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Millar Merrigan

Land Development Consultants

Planning Report 8 Challenger Close, Whittington



Two lot subdivision, construction of two new dwellings and removal of covenant

Reference: 29570

Report information

Site Address:	8 Challenger Close, Whittington
Formal land description:	Lot 56 on Plan of Subdivision 111660
Proposal:	Two lot subdivision, construction of two new dwellings and removal of covenant
Authority:	Greater Geelong
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Permit triggers

Planning Scheme Clause Control	What the permit will allow
<i>Clause 32.08 (GRZ1)</i>	<ul style="list-style-type: none"> - To subdivide land - To construct two or more dwellings on a lot
<i>Clause 44.05 (SBO)</i>	<ul style="list-style-type: none"> - To construct a building or to construct or carry out works - To subdivide land
<i>Clause 52.02 (Easements, Restrictions and Reserves)</i>	<ul style="list-style-type: none"> - To create, vary or remove an easement or restriction

Executive summary

Millar Merrigan have been engaged to lodge this planning application for a ***Two lot subdivision, construction of two new dwellings and removal of covenant at 8 Challenger Close, Whittington***

The existing dated dwelling and associated garage are to be demolished and the site is proposed to be redeveloped with two new dwellings. A double storey four bedroom dwelling will front Ranger Court and a single storey two bedroom dwelling will front Challenger Close the proposal aids to increase housing options and provide more diverse and affordable housing opportunities. The proposed dwellings have been designed to suit the site and surrounds, respecting the character of the neighbourhood, in accordance with the General Residential Zone, Schedule 1.

A small area site along the southern and western boundaries is covered by a Special Building Overlay which has been taken into consideration with the appropriate floor levels assigned to mitigate any risk to human life or property.

An extensive new landscape treatment is proposed to enhance the quality and amenity of the environment, this will see the introduction of 6 new trees alongside an extensive understorey planting in a landscape design across the entire site, which will greatly increase the landscape and biodiversity value of the site.

Covenant K314895 listed on the title is proposed to be removed which states in part:

“they will not erect or cause or suffer to be erected upon any portion of the land hereby transferred within a distance of twenty-five feet from the street boundary any fence and upon the residue of the land hereby transferred any fence having a height greater than five feet six inches” and “they will not permit or suffer to be grown upon any part of the land hereby transferred within a distance of twenty five feet from the street boundary and inclusive of the street boundary and hedge having a greater height than two feet and upon the residue of the land hereby transferred any hedge having a height greater than five feet six inches”

It is requested that a Section 173 Agreement be conditioned as a condition of permit in order to allow subdivision prior to completion of the development.

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

This report seeks to demonstrate how the subdivision and development is appropriate in terms of achieving State and Local planning objectives and policies.

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1.0 Site and neighbourhood description

1.1 Site description

The following components provide a description of the existing site conditions:

Size, shape, orientation and easements	<ul style="list-style-type: none"> - Total size is 608 m² - Modified rectangular shape - Located on the northeastern corner of Challenger Close and Ranger Court - South (Challenger Close) – 33.53 metres - West (Ranger Court) – 13.71 metres - Southwest corner – 4.31 metres - East – 16.76 metres - North – 36.58 metres - 1.83 metre wide drainage and sewerage easement along the western boundary - Covenant K314895 which restricts fence and hedge heights within proximity to the street boundaries.
Existing development and fencing	<ul style="list-style-type: none"> - Single dwelling, enclosed verandah, freestanding roof over structure and galvanized iron garage - Paling fencing ranging in height from 1.6m to 1.8m to the north, east and southern boundary with 0.53 metre high trellis atop the eastern boundary fence - Low paling fence along the western boundary and southwest corner - Gates on western and southern boundary - Small section of 1.9m high brick wall near the northeastern corner
Access and car parking	<ul style="list-style-type: none"> - Two Single concrete crossovers, one being off Challenger Close nearby the southeast corner and the other off Ranger Court nearby the northwest corner - A detached galvanised iron garage located in the southeast corner of the site
Topography and earthworks	<ul style="list-style-type: none"> - The site falls approximately 0.47 metres northeast to southwest - No known cut or fill present
Vegetation	<ul style="list-style-type: none"> - The site has some shrubs and exotic trees scattered throughout - Two street trees are present along the Challenger Close frontage
Views, noise and services	<ul style="list-style-type: none"> - No significant views into or from the site - No noticeable noise is apparent - All services are available to the site



Figure 1: Aerial view of the subject site

1.2 Site photographs



Photograph 1: Looking towards site from Ranger Court



Photograph 2: Looking towards the site from Challenger Close



Photograph 3: Existing galvanised iron garage



Photograph 4: Looking towards southeastern corner from within the site



Photograph 5: Looking west towards existing dwelling



Photograph 6: Looking towards northeastern corner from within the site



Photograph 7: Looking west towards existing dwelling



Photograph 8: Looking west towards existing dwelling



Photograph 9: Looking north from southwest corner

1.3 Neighbourhood description

The following components contribute to the character of the neighbourhood:

- Land use and development pattern
 - Land is zoned for residential purposes
 - Varied subdivision pattern with mostly original lots with some older strata titles
- Built form
 - Dwellings date from the 1970's
 - Materials consist predominantly of brick
 - Roof styles are generally pitched in hipped or gable styles and constructed with tiles
- Access and car parking
 - Lots are generally provided with one crossover, except on corner allotments which are sometimes provided with two
 - Carports and garages are located in rear yards, to the sides of dwellings, with some located within front setbacks
- Street and Landscape characteristics
 - Front fencing is not unusual and ranges in style
 - Gardens are generally informal
 - There is low canopy coverage
- Topography and street layout
 - Topography across the neighbourhood is relatively flat
 - Street layout is irregular with major streets forming grids and many cul-de-sacs present in between
 - Roads are bitumen and feature concrete kerb and channel
 - Footpaths are present on both sides of Challenger Close and Ranger Court
- Locality to existing infrastructure
 - The site is well located 1.4 kilometres from the Newcombe Shopping Precinct and 4.4 kilometres from the Central Geelong Activity Centre and will be able to make more efficient use of existing infrastructure.

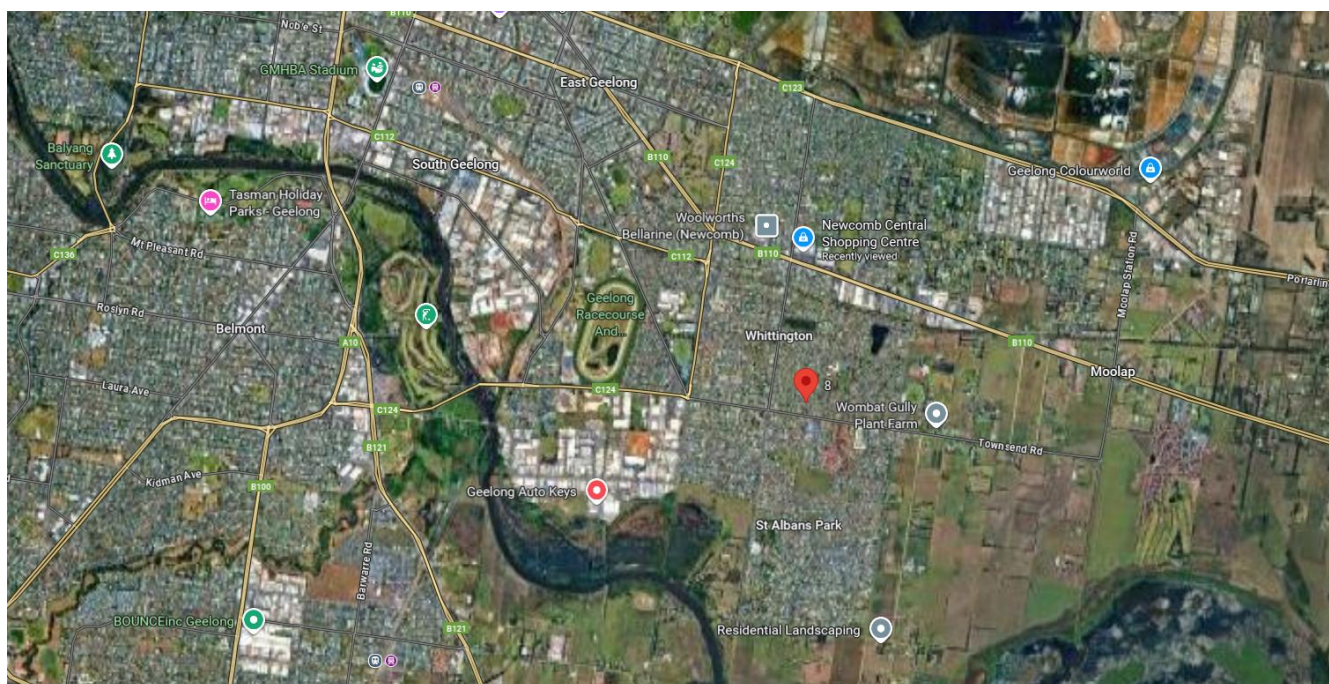


Figure 2: Locality plan of nearby facilities and services

1.4 Neighbourhood photographs



Photograph 10: Looking opposite the site down Ranger Court at the existing neighbourhood character



Photograph 11: Looking opposite the site down Challenger Court at the existing neighbourhood character

2.0 Proposed design response

Given the site conditions, the dated building on site, the surrounding neighbourhood character and the applicable planning controls, it was considered appropriate to subdivide the land into two lots, remove the existing dwelling and construct two new dwellings one to front Ranger Court and the other to front Challenger Close.

It is requested that a Section 173 Agreement be conditioned as a condition of permit in order to allow subdivision prior to completion of the development and as such it is requested the condition have the following (approximate) wording:

Prior to the issue of a Statement of Compliance, the owner of the land must:

1. If the development approved under Planning Permit PInA00000/00 has not been completed to the satisfaction of the Responsible Authority when a Statement of Compliance is sought, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring:
 - a. Development of the subject land in accordance with the endorsed plans and conditions for Planning Permit PInA00000/00, unless further written consent is obtained from the Responsible Authority.

This agreement is to be prepared at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement.

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

2.1 Site layout and built form

Lot 1 is situated on the western half of the site and has a total area size of 317m². A new double storey 4-bedroom dwelling fronting Ranger Court is proposed within the proposed lot.

Lot 2 is positioned on the eastern half of the site and comprises of 291m². A new single storey two-bedroom dwelling is proposed and designed to address Challenger Close to the south.

The dwellings provide ample side and rear setbacks allowing for adequate areas of open space, alongside new landscaping to soften and compliment the built form.

The proposed dwellings are to be constructed of a mix of brick veneer and vertical cladding with render to define the front porches. Gable pitched Colorbond roofing is provided to compliment the surrounding neighbourhood character. Muted brown and charcoal tones are proposed to provide a contemporary look whilst allowing the dwelling to blend with the surrounding streetscape.

2.2 Access arrangement and car parking

Access to the dwelling on lot 1 is via the existing concrete crossing off Ranger Court. For lot 2 the existing concrete crossing off Challenger Close provides access.

Independent concrete driveways are provided for each allotment connecting to the respective parking arrangements for each dwelling. Lot 1 is provided with an integrated double garage and lot 2 an integrated single garage.

2.3 Vegetation removal/retention and landscape design

The site contains a few insignificant fruit trees and shrubs which are to be removed to facilitate the proposed works.

Each of the proposed dwellings maintain adequate setbacks to allow for new tree plantings within the front and rear yards alongside other shrub, strappy leaf, ground cover and climbing plantings across the entire site.

A total of 6 new canopy trees are to be introduced to the site, including with both front setbacks to improve views into the site from the street and filter views of the built form.

Landscaping alongside each of the driveways will soften the appearance of the hardscaped areas.

The proposed understorey will add visual interest and colour to the site through the seasons.

2.4 Infrastructure servicing

All reticulated services are available within proximity of the site and will be connected to the new dwellings.

Council have advised that the drainage discharge point for the site is the existing drainage infrastructure within the road reserve of Challenger Close.

3.0 Planning assessment

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

Zoning

Clause 32.08 General Residential Zone, Schedule 1

Overlays

Clause 44.05 Special Building Overlay

Municipal Planning Strategy & Planning Policy Framework

Clause 2 Municipal Planning Strategy

Clause 11 Settlement

Clause 12 Environmental and Landscape Values

Clause 13 Environmental Risks and Amenity
Clause 13.03-1L Floodplain management

Clause 15 Built Environment and Heritage

Clause 16 Housing
Clause 16.01-2S Housing Affordability

Particular Planning Provisions

Clause 52.02 Easements, Restrictions and Reserves

Clause 52.06 Car Parking

Clause 55 Two or more Dwellings on a Lot and Residential Buildings

Clause 56 Residential Subdivision

Clause 65 Decision Guidelines

3.1 Zoning

General Residential Zone – Schedule 1 (Clause 32.08)

- To implement the Municipal Planning Strategy and Planning Policy Framework.
- To encourage development that is responsive to the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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

Pursuant to Clause 32.08-4 an application to construct or extend a dwelling or residential building must provide a minimum garden area of 35% for sites above 650 m².

Pursuant to Clause 32.09-7 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Pursuant to Clause 32.09-11 a building must not be constructed for use as a dwelling or residential building that: exceeds the maximum building height specified in a schedule to this Zone or 11m, or more than 3 storeys at any point.

Schedule 1 does not offer any variations to the requirements or decision guidelines of the zone.

Response – GRZ1:

- The proposal is designed to accord with the intent and requirements of the General Residential Zone. It provides two new dwellings, one single and one double storey which are designed to respect the existing neighbourhood character of the area.

- The proposal offers an additional range of affordable housing options on smaller allotments offering one, four bedroom dwelling and one, two bedroom dwelling.
- A density of 1:304 m² is proposed and is considered appropriate and in keeping with the appropriate housing density in accordance with the zone.
- The proposed setbacks, architectural style and low-scale built form of the dwellings respond appropriately to the surrounding neighbourhood character and characteristics.
- The proposal achieves a 'garden area' of 45% which exceeds the minimum requirement for a site of this size.
- A permit is triggered under the Zone to both subdivide land and develop two or more dwellings on a lot.
- An assessment against the objectives of Clause 55 – Two or more dwellings on a lot and Clause 56 – Residential Subdivision is provided further below and within the included Clause 55 Written Assessment Checklist.
- The maximum building height proposed is 8.66 metres which is well below the 11m limit.

3.2 Overlays

3.2.1 Special building overlay (Clause 44.05)

- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*

Pursuant to Clause 44.05-2 a permit is required to construct a building or carry out works including:

- *A fence.*
- *A rainwater tank with a capacity of not more than 10,000 litres.*

This does not apply to:

- *To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.*

Pursuant to Clause 44.05-3 a permit is required to subdivide land.



Figure 3: Extent of Special Building Overlay

Response – SBO:

- There are some areas along the southern and western boundaries covered by the overlay. Advice was received from the SBO team at Council in 2022 who provided a highest flood level of 4.60m AHD and advised that the minimum floor level for any new habitable building is to be 4.90 AHD and for any new non-habitable building to be 4.75 AHD.
- The proposal accords with the abovementioned flood advice with the minimum floor levels being 4.90 AHD for dwelling 1 and 4.95AHD for dwelling 2, as such the risk to property and human life is minimised by the siting and floor levels of the dwelling.

3.3 Municipal planning strategy and planning policy framework

Clause 02.03-1 (Settlement) states:

Geelong is expected to grow by an additional 152,000 people by 2036 based on an average annual growth rate of 2.5 per cent. This growth will create demand for over 73,400 additional dwellings which can be met under the City's identified planned growth. While the City is keen to take advantage of Geelong's proximity to Melbourne it is important to the community that the unique identity and character of the municipality is retained.

A combination of greenfield and infill development will deliver housing for Geelong's growing population. Over time the share of new housing from infill is expected to increase.

The majority of greenfield housing supply will be provided in urban Geelong in the master planned communities of Armstrong Creek and the Northern and Western Geelong Growth Areas. New residential communities should incorporate sustainable living principles and deliver infrastructure to meet community needs.

Targeted infill development is supported in areas with access to infrastructure, goods and services. In order for medium and high density housing to be embraced by established communities it needs to deliver high quality design and achieve a high level of amenity for future residents while being appropriate for the site and neighbourhood.

Clause 02.03-2 (Environment and landscape values) states:

Development has had a direct impact on the municipality's natural environments and the flora and fauna that they sustain. There is a need to protect and enhance the natural environment and provide for more sustainable development.

Clause 02.03-3 (Environmental risks and amenity) acknowledges the impact of floodplain management and seeks to:

- *Minimise the potential for damage and risks to public safety and property from flooding.*

Clause 02.03-5 (Built environment and sustainability) provides the following strategic directions:

- *Ensure that development enhances Geelong's sense of place and identity.*
- *Support the design and provision of healthy, walkable neighbourhoods.*
- *Encourage environmentally sustainable design in all development.*
- *Encourage all development to provide high quality urban design and landscaping.*

Clause 02.03-6 (Housing) provides the following strategic directions:

- *Facilitate infill development to increase its housing supply contribution.*
- *Support residential development where the density, mass and scale is complementary to the location, role and character of the specific IHDA.*
- *Ensure housing diversity is achieved in established and growth area communities.*
- *Increase the level of affordable and social housing in Greater Geelong.*

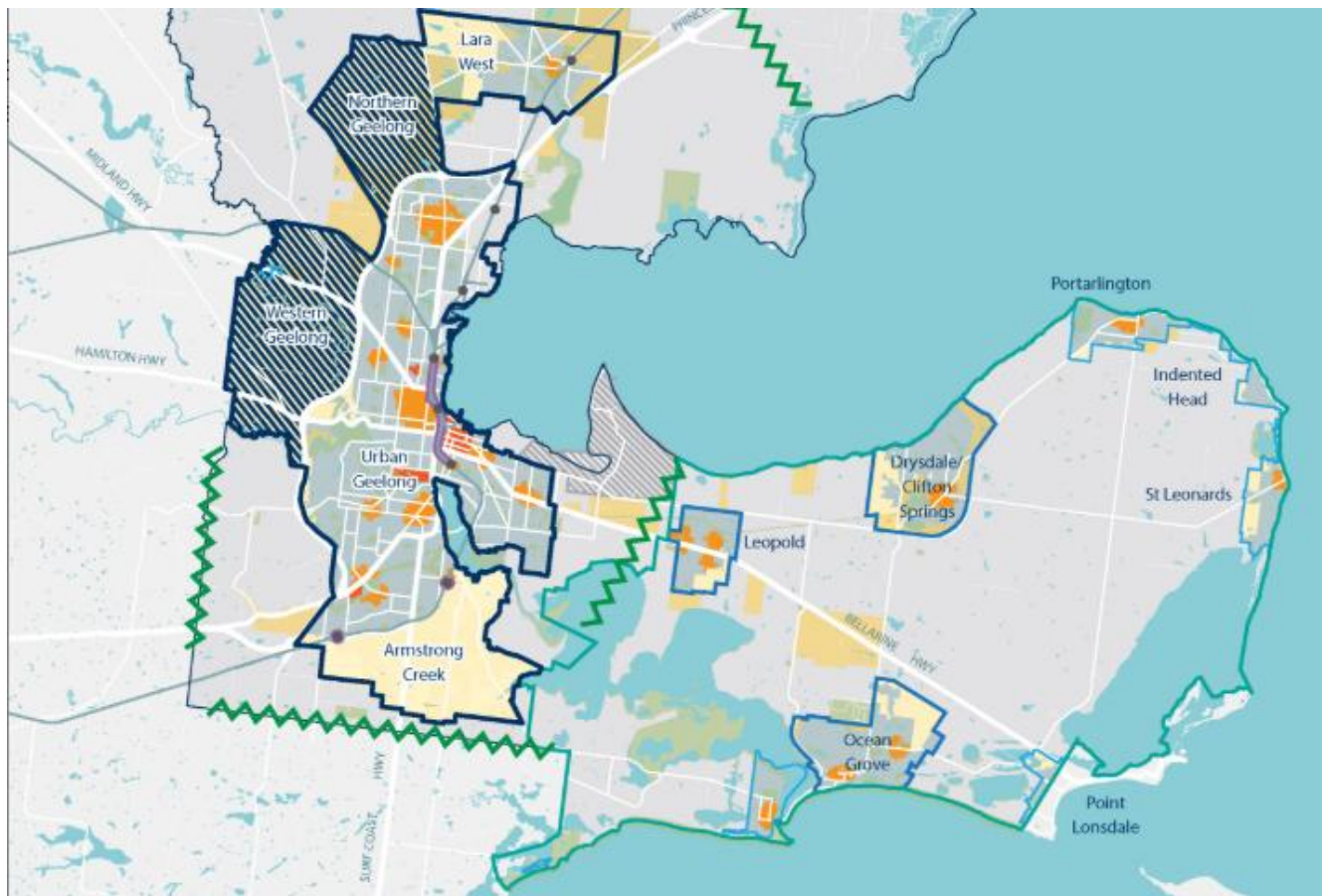


Figure 4: Housing and Settlement Framework Plan

The site is located within an established urban area as nominated by the housing and settlement framework plan within Clause 2.

The above themes discussed in the Municipal Planning Strategy are discussed in further detail in the Planning Policy Framework as assessed below.

3.3.1 Settlement (Clause 11)

Settlement (Clause 11.01-1S) has the objective of facilitating the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Response – Settlement:

- The proposal is appropriate in terms of location, given it is within an existing urban area and the land is zoned for residential purposes.
- It responds to site and neighbourhood conditions and will aid in provision of more affordable housing opportunities within proximity to local facilities and services by providing two different living options to the market stock (a four bedroom and a two bedroom dwelling).
- It promotes good design and a high level of amenity, which helps to enhance the individual character within the Whittington area, making it an attractive addition to the neighbourhood.
- The proposal seeks to make the best use of residential land which is suitably located for increased housing density with close proximity to existing infrastructure.

3.3.2 Environmental and landscape values (Clause 12)

Landscapes (Clause 12.05-2S) has the objective to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments, that includes the following relevant strategy to achieve this objective:

- *Ensure development does not detract from the natural qualities of significant landscape areas.*

Response – Environment & Landscape Values:

- The proposal aids in enhancing the natural environment and adds biodiversity to the area with the provision of complete landscaping treatment across the site which includes 6 trees alongside an extensive understorey. The landscape treatment ensures future dwellings remain a secondary feature and the built form is adequately screened from the streetscape.

3.3.3 Environmental risks and amenity (Clause 13)

Floodplain Management (Clause 13.02-2S) has the objective to assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Response – Environmental Risks & Amenity:

- The proposal has considered potential environmental risks and amenity, through appropriate building design and siting. The proposal seeks to ensure the natural environment is not adversely impacted on and responds to potential risks.
- A small section of the site along the south and west boundaries are covered by the Special Building Overlay, as such, appropriate floor levels have been set to mitigate risk to property and life.

3.3.4 Built environment and heritage (Clause 15)

Subdivision Design (Clause 15.01-3S) has the objective to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Neighbourhood Character (Clause 15.01-5S) has the objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Neighbourhood Character (Clause 15.01-5L) is a Greater Geelong policy and has the objective to manage the impact of urban change on existing neighbourhoods.

Response – Built Environment and Heritage:

- The proposal has been designed to ensure an appropriate outcome in terms of built form that represents the character of the neighbourhood.
- The proposed development has been designed to maximise energy efficiency, eaves on the upper level to aid in shading and through the implementation of a water tank on lot 1. The proposed water tank allows for the minimisation of urban run-off, with the water source able to be used for non-water sensitive uses such as watering gardens and flushing toilets. The result being an environmentally sustainable outcome.
- The development will be finished in materials and colours like those in the surrounding neighbourhood with neutral tones and a modern style.
- The proposed dwellings are low in scale, provide good articulation, are well sited and maintain appropriate setbacks to all boundaries. The low scale nature is consistent with the surrounding area and respects the amenity of adjoining properties.
- The proposal offers a high standard of design that will offer good amenity for residents. The dwelling on lot 1 has been designed to front Ranger Court, whilst the dwelling on lot 2 will front Challenger Close maintaining surveillance over the public domain.
- The streetscapes will be enhanced with the removal of some sections of fence along the streetscapes and proposal of two new architecturally designed dwellings and habitable room windows fronting the street, whilst the landscape treatment will screen views to the development and ensure the character of the neighbourhood is maintained and respected.
- The proposal respects the current covenant registered on the title restricting fence and hedge heights within proximity to the boundaries abutting the road reserve.

3.3.5 Housing (Clause 16)

Housing (Clause 16) has the objective to facilitate well-located, integrated and diverse housing that meets community needs.

Housing Affordability (Clause 16.01-2S) aims to deliver affordable housing in areas with good access to opportunities and services

Response – Housing:

- The proposal has been designed to provide an appropriate response to the objectives for housing location, density and diversity.
- The subject site is close to existing services and infrastructure that can be utilised by future residents.
- Two different housing typologies are offered on smaller allotments with a selection of a two storey four bedroom dwelling and a single storey two bedroom dwelling providing affordable offerings to a range of households.

3.4 Particular provisions

3.4.1 Easements, restrictions and reserves

This Clause seeks to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Pursuant to Clause 52.02 a permit is required before a person proceeds to:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

Response – Easements, restrictions and reserves:

- The application seeks to remove restrictive covenant **K314895** which in part states the following: “*they will not erect or cause or suffer to be erected upon any portion of the land hereby transferred within a distance of twenty-five feet from the street boundary any fence and upon the residue of the land hereby transferred any fence having a height greater than five feet six inches*” and “*they will not permit or suffer to be grown upon any part of the land hereby transferred within a distance of twenty five feet from the street boundary and inclusive of the street boundary and hedge having a greater height than two feet and upon the residue of the land hereby transferred any hedge having a height greater than five feet six inches*”
- The covenant, dated 15 March 1983 and amended 17 May 1983, restricts the erection and height of fencing and hedges within 25 feet of street boundaries. These controls are outdated and no longer reflect contemporary planning policy or residential development expectations, particularly in relation to the provision of reasonable privacy for private open space.
- Current planning controls under Clause 55.02-1 (Street setback – Standard B2-1) permit reduced setbacks to both primary and side street frontages, demonstrating an accepted shift toward more compact built form and associated boundary treatments. The covenant’s blanket restrictions therefore provide no additional planning benefit beyond what is already regulated through the Planning Scheme.
- The proposal includes a standard 1.8-metre-high boundary fence between the two lots, which is appropriate to facilitate reasonable privacy outcomes for both dwellings. Side boundary fencing is proposed along the side and rear yard of Dwelling 1 where it fronts the side street, providing appropriate privacy to the private open space while maintaining an orderly and visually recessive streetscape interface. The submitted plans demonstrate that the fencing will not result in adverse visual or neighbourhood character impacts. A portion of the existing timber paling fence along the southern boundary is proposed to be retained.
- Surrounding properties within the area already incorporate fencing, screening and trellis treatments that exceed the limitations imposed by the covenant, further indicating that the restrictions are no longer reflective of the character or expectations of the locality.
- The subject site is located on the far eastern edge of the covenant area. Given the site’s peripheral location and the localised nature of the proposed fencing, the removal of the covenant will not undermine the original intent of the restriction and will not result in material detriment to adjoining or benefitted land.
- Accordingly, the removal of the covenant will not cause material detriment to adjoining landowners or the broader neighbourhood and will enable a reasonable and orderly development outcome consistent with Clause 52.02 and the objectives of the Planning Scheme.

3.4.2 Car parking (Clause 52.06)

This Clause seeks:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework;*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;*
- *To support sustainable transport alternatives to the motor car;*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities;*

- To ensure that car parking does not adversely affect the amenity of the locality; and
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Pursuant to Clause 52.06-5, Table 1 stipulates the minimum requirement for a dwelling within Category 2 is one to each dwelling.

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

Response – Car Parking:

- Dwelling 1 contains four bedrooms and is provided with an integrated double garage and dwelling 2 contains two bedrooms and is provided with a single integrated garage. As such, each is provided with car parking areas meeting the requirements of the Clause.
- The garages are integrated into the design to lessen the impact of parking facilities on the view from the street.
- Ample space is provided for landscaping within the front setback and alongside the driveways, to ensure an attractive development and soften the appearance of hardscaped surfaces.
- The car parking spaces provide appropriate width, length and headroom.
- The proposed accessways are a minimum 3 metres wide and provide a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road

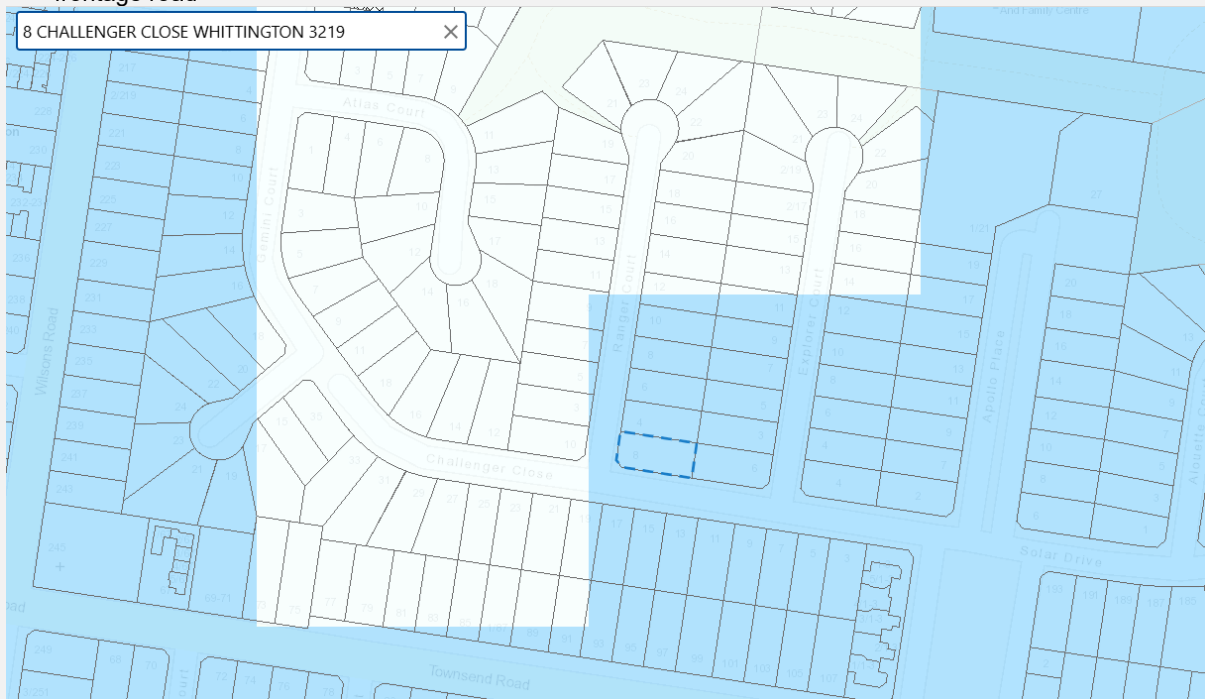


Figure 5: Car parking requirement map (source: VicPlan)

3.4.3 Two or more dwellings on a lot and residential buildings (Clause 55)

The provision of Clause 55 apply to this application given its location within the Residential - General Residential zone.

This clause seeks to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that responds to the site and the surrounding area.

Exemptions

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider:

- *The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.*
- *The purpose or decision guidelines of the relevant zone, unless an applicable decision guideline specifies otherwise.*
- *The decision guidelines in Clause 65, unless an applicable decision guideline specifies otherwise*

Response – Clause 55:

- An assessment against Clause 55 has been undertaken as part of this application with an assessment table attached hereto.
- The application meets all the standards of Clause 55 aside from B5-4 – Solar protection to new north facing windows
- As demonstrated on the attached assessment table, the applicable standards of clause 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met and as such the application is exempt from the review rights of section 82 (1) of the Act.

3.4.4 Residential subdivision (Clause 56)

The Clause has the following purpose:

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

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

Clause 56: Residential Subdivision – 2 Lots	
Clause 56.03-5 Neighbourhood Character	
The proposal respects the existing neighbourhood character whilst responding to the features of the site as discussed above. Refer to the response in 3.4.2 for further details.	<p>Standard ✓ Complies</p> <p>Objective ✓ Complies</p>
Clause 56.04-2 Lot Area and Building Envelopes	
The proposed lots are 317 m ² and 291 m ² and can easily accommodate the dwellings and proposed car parking facilities. The density of 1:304 m ² is appropriate in terms of the zone.	<p>Standard ✓ Complies</p> <p>Objective ✓ Complies</p>
Clause 56.04-3 Solar Orientation of Lots	
Excellent solar access is achieved for the lots.	<p>Standard ✓ Complies</p> <p>Objective ✓ Complies</p>
Clause 56.04-5 Common Area	
No common area is proposed.	<p>Standard ✓ Complies</p> <p>Objective</p>

	✓ Complies
Clause 56.06-8 Lot Access	
Both lots will utilise the existing single crossings to access their respective driveways.	Standard ✓ Complies Objective ✓ Complies
Clause 56.07-1 Drinking Water Supply	
Reticulated water is currently available to the site and can be utilised to service the new lot, making more efficient use of existing infrastructure.	Standard ✓ Complies Objective ✓ Complies
Clause 56.07-2 Reused and Recycled Water	
A water tank is provided for lot 1 which could be utilised for the use of recycled water for irrigation, and to reduce the dependency on potable water, such as for use of watering gardens and flushing toilets, if considered necessary by the responsible authority.	Standard ✓ Complies Objective ✓ Complies
Clause 56.07-3 Waste Water Management	
The subject site has reticulated sewer available and will be connected to the new lot.	Standard ✓ Complies Objective ✓ Complies
Clause 56.07-4 Stormwater Management	
All minor drainage will be designed and installed to Council's requirements. The LPD indicates that the property should be connected to the existing drainage pipe within the road reserve to Councils satisfaction.	Standard ✓ Complies Objective ✓ Complies
Clause 56.08-1 Site Management	
The site will be managed to the satisfaction of the responsible authority prior to and during any construction works.	Standard ✓ Complies Objective ✓ Complies
Clause 56.09-1 Shared Trenching	
Any new servicing will utilise shared trenching where possible.	Standard ✓ Complies Objective ✓ Complies
Clause 56.09-2 Electricity and Telecommunications	
Services that are available to the site will be supplied to each lot in accordance with the requirements of the relevant authorities.	Standard ✓ Complies Objective ✓ Complies
<p>NB: Some matters covered by the objectives and standards can occur after a permit for the subdivision has been issued, through a condition of permit.</p> <p>Considering some matters at a later date allows planning assessment to occur at an appropriate time in the design and construction process and can provide for faster, more cost-effective decision making.</p>	

3.4.5 Decision guidelines (Clause 65)

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

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

4.0 Conclusion

We submit that the proposed Two lot subdivision, construction of two new dwellings and removal of covenant is appropriate for the following reasons:

- The proposed two-lot subdivision and construction of two new dwellings at 8 Challenger Close, Whittington represents a well-considered and contextually responsive development. The design appropriately addresses the site's constraints and opportunities, including its corner location, existing infrastructure, and overlay controls. The proposal aligns with the objectives of the General Residential Zone – Schedule 1 and responds positively to the Special Building Overlay through appropriate floor levels and siting.
- The removal of the restrictive covenant K314895 is appropriate, will not result in material detriment to adjoining or benefitted land, and will facilitate a reasonable and orderly development outcome consistent with the objectives of the Planning Scheme.
- The application for a condition of permit for a Section 173 Agreement to be conditioned will allow the subdivision to proceed prior to completion of the development.
- The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework and particularly with the Greater Geelong Council's local policies;
- A response is provided to the relevant standards of Clause 55: Two or More Dwellings on a Lot and Residential Buildings; and Clause 56: Residential Subdivision.
- The proposal is consistent and complies with the decision guidelines stated within Clause 65.

Millar Merrigan