastructure such as open space, roads, community facilities – thereby the development will mitigate its demand on infrastructure consistent with this policy.

In conclusion, the proposal is well-aligned with the **Planning Policy Framework** at both State and local levels. It achieves state objectives for **urban consolidation, housing diversity, and design excellence**, while also responding to local directives for **character protection and environmental sustainability**. There are no PPF policies that count against the development – on the contrary, it demonstrates a strong fit with policy aspirations to accommodate growth in a sensitive manner in established suburbs like \_\_\_\_\_.

### 5.3 Clause 32.09 - Neighbourhood Residential Zone Schedule 1 (NRZ1)

The subject land is zoned **Neighbourhood Residential Zone – Schedule 1 (NRZ1)** under the Whitehorse Planning Scheme. The NRZ applies to areas identified for limited change, where development should respect and reinforce the established garden character. The proposal complies with all applicable provisions of the zone and its schedule, as follows:

#### **Zone Purpose:**

The NRZ seeks to recognise areas of predominantly single and double-storey residential development and to ensure new development respects identified character and landscape values.

The proposal satisfies these purposes by retaining the existing single-storey dwelling at the front of the site and sensitively positioning two double-storey dwellings at the rear.

This arrangement maintains a one-dwelling streetscape appearance and consolidates built form toward the rear, consistent with neighbouring development patterns. The built form is articulated through thoughtful material variation, recessive upper levels, landscaped planters, and the absence of long unbroken wall lengths—ensuring the new dwellings blend harmoniously with their garden-suburban context.

#### **Dwelling Density:**

Although the previous two-dwelling cap under NRZ1 has been removed, the proposed development of three dwellings on a 1,665 m<sup>2</sup> lot equates to a density of approximately one dwelling per 555 m<sup>2</sup>—a very low density by suburban standards.

All relevant site layout requirements (including garden area, setbacks, and open space) are comfortably met, confirming that the proposed yield is appropriate and consistent with the low-intensity development expected in NRZ1.

#### **Building Height:**

Clause 32.09-10 applies a mandatory maximum building height of **9 metres / two storeys** for dwellings and residential buildings. The proposed new dwellings are two storeys in height and reach a maximum of approximately 8 metres from natural ground level to ridge. The front



dwelling remains a single storey. The site's modest slope does not require any height exemption, and the development is fully compliant with this requirement.

## **Garden Area Requirement:**

In accordance with Clause 32.09-4, a minimum 35% of the site (where lot size exceeds 650 m<sup>2</sup>) must be set aside as garden area. The development achieves **approximately 40%** garden area (673 m<sup>2</sup>), incorporating generous front and rear yards, landscaped side setbacks, and planted areas between dwellings.

This exceeds the standard and reinforces the development's contribution to neighbourhood greenery and stormwater permeability.

## **Front Setback (Schedule 1 Variation):**

Schedule 1 to NRZ1 in Whitehorse may specify variations to Townhouse and Low-Rise Code standards for front setbacks and fencing. In this case:

- **Front Setback:** Townhouse and Low-Rise Code Standard B6 applies, requiring a setback equal to the average of the two adjoining dwellings. The existing dwelling sits at approximately **9 metres**, consistent with the adjoining house and well within requirements. As no changes are proposed to the dwelling's footprint or street presentation, the proposal complies.
- **Front Fencing:** The NRZ1 schedule limits front fence height to **1.2 metres**. The existing low picket fence is retained, and no high or solid front fences are proposed, preserving the open character of the street in line with both regulation and neighbourhood expectations.

## **Decision Guidelines and Character Response:**

Clause 32.09-13 requires Council to consider how development responds to neighbourhood character and site context. The proposal demonstrates a strong alignment through:

- Retention of the original front dwelling and established garden setting;
- Double-storey built form set well back from the street;
- Articulated massing with upper floor setbacks and screening devices;
- Clear separation between buildings and generous side/rear setbacks;
- Maintenance of canopy tree cover and substantial new planting.

Unlike some NRZ schedules in other municipalities, **Whitehorse NRZ1 relies on Clause 55 (Townhouse and Low-Rise Code)** for built-form guidance. The development complies with all relevant Clause 55 standards with the exception of **Standard B2-5 (Site Coverage)**, where the proposal marginally exceeds the 40% maximum with a coverage of **40.6%**.

This variation is minor and is supported by the prevailing neighbourhood pattern, where comparable multi-dwelling sites typically exhibit coverage levels between **44% and 51%**. When considered alongside the generous landscaping opportunities, compliant private open space for all dwellings, and high overall amenity, the proposal continues to deliver **low-rise, low-density infill that respects and reinforces the intended neighbourhood character of the NRZ**.

## 5.4 Clause 42.03 – Significant Landscape Overlay Schedule 9 (SLO9)

The site is covered by Significant Landscape Overlay – Schedule 9, which is a Whitehorse-specific control aimed at protecting the municipality’s tree canopy and garden character. SLO9 is a “blanket” control across residential areas to manage tree removal and ensure new developments provide space for vegetation.

**Objectives of SLO9:** Schedule 9’s statement of significance emphasizes the important contribution of mature trees and landscaped gardens to the character of Whitehorse’s residential areas. The environmental and visual objectives of SLO9 include:

- To protect and enhance the canopy tree cover of the municipality.
- To ensure that new development retains sufficient space for the planting of new tall trees in open ground, especially in front and rear setbacks.
- To encourage the retention of established trees where possible, particularly large native or indigenous species that are healthy.
- To maintain the “suburban forest” feel and avoid excessive vegetation clearance that would substantially change the landscape character.

The proposal responds directly to these objectives by planning for retention of key existing trees and by setting aside generous open space for new landscaping. The decision to keep the front dwelling (rather than demolish and rebuild across the whole site) inherently helps retain the existing garden setting visible from the street, including trees and shrubs in the front yard that contribute to streetscape greenery.

At the rear, while some smaller trees will be removed to make room for Dwellings 2 and 3, several mature trees are to be retained, and new canopy trees will be planted to offset the removals—consistent with SLO9’s goal to sustain and enhance long-term tree canopy cover.

### Permit Triggers and Requirements:

Under SLO9, a permit is required to remove, destroy or lop any tree over a certain size unless specific exemptions apply.

Based on the arborist report, planning permission is required for the removal of **Tree 9 (*Callistemon citrinus*)** and **Tree 29 (*Prunus serrulata*)**, both of which are classified as having **low retention value**.

All other trees proposed for removal are either **environmental weeds** or **located within 3 metres** of the existing dwelling, and are therefore exempt from permit requirements under SLO9.

The removal of Tree 9 and Tree 29 is supported by the arborist due to their limited retention value and positioning relative to proposed works. These removals are offset by a landscape plan that includes planting of at least four new large canopy trees.

This complies with the common planning expectation that each removed canopy tree be replaced with at least two new trees, ensuring no net loss of long-term canopy.

## **Permit Trigger:**

A permit is required for buildings and works because the construction of the two new dwellings and associated driveway falls within the SLO9 control. When assessing buildings and works, SLO9 directs consideration to whether the development will “provide sufficient space (including around buildings and easements) to plant new canopy trees and maintain the health of existing ones.”

The site plan and landscape design clearly demonstrate large setback area thus there is ample room for existing and new trees.

The proposal does not seek to excavate or build substantially within the root zone of retained trees.

Where minor encroachment into TPZs occur (such as Tree 1 and Tree 20), the arborist confirms that these retained trees will not be adversely impact its long-term viability.

## **Design Response to Landscape:**

The new dwellings have been designed to blend with the vegetated landscape. They are broken into two smaller building footprints rather than one large mass, preserving view lines between them for greenery.

Their heights are modest—ensuring the tree canopy remains visually dominant over built form, a key landscape character trait. By using neutral earthy colours for exteriors, the buildings will recede into the background amid foliage (a design tactic often recommended in landscape overlays).

Hard surfaces have been minimized; for instance, the driveway is only single-width for most of its length to allow water to penetrate to tree roots and reduce runoff. These considerations underscore a landscape-led approach to design, consistent with SLO9’s intent.

## **Neighbouring Trees:**

While SLO9 is about the landscape as a whole, it’s worth noting if any neighbouring property trees could be affected. Along the west boundary, the neighbour at No.11 has a couple of medium trees near the fence. Our setback there (4m from these trees) means their root zones should largely remain undisturbed.

In summary, the proposal complies with and positively responds to SLO9. It retains the green character of the site and surroundings by safeguarding existing significant trees where possible and incorporating substantial new landscaping. The design leaves more than adequate open space for a thriving garden

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setting. As per SLO9's decision guidelines, we have demonstrated that development and tree protection can coexist on this lot—the overlay's objectives are met, and the only two trees requiring a permit for removal are of low retention value and are being offset by new tree planting. Council can be satisfied that the landscape character will remain the defining feature of 13 \_\_\_\_\_ after development, consistent with the objectives of SLO9.

## 5.5 Clause 45.06 – Development Contributions Plan Overlay Schedule 1 (DCPO1)

The site falls within the Development Contributions Plan Overlay (DCPO) Schedule 1. The DCPO1 references the approved Whitehorse Development Contributions Plan, which outlines contributions towards infrastructure required from new development.

**Purpose of DCPO:** The overlay ensures that new development makes a fair contribution to the cost of infrastructure demand it generates. It typically sets a levy per new dwelling or per new lot created.

**Schedule 1 Details:** Schedule 1 to the DCPO in Whitehorse likely covers standard residential developments city-wide. It will specify the dollar rate for contributions for each new dwelling (indexed annually). The overlay does not affect the design or permit-ability of the proposal but will be dealt with as a condition of permit if granted.

**Compliance:** The applicant is aware of the requirement to pay the development contribution. All new dwellings (Dwelling 1 and Dwelling 2) will be subject to the levy (the existing dwelling is not charged as it's an existing unit). Thus, 2 charge units apply.

**No design implications:** There are no design or built form guidelines in DCPO1.

In summary, DCPO1 is addressed by way of condition and payment, with no further action or variation needed in the application itself. The development's approval will support the community by contributing to local infrastructure upgrades commensurate with the small increase in population that it brings.

## 5.6 Clause 55 – Two or More Dwellings on a Lot (Townhouse and Low-Rise Code)

### Clause 55 – Townhouse and Low-Rise Code Assessment Summary

Clause 55 of the Planning Scheme sets out the residential development objectives and standards for two or more dwellings on a lot. This is formally referred to as the **Townhouse and Low-Rise Code** (updated May 2025), which replaces the older “ResCode” terminology for medium-density housing.

The proposal must meet all relevant objectives and should meet all applicable standards (B1 to B6-6), or provide a justified variation where necessary. A full Clause 55 assessment is provided in Section 6 (Design Response) of this report, where each standard is listed with a response demonstrating compliance or explaining any minor departures.

**In summary, the proposal complies with the vast majority of Clause 55 Townhouse and Low-Rise Code standards, often exceeding minimum requirements. Notably:**

- **Neighbourhood character and design (Standard B1):**

The design respects the surrounding character through building form, materials, and scale. It retains the existing front dwelling and places new buildings at the rear to preserve streetscape continuity (see Section 6.1).

- **Site layout and building form (Standards B2-2 to B2-9):**

All relevant metrics such as building height (two storeys), permeability at 40%, front/side/rear setbacks, building separation, and private open space meet or exceed the required minimums.

**Standard B2-5 Site coverage:** The site coverage at 40.6% results in [a minor variation](#) to Standard B2-5, with justification provided in Section 6.

- **Amenity impacts (Standards B4-1 to B4-4):**

- **Daylight to existing windows (B4-1):** Fully compliant.
- **North-facing windows (B4-2):** N/A – no direct conflict with adjoining north-facing habitable windows.
- **Overshadowing open space (B4-3):** Fully compliant. The updated design ensures that all adjoining secluded private open spaces receive the required solar access at the September equinox, and no variation is sought.
- **Overlooking (B4-4):** Fully compliant.

- **On-site amenity and facilities (Standards B5-1 to B5-6):**

Each dwelling provides:

- Generous **private open space** exceeding B5-5 minimums.
  - **North-facing living areas** for thermal performance.
  - **Storage areas** meeting B5-4 minimum volume (notably via garage space).
  - **Solar access to windows (B5-3)** and **shading (B5-4)** are carefully considered.
  - All new north-facing habitable windows are shaded appropriately using eaves or roof forms.
- **Detailed design and site services (Standards B6-1 to B6-6):**
    - **Façade articulation, roof form, and materials** are contextually responsive (B6-1).
    - **Front fencing** is low or transparent, complying with B6-2.
    - **Common property (B6-3):** The shared driveway is minimal, clearly defined, and allows safe access for all dwellings.
    - **Access and movement (B6-4):** Driveway is safely navigable and meets design and gradient standards.
    - **Car parking (B6-5):** Although the number of spaces is governed by Clause 52.06, this design provides compliant, accessible car parking for each dwelling in accordance with B6-5.
    - **Site services and storage (B6-6):** Bin areas, letterboxes, clotheslines, and other services are discreetly located, secure, and accessible for residents and collection.



## 6. Design Response

This section provides a detailed **Clause 55** assessment in line with the **Townhouse and Low-Rise Code Guidelines (May 2025)**, demonstrating how the proposal meets each relevant updated objective and standard. Each applicable sub-clause of Clause 55 is addressed in turn, with the standards summarized and a response explaining how the proposed design complies (or, in the case of one minor variation, how the objective is still met).

### 6.1 Clause 55.02 – Neighbourhood Character and Infrastructure

**Neighbourhood Character Objective:** The development responds appropriately to the established \_\_\_\_\_ character, maintaining the spacious, leafy suburban feel. The existing single-storey dwelling at the front is retained to preserve the **established streetscape** pattern of deep front setbacks, low front fencing, pitched roofs, and mature gardens. The two new double-storey dwellings are **sited at the rear**, largely hidden behind the original house and vegetation, so that **greenery and open frontage** continue to dominate the streetscape. The new dwellings are modest in scale (2 storeys, ~8 m high) and well below the 9 m height limit of NRZ1, consistent with the prevailing 1–2 storey context. Generous upper-level setbacks and the absence of new boundary walls ensure the **built form is recessive**, with ample separation for landscaping. The design has been guided by a thorough site and context analysis, resulting in an infill development that **“reads” as a subordinate addition** to the neighbourhood – it maintains visual openness, significant tree cover, and garden space, thereby **respecting the preferred garden-suburban character** of \_\_\_\_\_.

**Consistency with Policy:** A written statement of consistency with state and local housing policies was provided (see Sections 5.1–5.2) in accordance with Clause 55.02. In summary, the proposal supports **urban consolidation** (Clause 11), **housing diversity** (Clause 16) and **design excellence** (Clause 15) by adding two well-designed family dwellings on a large serviced lot near transport and shops. At the local level, it aligns with Whitehorse’s vision of **retaining and enhancing garden-suburban character** – e.g. by retaining the existing dwelling and front garden, exceeding the minimum garden area (40% provided), minimizing building bulk through articulated, stepped forms, and planting new canopy trees (see landscaping response below). It also incorporates **sustainable design** features (north-facing living areas, rainwater harvesting, minimal excavation), demonstrating consistency with Clause 15.02-15 (Energy and Resource Efficiency). Thus, the development meets the policy objectives that underlie the new **Townhouse and Low-Rise Code** framework.

#### **55.02-1 Street Setback (Standard B2-1):**

Objective – To ensure new buildings are set back from the street to respect the existing or preferred neighbourhood character.

**Standard B2-1 requirements:** The front setback should equal or exceed the average of the adjoining lots or 9 m, whichever is lesser (NRZ1 specifies no different requirement).

**Response:** *Complies.*

The proposal makes **no change to the existing Dwelling 1's front setback** (~9.0 m). No new building is introduced at the street frontage. By **retaining the original front dwelling in place**, the development preserves the prevailing front setback pattern of \_\_\_\_\_.

The established front garden and open streetscape character will remain intact. In effect, the **street setback is unchanged and in full compliance** with the standard. This maintains the rhythm of front yards along the street and ensures the new works do not disrupt neighbourhood character.

In summary, **Standard B2-1 is met**

#### **55.02-2 Building Height (Standard B2-2):**

Objective – To ensure building height is appropriate to the area and respects the character.

**Standard B2-2 requirements:** In NRZ1, maximum building height is 9 m and 2 storeys. Changes in height across the site should be graduated.

**Response:** *Complies.* The two new rear dwellings are double-storey, ~8.0 m high at the roof ridge – well within the 9.0 m / 2-storey limit. The site's slope is modest (< 2.5° across width), so no height allowance beyond 9 m is applicable, and none is needed.

The existing front dwelling remains a single storey. The height transition on-site is gradual: from the single-storey house at the front to the two-storey units at the rear, which are further obscured by mature trees and setbacks.

Because the new dwellings are positioned behind the original house and surrounded by vegetation, they are not visible from the street – minimizing any streetscape impact.

The building form is articulated through a variation of brick colours and distinct massing, which breaks up the visual bulk. Each double-storey volume is set well back from side boundaries—more than 3 metres—creating generous spatial separation from neighbouring properties.

The overall mass is moderated by hip and gable roofs that contribute to a traditional, residential character in line with the neighbourhood. Canopy trees—both existing and proposed—will grow to a height that meets the dwellings, ensuring the site remains visually dominated by greenery, in line with the objectives of SLO9.

As such, Standard B2-2 is fully satisfied, with the building height and form sitting comfortably within the low-rise, leafy context.

## **55.02-3 Side and Rear Setbacks (Standard B2-3):**

**Objective** – To ensure a building’s height and setback from side and rear boundaries respects neighbourhood character and protects the amenity of existing dwellings.

### **Standard B2-3 Requirements:**

New buildings not constructed on a boundary must be set back in accordance with either:

- B2-3.1 – the angle and height plane formula (as shown in Diagram B2-3.1), or
- B2-3.2 – the simplified fixed setback method, which requires 3 m setback up to 11 m height on boundaries not facing south.

Only one of these methods can be applied to all side and rear setbacks in a development. However, developments including projections (such as decks or pergolas) within 3 m of a boundary must apply the angle-plane formula in B2-3.1.

### **Response:**

Complies with B2-3.1. While the proposed new dwellings are set well back from all side and rear boundaries—typically exceeding 3 m—the inclusion of a deck and pergola within this setback zone means the simplified B2-3.2 option cannot be used. Accordingly, the development has been assessed using the angle and height plane approach under B2-3.1.

The proposal fully complies with Standard B2-3 using the height and angle plane method (B2-3.1), and is appropriate for the neighbourhood’s low-rise, garden-suburban character.

#### **55.02-4 Walls on Boundaries (Standard B2-4):**

**Objective** – To ensure boundary walls are limited in height and length to reduce impacts on neighbours and respect character.

#### **Standard B2-4 Requirements:**

New walls on or within 200 mm of a side or rear boundary should not exceed a length of 10 m plus 25% of the remaining lot length (or match the length of an abutting boundary wall plus 10 m), and must not exceed an average height of 3.2 m or a maximum of 3.6 m, unless abutting a higher existing wall.

#### **Response:**

Complies. The design avoids new boundary walls entirely, except for a small section of decking associated with Dwelling 2. Both new dwellings are freestanding and set well back from all side and rear boundaries, resulting in no significant walls on boundaries.

The only structure within 200 mm of a boundary is Dwelling 2's rear deck and pergola, which features an open trellis-style screen along the eastern boundary shared with No. 15 \_\_\_\_\_. This element runs approximately 6.3 m along the boundary and consists of a low timber platform and open screening, all well below the 3.6 m height limit.

This treatment complies with the standard's length (6.3 m is well within the ~10 m+ allowance) and height restrictions, and is a common and acceptable outcome in residential settings.

As a result, it poses no adverse impact to neighbouring properties and meets Standard B2-4 in full.

#### **55.02-5 Site Coverage (Standard B2-5):**

**Objective** – To ensure site coverage respects neighbourhood character and allows adequate open space for vegetation.

#### **Standard B2-5 Requirements:**

The site coverage (i.e. building footprint as a percentage of the site) must not exceed the maximum specified in the zone schedule; under NRZ1, this is 40%.

#### **Response:**

The proposed total **site coverage is 40.6%**, marginally exceeding the 40% maximum specified under Clause 55.03-3 (Site Coverage) of the Whitehorse Planning Scheme.

This 0.6% variation is minor in scale and justified when considered against the existing built form context within \_\_\_\_\_. The slight increase facilitates meaningful landscaping enhancements and functional improvement, including:

- approximately **40% garden area**,
- **40% permeability**, exceeding the NRZ1 minimum;
- multiple opportunities for canopy trees in both front and rear garden areas;
- generous setbacks and a low-rise built form consistent with the purpose of the Neighbourhood Residential Zone.

Accordingly, approval is sought for this minor variation.

## Justification:

The purpose of the NRZ is to **respect existing neighbourhood character** while accommodating modest housing growth. The proposed 40.6% coverage is entirely in keeping with the established pattern of development in \_\_\_\_\_, where buildings typically occupy more than 40% of their respective sites.

The modest exceedance:

- does **not create visual bulk**,
- does **not reduce landscaping opportunities**, and
- maintains the prevailing rhythm of built form and open space in the street.

A review of nearby developments demonstrates that **site coverage within the immediate neighbourhood commonly exceeds 40%**, indicating a well-established built form pattern where minor exceedances are typical and acceptable.

Address	Site Area	Approx. Building Coverage	% Coverage	Notes
<b>15</b> _____	1,249 m <sup>2</sup> (4 lots combined)	576 m <sup>2</sup>	≈46%	3 Dwellings
<b>17</b> _____	1,249 m <sup>2</sup>	578 m <sup>2</sup>	≈46%	Comparable built form scale
<b>22</b> _____	~1,590 m <sup>2</sup> (Google measure)	706 m <sup>2</sup>	≈44.5–51%	Multi-dwelling site directly behind subject land

(Refer to the Appendix, which includes the full calculation for verification.)

These demonstrate that minor exceedances above 40% are typical and accepted within the immediate neighbourhood; Against this backdrop, the proposed **40.6%** is modest, well within local character norms.

## Other considerations:

Landscape and Amenity Outcomes Remain high even with the slight increase in coverage, the proposal:

- meets all private open space requirements,
- supports a strong canopy tree framework,
- exceeds permeability requirements,
- retains the existing dwelling and its garden setting, and
- delivers a landscaped character consistent with MPS policy encouraging canopy trees and green space.

There is no adverse amenity impact attributable to the small increase in built footprint.

## Council Discretion and Policy Intent:

Clause 55 explicitly allows Council to support variations where the objective is met—even if the numeric standard is not.

Given:

- the minimal magnitude of the exceedance,
- the strong neighbourhood character alignment,
- the compliant landscaping and amenity outcomes, and
- the clear local pattern of higher coverage,

Therefore, the proposal meets the objective of Standard B2-5 and warrants Council's support.

## 55.02-6 Access (Standard B2-6):

**Objective** – To ensure the number and design of vehicle accessways are not excessive and respect the neighbourhood street network.

### Standard B2-6 Requirements:

The width of driveways at the street should not exceed approximately 33% of the frontage (or 40% if the frontage is less than 20 m); ideally, there should be only one single crossover per lot.

Crossovers should be minimised to preserve street trees and on-street parking. New crossovers should not encroach into the TPZ (Tree Protection Zone) of any street tree by more than 10%.

## **Response:**

**Complies.** The site has a generous street frontage of 24.38 m and currently features a single-width crossover of approximately 3.0 m. The proposal retains this existing crossover as the sole vehicular access point for all three dwellings. No new crossovers are proposed, so the total width at the street remains just ~12.3% of the frontage—well below the 33% limit.

By reusing the existing crossover, the proposal avoids any disruption to the nature strip, preserves street trees, and maintains all existing on-street parking spaces. This approach clearly meets the intent and letter of Standard B2-6—providing a single, narrow, and unobtrusive driveway entry.

Internally, the driveway runs along the eastern boundary in a battle-axe configuration, typical of many dual or multi-dwelling developments. It maintains a 3.0 m width and expands at the rear to provide a turning area that ensures convenient access to Existing Dwelling and the garages of Dwellings 2 and 3.

In summary, the access design is practical and respectful of neighbourhood character: it minimises visual and physical impact at the street interface, retains all public assets, and delivers safe, efficient access—fully complying with Standard B2-6.

## **55.02-7 Tree Canopy (Standard B2-7):**

**Objective** – To provide and protect tree canopy in development, preserving the leafy character and mitigating urban heat. A minimum canopy cover should be achieved on site.

### **Standard B2-7 Requirements:**

For a lot over 1,000 m<sup>2</sup>, at least 20% of the site area must be covered by the canopy of new or existing trees at maturity. (For reference, 20% of 1,665 m<sup>2</sup> equals approximately 333 m<sup>2</sup> of canopy cover.) New canopy trees should be climate-responsive and supported by adequate deep soil zones or appropriately sized planters. Existing healthy mature trees can contribute to the requirement.

## **Response:**

**Complies.** The proposed development meets and exceeds the canopy cover requirement through a qualified landscape architect–designed scheme. The final landscape plan has been prepared to achieve a minimum of 20% canopy cover and should be referred to for compliance assessment. Key points:

- **Landscape Design & Implementation:** A professional landscape architect has been engaged to prepare a comprehensive planting design that ensures long-term canopy coverage of at least 333 m<sup>2</sup>. This design includes species selection, canopy spread projections at maturity, and tree positioning to ensure healthy growth and longevity.
- **Existing Trees:** Several mature trees of high value are being retained and protected as part of the development. Trees identified for removal (e.g. Tree IDs 9 and 29) are of low arboricultural value and are replaced by appropriate new canopy species. Existing trees within the front and rear yards will be protected during construction via TPZs and careful siting of built form.
- **New Canopy Trees:** The landscape plan provides extensive canopy coverage across the site, including:
  - **Existing dwelling:** eight canopy trees of varying sizes in the front yard, plus four canopy trees at the rear.
  - **Dwelling 1 (middle):** four large canopy trees.
  - **Dwelling 2 (rear):** two reasonably sized canopy trees.

These trees are supported by deep soil zones with no conflict from nearby structures, ensuring they reach maturity and provide full canopy spread.

- **Canopy Coverage:** The combined contribution of retained and new trees will deliver canopy cover well beyond the 20% minimum.
- **Environmental Benefit & Character Fit:** The design supports not only tree coverage but also biodiversity, habitat, and microclimate benefits. It maintains the green, suburban character of \_\_\_\_\_ consistent with SLO9 and contributes to long-term resilience against heat and climate extremes.

**Standard B2-7 is fully satisfied.** The site will retain key canopy trees and establish a substantial new canopy through a considered, architect-designed landscape plan.

## 55.02-8 Front Fences (Standard B2-8):

*Objective* – To ensure front fence design is sympathetic to neighborhood character and allows an attractive, open streetscape.

### Standard B2-8 requirements:

In NRZ1, front fences within 3 m of a street should not exceed **1.0 m height** (solid) or should be low and/or permeable in design.



## Response:

*Complies.* The proposal does not include any new front fence construction. The existing front boundary fence for Dwelling 1 will remain: it is a traditional timber picket fence of approximately 1.0 m height (with decorative posts up to ~1.2 m).

This fence is low and largely transparent, consistent with many others in the street, and it complements the suburban garden character by maintaining an open view to the front yard.

As no changes are proposed to this fence, the development meets the standard.

Dwellings 2 and 3 do not have street frontages (being rear units), so no front fences apply to them.

In summary, **Standard B2-8 is met**

## 6.2 Clause 55.03 – Liveability

### 55.03-1 Dwelling Diversity (Standard B3-1):

*Objective* – To encourage a range of dwelling sizes/types in developments of 10+ dwellings.

**Standard B3-1 requirements:** For developments of 10 or more dwellings, provide a mix of bedroom counts and at least one adaptable unit with living facilities at ground level.

**Response:** *Not applicable.* The proposal comprises a total of 3 dwellings (including the existing house).

### 55.03-2 Parking Location (Standard B3-2):

*Objective* – To ensure convenient parking for residents/visitors, and to enable safe access and minimal amenity impacts from parking areas.

**Standard B3-2 requirements:** Car parking should be conveniently located to dwellings. Shared driveways or parking areas should be  $\geq 1.5$  m from bedroom windows of new dwellings, or otherwise noise-attenuated. Spaces should be secure and well lit.

**Response:** *Complies.* Each dwelling is provided with convenient, secure on-site parking and the parking design avoids adverse impacts:

- **Dwelling 1 (middle unit):** Has a double garage attached to the dwelling, with internal access to the Entry. This garage directly serves the dwelling and is easy to access. The living areas of Dwelling 1 face north and west, and no habitable room windows face directly onto the driveway on the east side, so the residents are shielded from any car noise.
- **Dwelling 2 (rear unit):** Also features an integrated double garage, located at the end of the driveway/turning area. This setup means vehicles for Dwelling 2 do not pass by any other dwellings' windows – they only travel the shared drive to the end. The internal

layout of Dwelling 2 places no habitable rooms immediately adjacent to the garage or driveway; thus, noise/disturbance is minimal.

- **Existing Dwelling:** A new double carport is proposed at the rear of the existing dwelling, providing safe, convenient access well away from the street frontage.

All parking will now be located at the back, ensuring the front garden remains completely free of vehicles. This significantly contributes to a leafy, uncluttered and attractive streetscape.

All parking spaces are clearly visible and accessible, with short paths from car to house entrances. The design also incorporates passive surveillance and lighting: for instance, the existing dwelling overlooks the driveway entrance, and both new dwellings have windows facing the driveway for oversight.

Low-level sensor lighting will be provided at each garage and along paths for safety at night. In addition, the garage spaces are lockable (for security), and the carport is on the rear yard side of Dwelling 1, providing reasonable level of security.

In summary, the parking provisions are convenient, secure, and unobtrusive. There is no conflict with Standard B3-2: all dwellings' parking is close to their entries, well-lit, and does not negatively impact habitable rooms.

### 55.03-3 Street Integration (Standard B3-3):

*Objective* – To integrate the development layout with the street and public realm.

#### Standard B3-3 requirements:

Dwellings should be \_\_\_\_\_ed toward the street (where practicable), and high front fences avoided. Vehicle/pedestrian links should enhance street connectivity. Layout next to public open space should provide an interface that complements the open space.

**Response:** *Complies.* The proposal is well integrated with \_\_\_\_\_ and maintains a **positive street interface:**

- **Dwelling \_\_\_\_\_ation:** The Existing Dwelling naturally **faces** \_\_\_\_\_ with its front porch and windows, maintaining the traditional street address and surveillance. The new Dwellings 1 and 2 (rear units) do not face the public street – they front the internal driveway – and this is typical for a battle-axe configuration.

- **Dwelling 1 and 2** entries are **clearly visible from the shared driveway and even partially from the street** at the crossover (one can see down the drive), ensuring they are legible and not hidden. The layout is standard for rear dwellings and appropriate to the context.
- **Pedestrian and Vehicle Links:** The development utilizes **one shared driveway** running inside the eastern boundary, which serves both vehicles and pedestrians moving to the rear homes. While pedestrian access overlaps the driveway, the low traffic volume (**only 3 units in total**) and the clear sightlines along the drive make this a **safe and practical arrangement**.
- Residents will be aware of each other and drive slowly; visitors on foot can be seen easily. The single crossover re-use also means **street connectivity is maintained**. Emergency services and guests can readily identify the development via visible dwelling numbers at the street and a straight driveway sightline to the dwelling entrances.
- **Front Fences and Streetscape:** As noted, **no new front fence** is proposed, and the existing low picket fence remains. This ensures the development **presents an open, welcoming frontage** with a garden interface to the street. The front yard with landscaping will continue to contribute to the streetscape's character. There is no adjacent public open space to consider (the nearest park is down the street). However, by maintaining **landscaping along the frontage and driveway**, the project complements the neighbourhood greenery.

Overall, the development **integrates seamlessly with the street**. The existing house retains a **conventional street presence**, and the new dwellings are arranged in a logical, **lane-like configuration** behind, as is common for infill lots.

The design avoids any blank walls or high fences facing the street and ensures **active frontages** where possible. **Standard B3-3 is met** in full – the project enhances street engagement by keeping the original dwelling addressing the street, using a single modest driveway, and designing clear, safe access for all units.

#### **55.03-4 Entry (Standard B3-4):**

*Objective* – To ensure each dwelling has a safe, visible, and clearly defined entry that provides a transition from public to private space.

**Standard B3-4 requirements:**

Dwelling entrances should be easily identifiable, sheltered, and visible from the street or internal accessway. They should provide a sense of address and appropriate lighting.

**Response:** *Complies.* Each dwelling is provided with a **clearly identifiable, sheltered front entry:**

- **Dwelling 1 (existing front house):** Retains its original **street-facing porch** and front door \_\_\_\_\_ed to \_\_\_\_\_. This porch is obvious from the street and continues to function as the primary entrance, giving Dwelling 1 a strong street address. It is covered by the existing verandah roof, providing shelter.
- **Dwelling 2 (middle unit on driveway):** Its entry **faces the shared driveway** on the eastern side and is **immediately visible** as one comes up the drive. A feature portico/porch is incorporated into the façade design to highlight the front door. This entry will have a roofed shelter (portico) for weather protection. Clear signage/numbering and a pathway leading to it will further signal its location.
- **Dwelling 3 (rear unit):** Located at the end of the driveway, its entry is **clearly in view** when one reaches the turning area – one cannot miss it. It too will feature a **covered porch** element near the garage, marking the front door and providing shelter. This entry will be obvious upon approach, as it's essentially straight ahead at the terminus of the drive.

All entries are to be illuminated with **wall-mounted lights** or downlights for nighttime visibility and security. They are designed to be free of hiding spots – none are recessed deeply or obscured. Each doorway has been given **architectural emphasis** (e.g. Dwelling 1's existing porch character is maintained; Dwellings 2 and 3 have subtle design accents like a portico, pathway landscaping, and lighting to create a welcoming threshold). There is a clear **public-to-private transition:** from the street to the common drive (semi-public), to each dwelling's porch (semi-private), to the home's interior. In summary, **Standard B3-4 is satisfied** – the entries are **safe (well-lit and visible), sheltered from weather, and clearly delineated** as the front doors of each residence.

### 55.03-5 Private Open Space (Standard B3-5):

*Objective* – To provide adequate and well-designed private open space (POS) for the recreation and service needs of residents.

**Standard B3-5 requirements:** For 3+ bedroom dwellings, at least **40 m<sup>2</sup> of private open space** should be provided, including one area of **25 m<sup>2</sup> of secluded private open space (SPOS)** with a minimum 3 m dimension, accessible from a living area. (No communal open space is required for this scale of development.)

**Response:** *Complies.* Generous private open spaces are provided for each dwelling, **exceeding the minimum areas:**

- **Existing Dwelling (Dwelling 1 front):** It retains an expansive front, side, and rear yard. The total POS for this dwelling is **well over 200 m<sup>2</sup>**.
- **Dwelling 2 (middle unit):** It enjoys an L-shaped **northwest-facing rear/side garden** of approximately **100 m<sup>2</sup>**. The SPOS is contiguous and has a depth exceeding 3 m along both the north and west sides. It is directly accessible through large sliding doors from the living/dining area, encouraging indoor-outdoor living. This SPOS is roughly four times the minimum required area (25 m<sup>2</sup>), ensuring ample recreation space.
- **Dwelling 3 (rear unit):** As the rearmost dwelling, it benefits from the largest yard. The SPOS wraps around its **north and west sides**, forming a **contiguous garden of ~170 m<sup>2</sup>**. This area is well over the required size and exceeds 3 m in width throughout. The meals/living room opens onto this space via glazed doors, providing seamless access. The rear (north) portion of this yard is especially deep, functioning as a large backyard.

In conclusion, **Standard B3-5 is easily met** – each dwelling far exceeds the 40 m<sup>2</sup>/25 m<sup>2</sup> POS requirement. The generous, **well-landscaped gardens** provided will greatly enhance residents' amenity and outdoor living opportunities.

### 55.03-6 Solar Access to Open Space (Standard B3-6):

**Objective** – To ensure private open space for each dwelling receives adequate sunlight.

**Standard B3-6 Requirements:**

Where secluded private open space (SPOS) is located to the north of a wall, that wall should be set back from the southern edge of the SPOS by at least  **$(0.9 \times \text{wall height}) + 2.0 \text{ m}$** .

**Response:**

**Complies.** All dwellings in the proposed development have access to SPOS that meets the intent and numerical requirements of Standard B3-6.

- Existing Dwelling's SPOS: The existing dwelling has a large, north-facing backyard that functions as its SPOS. This space benefits from a generous separation of 9.7 m between the rear wall of Dwelling 1 and the existing dwelling, as shown on architectural drawing A25. Given that Dwelling 1's ground floor wall facing this space is approximately 3.5 m high, the required setback is 5.15 m under the standard. The provided 9.7 m setback significantly exceeds this, ensuring excellent solar access to the SPOS. There is no overshadowing concern in this area, and the existing backyard will continue to receive ample sunlight throughout the day.
- Dwelling 2's SPOS: Dwelling 2 has an extensive north-facing rear yard, which is entirely unobstructed by buildings to its north. This SPOS enjoys full sun throughout the day and clearly complies with the standard.
- Dwelling 1's SPOS: While the rear (northern) yard of Dwelling 1 receives some shadow from Dwelling 2, Dwelling 1 is also provided with a large west-facing SPOS that receives strong northerly sunlight unobstructed by any structure. This western yard measures approximately 18 m long by 3.4 m wide, ensuring that Dwelling 1 has functional, well-lit open space fully compliant with Standard B3-6.

In conclusion, the design complies with Standard B3-6 and ensures comfortable, sunlit outdoor spaces for all residents.

**55.03-7 Functional Layout (Standard B3-7):**

Objective – To ensure rooms and spaces within dwellings are functional and of sufficient size for their intended use.

**Standard B3-7 Requirements:**

Habitable rooms (living areas and bedrooms) should meet reasonable minimum dimensions – for example, bedrooms should accommodate a queen bed with circulation space, and living areas should be large enough to support seating and dining zones appropriate to the dwelling size, consistent with apartment layout guidelines.

## **Response:**

*Complies.* The new dwellings have been designed with practical and well-proportioned layouts that clearly exceed the functional benchmarks:

- Each dwelling includes an open-plan living and dining area of approximately 5.5 m × 8.0 m, easily accommodating standard lounge furniture and a 6-seater dining table with generous circulation space.
- All five bedrooms in each new unit exceed the typical 3.0 m × 3.0 m minimum commonly accepted for functionality, providing ample room for queen-sized beds and movement.
- The existing Dwelling 1 retains its original full-sized layout, which already includes comfortably sized rooms appropriate for family living.
- Kitchens, bathrooms, and other utility areas are efficiently planned and meet all applicable Building Code requirements.
- There are no awkwardly shaped or excessively narrow rooms, and circulation areas such as hallways and stairwells are appropriately wide to support movement and furnishing.

In summary, the proposed internal layouts are highly functional, offering flexible, comfortable spaces suited to family living. The design satisfies Standard B3-7 by providing dwellings with practical, liveable interiors.

## **55.03-8 Room Depth (Standard B3-8):**

*Objective* – To ensure habitable rooms have appropriate depth and access to daylight, avoiding overly deep or double-loaded spaces that receive insufficient natural light.

### **Standard B3-8 requirements:**

Living rooms and other habitable rooms should not be excessively deep such that daylight cannot penetrate.

## **Response:**

*Complies.* All habitable rooms in the new dwellings have been designed with good access to daylight and reasonable room depths.



The main living areas are dual-aspect or corner rooms (e.g. Dwelling 2's living/dining has windows facing north and west), which ensures light reaches far into the space. No living space is a long, narrow internal room – they either open to the yard via large glass doors or have multiple windows.

Bedrooms are generally located on external walls with a single window wall; none have excessive depth. There are no basement or internal habitable rooms in this development. Overall, daylight will penetrate well into all corners of the dwellings.

The design avoids any scenario of a window only lighting a small portion of an overly deep room. Therefore, Standard B3-8 is met.

## **55.03-9 Daylight to New Windows (Standard B3-9):**

**Objective** – To ensure adequate daylight access to all new habitable room windows.

### **Standard B3-9 Requirements:**

Each new habitable room window must face an area of at least 3 m<sup>2</sup> that is open to the sky, with a minimum 1 m clear width. This includes light courts, side/rear setbacks, or other unobstructed open space.

### **Response:**

Complies. All new habitable room windows are positioned to face open areas, with setbacks from boundaries generally exceeding 3 m. As a result, each window meets or exceeds the 3 m<sup>2</sup> open-to-sky requirement with more than 1 m of clear width, ensuring generous access to daylight and full compliance with Standard B3-9.

## **55.03-10 Natural Ventilation (Standard B3-10):**

**Objective** – To ensure dwellings are designed to encourage natural cross-ventilation for cooling and air quality.

### **Standard B3-10 Requirements:**

Wherever possible, dwellings should be arranged to allow cross-breezes. Long single-aspect layouts should be avoided. At least **40%** of dwellings in a development should be naturally cross-ventilated.

**Response:**

**Complies.** The new dwellings have been designed with multiple aspects and operable windows on different \_\_\_\_\_ations, enabling excellent natural ventilation. Both **Dwelling 1** and **Dwelling 2** have operable windows facing all directions, allowing residents to open windows on opposite sides to capture breezes regardless of wind direction.

The internal layouts promote airflow—open-plan living areas enable natural cross-ventilation from one end of the dwelling to the other. Stairwells and high-positioned windows also support stack ventilation, allowing hot air to rise and escape.

All bedrooms and living areas are equipped with openable windows, ensuring no habitable space relies solely on mechanical ventilation. The **existing dwelling**, being a traditional home, already benefits from windows on all four sides, which naturally supports strong cross-ventilation.

In summary, **100%** of the dwellings in this development achieve effective natural ventilation. Standard B3-10 is fully satisfied through thoughtful planning, operable openings, and efficient layout design.

**55.03-11 Storage (Standard B3-11):**

**Objective** – To provide adequate storage space for each dwelling.

**Standard B3-11 Requirements:**

Each dwelling should have at least **18m<sup>3</sup>** of secure, lockable storage space, with convenient access. This can be located in a garage, basement, or shed.

**Response:**

**Complies.** The proposed new dwellings include large garages that comfortably accommodate the required 18 m<sup>3</sup> of secure storage space.

For the **existing dwelling**, which remains unchanged, its ongoing use demonstrates it has functioned adequately as a home without storage issues. Nonetheless, a new shed will be added in the backyard to provide additional external storage.

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All storage is secure, weather-protected, and easily accessible to each dwelling's occupants. With these arrangements, the development fully satisfies **Standard B3-11**.

### 6.3 Clause 55.04 – External Amenity (Impact on Neighbours)

#### 55.04-1 Daylight to Existing Windows (Standard B4-1):

**Objective** – To allow adequate daylight into habitable room windows of neighboring buildings.

#### Standard B4-1 Requirements:

If a new building is constructed opposite an existing habitable room window on an adjoining lot, it must be set back to ensure a light court of at least **3 m<sup>2</sup> area** with a minimum **1 m clear width** is maintained for that window. This light court may include the neighbor's setback plus the subject site's setback. In short, the new construction must be far enough or low enough to avoid unreasonably reducing daylight access to neighboring windows.

#### Response:

**Complies.** The proposed dwellings are set back sufficiently from all neighboring habitable windows, ensuring full compliance with the standard.

- **Eastern neighbor (No. 15 \_\_\_\_\_):** This property has windows facing our site; however, Dwelling 1 and Dwelling 2 are both set back approximately **4 m** from the eastern boundary. These generous setbacks ensure any side-facing windows on No. 15 benefit from light courts far exceeding the 3 m<sup>2</sup> minimum requirement.
- **Western neighbor (No. 11 \_\_\_\_\_):** The proposed dwellings maintain a similarly generous side setback of around **4 m** from the boundary, while No. 11's own dwelling is located more than **6 m** from its boundary. This results in a combined separation of over **10 m**, ensuring that any habitable room windows on the western neighbor's side continue to receive ample daylight.
- **Northern neighbor (rear – likely No. 9 Mill Road):** The rear boundary adjoins another residential backyard. The closest northern neighbor has private open space and windows facing away from our site, minimising any sensitivity. Regardless, the proposed dwellings maintain a **~3.5 m** setback from the rear boundary, with no structures impacting daylight access to any existing habitable windows.

In all directions, the proposed design ensures that neighboring habitable room windows are not overshadowed or blocked. The required light courts are met or significantly exceeded, and adjacent dwellings continue to receive generous daylight from multiple \_\_\_\_\_ations.

**Therefore, Standard B4-1 is fully complied with.**

#### 55.04-2 North-Facing Windows (Standard B4-2):

**Objective** – To protect solar access of any existing north-facing habitable room windows on adjacent properties (within 3 m of the boundary).

**Standard B4-2 requirements:**

If an adjoining dwelling has a **north-facing window** within 3 m of the shared boundary, the new building should be set back such that it falls below a 45° line projected from 1 m above that window sill to the north. In practice, this usually means a new wall should be lower and/or further away to avoid cutting winter sun to such windows.

**Response:** *Not applicable / Complies.* A survey of the immediate neighbours found **no qualifying north-facing habitable windows** close to the property boundaries.

**55.04-3 Overshadowing of Open Space (Standard B4-3):**

**Objective** – To ensure new buildings do not unreasonably overshadow the secluded private open space (SPOS) of adjoining properties.

**Standard B4-3 Requirements:**

Where an adjoining SPOS is affected by new shadow, at least 75% (or 40 m<sup>2</sup>) of that space must receive a minimum of 5 hours of sunlight between 9am and 3pm on 22 September.

If the adjoining SPOS currently receives less than 5 hours, the proposed development must not reduce sunlight by more than 20%.

**Response:** Complies.

A detailed shadow analysis was prepared for all hours between 9am and 3pm on 22 September (see architectural plans, Pages A40–A46). The assessment confirms that **all adjoining SPOS areas** retain the required level of solar access throughout the assessment period.

Key findings:

• **Western neighbour (No. 11 \_\_\_\_\_):**

SPOS remains sunlit for more than 5 hours, comfortably retaining over 40 m<sup>2</sup> of sunlight at all relevant times.

• **Eastern neighbour (No. 15 \_\_\_\_\_):**

Fully compliant. In the updated design, the layout and built form ensure no reduction to the required 5 hours of sunlight to adjoining SPOS.

• **Other adjoining properties:**

No impact. SPOS areas to the north, south or across the street are unaffected due to \_\_\_\_\_ation, separation, and compliant setbacks.

**55.04-4 Overlooking (Standard B4-4):**

**Objective** – To prevent direct views into neighbouring secluded private open space (SPOS) or habitable room windows, thereby protecting privacy.

**Standard B4-4 requirements:**

For new habitable room windows, decks, balconies, or terraces above ground floor and within 9 m (measured at a 45° angle from eye level) of a neighbouring SPOS or habitable room window, appropriate screening (1.7 m high with ≤25% transparency) is required. Screening is not required if the finished floor level is less than 800 mm above ground level at the boundary.

**Response:**

**Complies.** A comprehensive overlooking assessment has been completed (see Drawings A35–A36). The proposed design meets Standard B4-4 through a combination of level management, targeted screening, and considered classification of window types.

Key privacy measures include:

- **Use of Natural Ground Level (<800 mm exemption):** A number of windows and Dwelling 2's deck have finished floor levels less than 800 mm above natural ground level at the boundary. These include several ground floor windows to Dwellings 1 and 2. Due to the natural slope of the site, no screening is required for these elements.
- **Upper Floor Screening Where Required:** Where there is potential for overlooking (e.g., Dwelling 2's rear balcony), planter boxes and privacy screens have been incorporated. These are designed to provide effective screening from 1.7 m above finished floor level to adjacent SPOS or habitable room windows, as required by the standard.
- **Bedroom Window Classification:** All bedroom windows have been classified as **non-habitable** for the purpose of Standard B4-4, in line with Townhouse and Low-Rise Code definitions. As such, these may remain fully transparent without screening, allowing for natural daylight and ventilation while remaining compliant.

- **Internal Privacy Between Dwellings:** No habitable room windows from any proposed dwelling overlook into the SPOS or habitable windows of other dwellings within the development. Internal privacy is protected through layout design and standard boundary fencing.
- **No Overlooking to Neighbours:** Overlooking diagrams confirm that no upper-storey habitable room windows or decks overlook into neighbouring SPOS or habitable windows within 9 m without screening. Trellises, privacy screens, planter boxes, and setback distances have been consistently applied across all elevations to ensure compliance.

In conclusion, the proposed development achieves compliance with Standard B4-4 through thoughtful design strategies tailored to the site's topography and surrounding context.

## 6.4 Clause 55.05 – Sustainability (On-Site Amenities and Environment)

### 55.05-1 Permeability and Stormwater Management (Standard B5-1):

**Objective** – To reduce stormwater run-off and ensure adequate site permeability for water infiltration; to encourage on-site stormwater treatment.

#### Standard B5-1 requirements:

At least 20% of the site (or more if specified by the zone – NRZ1 requires a minimum of 40% permeability) should be free from impervious surfaces. Development should incorporate measures to capture, slow, filter, and re-use stormwater, such as raingardens, detention systems, or rainwater tanks.

#### Response:

**Complies.** The proposal achieves a permeable, landscape-rich outcome that exceeds the stringent NRZ1 requirement. Approximately 40.5% of the site (673 m<sup>2</sup>) remains permeable, allowing for substantial rainwater infiltration and contributing to reduced stormwater run-off and improved soil moisture recharge.

In addition, the development incorporates a robust Water Sensitive Urban Design (WSUD) strategy:

- **Rainwater Tanks:** Each new dwelling will include a 4,000 L rainwater tank connected to the roof. These tanks will be plumbed to toilets for flushing and to garden taps, allowing for reuse of rainwater and reducing discharge to the stormwater system. The existing dwelling will also retain or receive a smaller tank for garden irrigation.
- **On-Site Detention:** The combination of rainwater tanks and proposed raingardens will assist in slowing and controlling the outflow of excess runoff to Council's stormwater network. The design will comply with Council engineering requirements regarding post-development flow rates.
- **Permeable Pavements:** Low-traffic sections of the driveway and any overflow parking areas will feature permeable paving or gravel surfacing to support infiltration and reduce the total impervious area. This also contributes to pre-treatment of runoff.
- **Landscape Features:** Vegetated swales or raingarden planters will be incorporated along driveway edges and in rear yard areas to intercept, absorb, and filter stormwater from impervious surfaces. Deep mulched garden beds, shown in the landscape plan, further increase the site's infiltration capacity. Where possible, surface grading will direct water into these planted zones, rather than directly into stormwater drains.



Through maintaining over 40% permeability and integrating a suite of WSUD initiatives, the development significantly reduces peak stormwater flows, improves water quality, and promotes re-use on site.

In conclusion Standard B5-1 is fully satisfied.

#### **55.05-2 Overshadowing of Solar Energy Systems (Standard B5-2):**

*Objective* – To ensure existing rooftop solar energy systems (solar panels, hot water) on neighbouring properties are not unreasonably overshadowed by the development.

**Standard B5-2 requirements:** If a neighbour has existing solar panels (for electricity or hot water) that are positioned to receive sunlight, the new development should be sited and designed to minimize overshadowing of those panels beyond what a standard fence would do. (Generally, avoid casting shadows on solar collectors between 9am–3pm.)

**Response:** *Complies.* An on-site survey and neighbour consultation indicated that no adjoining property has solar photovoltaic panels or solar hot water systems installed near the shared boundaries. Neither immediate side neighbour (No. 11 or No. 15) has visible solar collectors on their roofs (their heating appears conventional).

Thus, Standard B5-2 is met by default.

#### **55.05-3 Rooftop Solar Energy (Standard B5-3):**

**Objective** – To ensure sufficient space is provided on new dwellings for future solar energy installations (photovoltaic or solar hot water panels).

##### **Standard B5-3 requirements:**

New dwellings should be designed with suitable roof area—ideally north-facing—for the future installation of solar panels. Roof forms should avoid obstructions (e.g., dormers, chimneys, shading structures) that would hinder solar access. A minimum solar collection area may be specified, typically **34 m<sup>2</sup>** for dwellings with four or more bedrooms.

**Response:**

**Complies.** All proposed dwellings are designed with simple, efficient roof forms that provide ample, unshaded north-facing roof area suitable for future solar panel installation.

Specifically, both **Dwelling 1** and **Dwelling 2** feature hipped roofs with major roof planes \_\_\_\_\_ed to the north or north-west, offering excellent solar exposure. As shown in Architectural Drawings (Pages **A17** and **A20**), the combined available north-facing roof area is approximately **42.4 m<sup>2</sup>**, which exceeds the minimum 34 m<sup>2</sup> requirement for larger dwellings under Standard B5-3.

The **existing dwelling**, as shown in Architectural Drawing **A04**, also includes more than **39 m<sup>2</sup>** of unobstructed roof space suitable for future solar panels, thereby meeting the same minimum requirement.

All roof areas are free from obstructions and shading, ensuring that the dwellings are well-prepared for future solar energy systems.

In conclusion, the proposal satisfies Standard B5-3.

**55.05-4 Solar Protection of New North-Facing Windows (Standard B5-4):**

**Objective** – To ensure new north-facing habitable room windows are shaded in summer (to reduce heat gain) while allowing winter sun.

**Standard B5-4 requirements:**

New north-facing windows should be provided with appropriate shading devices such as eaves, awnings, pergolas, or screens to block high-angle summer sun while allowing lower-angle winter sun.

**Response:**

**Complies.** The proposed dwellings incorporate effective shading elements for all north-facing habitable room windows, satisfying the requirements of Standard B5-4.

At ground level, north-facing windows and glazed doors are 3.0 m high and are protected by eaves with a 750 mm overhang. This meets the guideline of providing shading depth equal to at least 25% of the window height, effectively blocking high summer sun.

At the upper level, north-facing windows are shaded by 450 mm roof overhangs. These are designed to intercept high-angle summer sun while allowing lower-angle winter sun (approx. 29° solar angle) to enter, supporting passive heating and year-round thermal comfort.

Additionally, both **Dwelling 1** and **Dwelling 2** feature covered north-facing decks that provide further summer shading to adjacent living room glazing.

Refer to Architectural Drawings A15, A16, A18, and A19 for detailed documentation of all shading elements.

In conclusion, the proposal complies with Standard B5-4.

#### **55.05-5 Waste and Recycling (Standard B5-5):**

**Objective** – To ensure adequate, accessible, and screened areas are provided for rubbish and recycling bins for each dwelling.

#### **Standard B5-5 requirements:**

Each dwelling must have sufficient space for garbage, recycling, and green waste bins in a convenient, discreet location that is either not visible from the street or screened appropriately. Easy access to the street for collection is essential.

#### **Response:**

**Complies.** The proposal incorporates discrete, functional bin storage areas for each dwelling, ensuring easy access and compliance with waste management requirements:

- **Existing Dwelling:** Bins will be stored within the large side or rear yard area—specifically, along the east side adjacent to common driveway beside the existing dwelling. These bins can be wheeled out through a side gate to the street via a short, direct route of approximately 15 metres.
- **New Dwellings (Dwelling 1 and Dwelling 2):**  
Each will include a designated bin storage zone within the rear of the garage, screened by a wing fence or landscaping. Both dwellings have a similar arrangement with bins located adjacent to the garage in a recessed, shielded location. These areas are not visible from the street or adjoining properties.  
On collection days, residents will wheel bins down the gently graded shared driveway to the kerbside. The distance from storage to street is approximately 30 metres—practical for weekly movement.

- **Street Collection:**

\_\_\_\_\_ features a generous 24 m wide nature strip in front of the site, providing ample kerbside space for waste collection. With three dwellings, we anticipate up to six bins (garbage, recycling, and potentially green waste) placed out for pickup. The site's 20 m frontage—after deducting the width of the single crossover—comfortably accommodates this number without obstructing neighbouring driveways or pedestrian paths.

- **Design Integration and Amenity:**

Bin pads will be finished in concrete or paving, graded to prevent water pooling. All locations are set away from habitable windows to avoid odour impacts. Each dwelling's storage area can accommodate at least three 120–240 L bins and can be made secure to deter animals and maintain tidiness.

In conclusion, the development provides thoughtfully integrated and screened waste storage areas, clear and manageable access to collection points, and ensures bins are not visible from the street. Standard B5-5 is fully satisfied.

#### **55.05-6 Noise Impacts (Standard B5-6):**

**Objective** – To protect residents from external noise sources and ensure new mechanical or external noise sources (such as air conditioners or plant) do not adversely affect residents or neighbours.

#### **Standard B5-6 requirements:**

Developments near significant noise sources (e.g. major roads or industrial zones) should incorporate noise attenuation measures such as acoustic glazing or insulation. Mechanical equipment (e.g. AC condensers) should be positioned to minimise noise impacts on bedrooms of both new and existing dwellings, and on neighbouring properties. All installations must comply with applicable SEPP noise regulations.

#### **Response:**

**Complies.** The site is located on a quiet residential street with no major external noise sources, so standard construction practices will provide good internal acoustic comfort. In addition, mechanical services and other potential noise sources have been carefully considered in the design to avoid adverse impacts:

- **External Noise Sources:** \_\_\_\_\_ is a local street with low traffic volumes. While the train line is located at some distance, any incidental noise is minor. Furthermore, the

new dwellings will feature modern windows (likely double-glazed to meet energy standards), which also provide excellent acoustic insulation.

- **Mechanical Equipment:** Air-conditioning condenser units will be installed at ground level, positioned on side or rear elevations away from sensitive areas such as bedrooms. For example, condensers for Dwellings 1 and 2 will be located on the western side, adjacent to kitchens and laundries, not near sleeping areas.
- **Inter-Dwelling Noise:** All new dwellings are fully detached, which naturally limits noise transfer between homes.
- **Vehicle Noise:** The shared driveway is the only internal potential source of noise. This has been addressed through design:
  - The existing dwelling's living room is set back ~3 m from the driveway, with fencing and landscaping acting as buffers.
  - Dwelling 1 presents a solid wall to the driveway, providing acoustic separation.
  - Dwelling 2's living areas are offset from the driveway and not directly adjacent.Vehicle activity will be limited (an estimated 4–6 car trips daily), with low speeds (5–10 km/h), generating minimal noise—similar to a standard residential driveway.
- **Other Noise Sources:** No noise-generating features such as swimming pools, pumps, or workshops are proposed. The site does not adjoin any commercial uses. All noise will be typical of residential environments (e.g. casual play, outdoor use), with separation and fencing helping maintain neighbourly amenity.

In conclusion, the proposed development meets Standard B5-6 by incorporating sensible mechanical placements, standard acoustic construction, and a layout that avoids noise conflicts.

#### **55.05-7 Energy Efficiency for Apartment Developments (Standard B5-7):**

*Objective – (This standard applies to apartment buildings with common areas; not relevant to this townhouse-style development.)*

**Response:** *Not applicable.*

The proposal is for three detached/semi-detached dwellings, not an apartment building. Standard B5-7's provisions do not apply.

## 7. Conclusion and Recommendation

The proposed development at **13 \_\_\_\_\_**, \_\_\_\_\_ presents a well-considered, contextually responsive design that delivers gentle residential intensification while maintaining the low-density, leafy character of the surrounding suburban neighbourhood.

This report demonstrates that the proposal is in compliance with the Clause 55 Townhouse and Low-Rise Code, with only one minor variation under Standard B2-5 (Site Coverage).

This site coverage variation is limited in extent, justified by neighbourhood character analysis, and has no material impact on landscaping capacity or amenity.

### Key Merits of the Proposal

#### Strategic Policy Alignment

The development supports both **State and Local Planning Policy** by contributing additional housing within an established urban area. The site benefits from proximity to public transport, open space, and community infrastructure. It adds diversity to the local housing stock and supports sustainable, compact urban growth, consistent with the objectives outlined in **Sections 5.1 and 5.2**.

#### Neighbourhood Character Response

The **existing dwelling is retained** at the front of the site, preserving the established streetscape rhythm. Two new double-storey dwellings are sited to the rear, with generous setbacks, articulated façades, pitched roof forms, and a muted material palette that reflect the prevailing **Suburban Garden Character**. The built form is intentionally non-dominant, ensuring the development integrates into its context (see **Sections 5.3, 6.1, and 6.4**).

#### Amenity and Compliance

The development complies with all key Clause 55 standards, including:

- B2-2 (Height)
- **B2-5 (Site Coverage) – Minor variation of 40.6%**
- B3-5 (Private Open Space)
- B3-9 (Daylight to New Windows)
- B4-1 (Daylight to Existing Windows)
- **B4-3 (Overshadowing)**
- B4-4 (Overlooking)
- B5-6 (Noise Impacts)
- B5-5 (Waste & Recycling)
- and others.

All new dwellings offer high internal amenity, including north-facing living zones, functional layouts, generous private gardens, and compliant on-site parking. The amenity of neighbouring properties is fully preserved.

## Landscape and Environmental Response

The landscape design aligns with **Schedule 9 of the Significant Landscape Overlay (SLO9)**, retaining existing canopy trees where possible and introducing new trees and gardens throughout the site. Generous landscaping is provided within front, side, and rear setbacks, reinforcing \_\_\_\_\_'s leafy suburban identity (**Sections 5.4 and 6.3**).

## Functionality and Servicing

The site is fully serviceable and includes provision for:

- **On-site stormwater management** (Standard B5-1)
- **Rainwater tanks** for reuse
- **Bin storage and collection** (Standard B5-5)
- **Mailboxes and clotheslines** in discrete locations
- A clearly defined, minimal shared driveway
- Straightforward Owners Corporation management

The development will meet **DCPO1** obligations to contribute to local infrastructure improvements (**Sections 5.5 and 6.6**).

## Broader Housing and Community Benefit

The two new dwellings introduce much-needed housing flexibility to the area—suitable for downsizers, small families, or multigenerational households seeking a low-maintenance residence close to services. Construction will be managed to minimise disruption and protect vegetation, and the built outcome will integrate seamlessly into the existing neighbourhood pattern.

## Planning Balance

The only variation to the Clause 55 Townhouse and Low-Rise Code is a minor non-compliance with **Standard B2-5 (Site Coverage)**, resulting in 40.6% coverage. This is offset by the high level of compliance across all other design standards, and the careful built-form response adopted to minimise impacts. The variation is negligible and presents no adverse planning precedent or risk.

## Recommendation

It is respectfully submitted that **City of Whitehorse support and approve** the planning permit application. The proposed development demonstrates:

- Strong alignment with strategic planning objectives

# Refreshing Homes Pty Ltd

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- High compliance with **Clause 55 Townhouse and Low-Rise Code**
- High-quality urban design
- A respectful response to neighbourhood character and amenity
- A positive contribution to housing diversity and the suburban landscape of \_\_\_\_\_

The proposal represents an **appropriate, desirable, and sustainable planning outcome** for this site.



## Appendix A

15 \_\_\_\_\_, \_\_\_\_\_:

Site Area: The site comprises four individual properties with land areas of 373 m<sup>2</sup>, 364 m<sup>2</sup>, 230 m<sup>2</sup>, and 282 m<sup>2</sup>, resulting in a total combined site area of **1,249 m<sup>2</sup>**.



Building coverage is approximately **576 m<sup>2</sup>**, as measured from Google aerial imagery, representing roughly **46%** of the total site area.



17 \_\_\_\_\_, \_\_\_\_\_:

Site Area: The property consists of a single lot with a total land area of **1,249 m<sup>2</sup>**

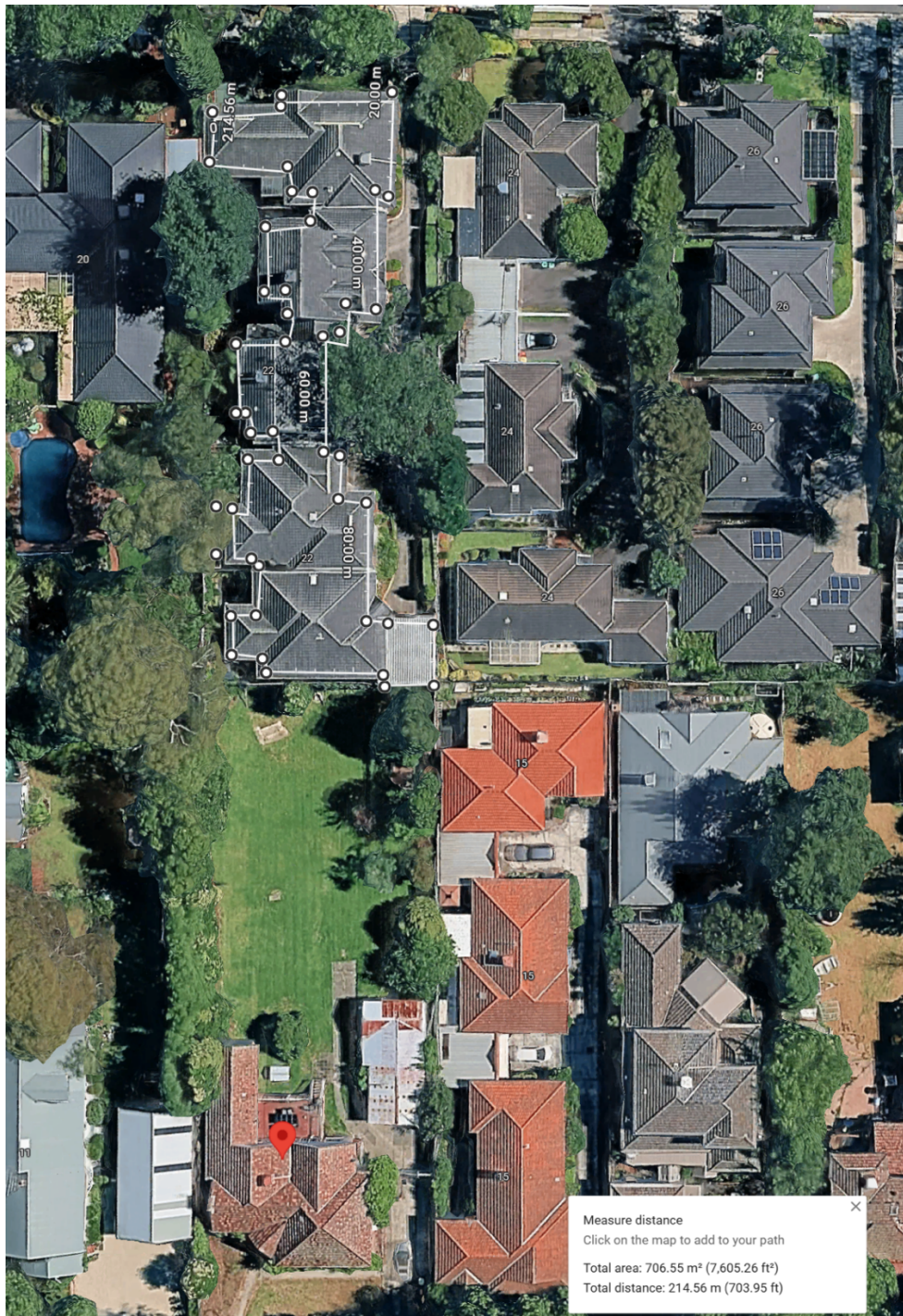


Building coverage is approximately **578 m<sup>2</sup>**, as measured from Google aerial imagery, representing roughly **46%** of the total site area.

## 22 \_\_\_\_\_

Site Area: The site comprises five individual properties with land areas of 349 m<sup>2</sup>, 364 m<sup>2</sup>, 214 m<sup>2</sup>, 232 m<sup>2</sup>, and 215 m<sup>2</sup>, giving a total area of **1,374 m<sup>2</sup>**. *(Note: There appears to be an error in the State Government property report, as Google aerial measurements indicate a total site area of approximately **1,590 m<sup>2</sup>**.)*





Building coverage is approximately **706 m<sup>2</sup>**, as measured from Google aerial imagery. This equates to roughly **51%** coverage based on the State Government's recorded site area, or approximately **44.5%** coverage when calculated using the Google aerial measurement.