

11

# VISTA PLACE, CAPE WOOLAMAI

Town Planning Report

**CONSTRUCTION OF A THREE-STOREY BUILDING COMPRISING OF ONE (1) SHOP – FOOD AND DRINK PREMISES, THE DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE, TWO (2) DWELLINGS AND A REDUCTION IN THE STANDARD CAR PARKING REQUIREMENT**

January 2026

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# 0. Table of Contents

|           |                                     |              |
|-----------|-------------------------------------|--------------|
| <b>1.</b> | <b>Introduction</b>                 | <b>2</b>     |
| <b>2.</b> | <b>Urban Context</b>                | <b>3-11</b>  |
| <b>3.</b> | <b>The Proposal</b>                 | <b>12-15</b> |
| <b>4.</b> | <b>Statutory Planning Framework</b> | <b>15-26</b> |
| <b>5.</b> | <b>Planning Assessment</b>          | <b>26-49</b> |
|           | Mixed Use Zone Considerations       | 28-39        |
|           | Clause 55 Assessment                | 29-54        |
|           | Car Parking Assessment              | 54-56        |
| <b>6.</b> | <b>Conclusion</b>                   | <b>56</b>    |

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# 1 . Introduction

P2 Planning Consultants have been instructed to assess the merits of the planning application for the *Buildings and works associated with the construction of a three-storey building comprising of one shop to be used as a food and drink premises, the display of business identification signage, two dwellings and a reduction in the car parking requirement in a Mixed Use Zone (MUZ) at 11 Vista Place, Cape Woolamai.*

The subject site is vacant of any buildings and vegetation.

The subject site is located within a Mixed Use Zone and is not affected by any overlays.

This report assesses the planning merits of the proposal and its consistency with the Council's Municipal Planning Strategy, relevant Planning Policies and controls of the Bass Coast Planning Scheme.

In preparation of this report an inspection of the site and surrounds was conducted.

This planning report should be read in conjunction with Architectural Plans prepared by Mavi Designs Pty Ltd.

The report provides:

- A description of the subject site and surrounding urban context;
- A description of the proposed development;
- An outline and assessment of the applicable statutory planning framework;
- An assessment against Clause 55 of the Bass Coast Planning Scheme;
- An assessment against Clause 52.06 – Car Parking of the Bass Coast Planning Scheme.

# 2. Urban Context

## Site & Surrounds

The site is located within a small cluster of commercial buildings that front Vista Place and positioned on the way to Cape Woolamai's residential area. The Vista Place shopping strip is made up of nine attached shops/premises that services local residents with a variety of small local businesses and sufficient car parking.

Buildings in this shopping strip do not have a consistent form and/or street presence with some in need of a refresh, renovation or reconstruction.

Two lots, including the subject site are vacant of any buildings.

A more recent shop top development has been constructed on Vista Drive.

Below is a location map showing the site and surrounding area and facilities.

**Figure 1.** Location Map showing the subject site and surrounding facilities - **Subject Site** 



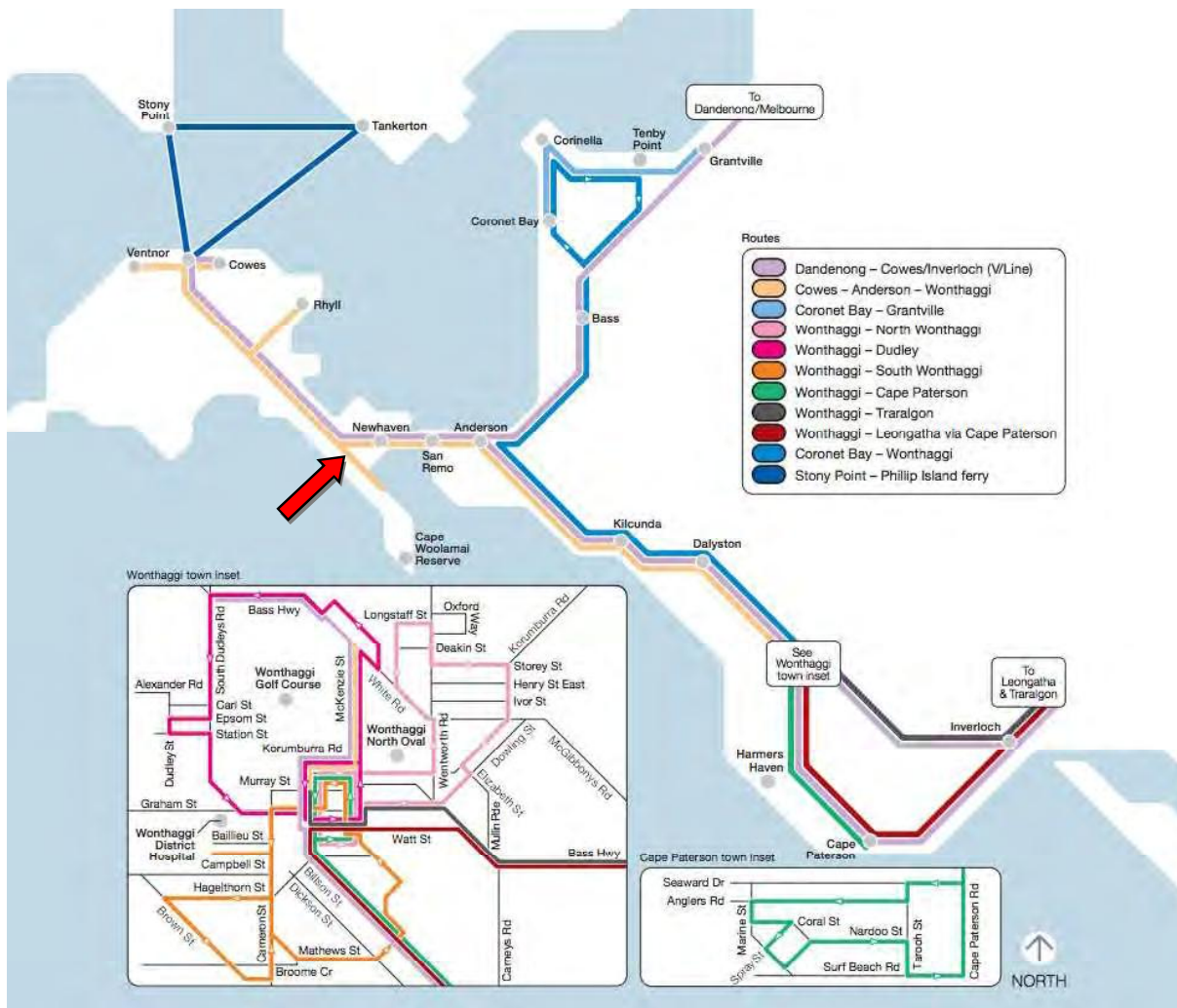
# Public Transport & Access

The site has access to public transport consistent with availability within a Regional Town Network, providing connections to nearby shops, centres and connecting transport links.

The subject site has access to a V-Line route that connects Cowes to Dandenong and Melbourne.

Below is a map showing the subject sites location and surrounding public transport routes.

**Figure 2.** Location Map showing the subject site and surrounding public transport



Subject Site →

# The Subject Site

The subject site that is known on title as Lot 11 PS54206 and is located on the southern side of Vista Place and corners Vista Drive.

The site is rectangular shaped and has a street frontage that measures 6.10 metres, a maximum depth of 30.48 metres and a total site area of 186 square metres.

The property is currently vacant of any buildings and vegetation.

Vehicle access to the premises is via an abutting rear laneway.

No easements and/or restrictions affect the site on title.

Below are a number of photos taken of the subject site.



**Photo 1:** View of Subject Site No. 11 Vista Place, Cape Woolamai – Vista Place frontage



***Photo 2:*** Streetscape View of Subject Site – Vista Drive frontage and interface with neighbouring reserve land and rear laneway.

# Northern Interface

To the north on the opposite side of Vista Place is the centres open gravel car parking area as well as The Wolli Tavern.

The carpark is accessed from a crossover along Vista Place and contains sufficient car parking for the centre.

Directly opposite the subject site is a public toilet facility.

Below are streetscape photos of the northern side of Vista Place as described above.



**Photo 3:** Streetscape view of the northern side of Vista Place showing the centres car parking and public toilet facility directly opposite the subject site.



**Photo 4:** Streetscape view of The Woolli Tavern and entrance to the public car parking area located on the northern side of Vista Place

# Western Interface

To the west the subject site abuts the shopfront buildings within this shopping strip.

Buildings are attached and constructed to the front and side boundaries.

Properties have car parking areas in their rear, however, mainly rely on the areas public car parking

Each shop has a different commercial use.

The neighbouring building, No. 10 Vista Place has a wall built to approximately half the common/side boundary and has a service and bin areas as well as an open car park in the rear.

Below is a streetscape photo showing the neighbouring properties and abutting shop front buildings to the west.



**Photo 5:** Streetscape view of the neighbouring shop front building to the west – No. 10 Vista Place, Cape Woolamai



**Photo 6:** Streetscape view of the Cape Woolamai Mixed Use Convenience Centre— Vista Place Shops



**Photo 7:** Streetscape view of the Cape Woolamai – Vista Place Shops – taken from the front of the subject site – looking west.

# Eastern Interface

To the east the subject site abuts a strip of grassed reserve land that contains a picnic table and some planting.

Further east are a row of recently constructed two-storey townhouses and three-storey shop-top townhouses.

Below is a streetscape photo of the neighbouring property and development to the east.



**Photo 8:** Streetscape View of the neighbouring reserve land to the east that has a frontage to Vista Drive



**Photo 9:** Streetscape View of the recently developed two and three-storey shop-top and townhouse buildings fronting Vista Drive

# Southern Interface

To the south the subject site backs onto a gravel laneway that is accessed from Vista Drive.

Further south on the opposite side of the laneway is a single-storey dwelling that fronts Vista Drive. The subject site has a small interface with this properties side boundary.

Below is a streetscape photo of the rear laneway and property directly opposite the subject site.



**Photo 10:** Streetscape view of the rear abutting laneway and property on the opposite side of the laneway that has an interface with the subject site.

# 3. The Proposal

It is proposed to develop the subject site with three-storey building comprising of one shop to be used as a food and drink premises that includes the display of business identification signage, two dwellings and a reduction in the car parking requirement.

Particular details of the proposal are as follows.

## Buildings and Works

### Development Summary

|                                       |                         |
|---------------------------------------|-------------------------|
| Site Area:                            | 186m <sup>2</sup>       |
| Number of Dwellings:                  | 2                       |
| Number of Bedrooms per Dwelling:      | 2 x 2 bedroom dwellings |
| Number of Retail/Commercial Premises: | 1                       |
| Building Site Coverage:               | 100%                    |
| Parking On Site:                      | 2 spaces                |
| Visitor Parking:                      | N/A                     |
| Bicycle Parking:                      | 2 spaces                |

### Site Layout

The proposed building provides one shop on the ground level and two double-storey dwellings on the upper level positioned to have a side-by-side layout with one orientated towards the northern boundary and the other towards the southern boundary.

The development provides a solid two-storey podium with punctured openings to Vista Place and stepped upper levels with setbacks to the front and rear boundaries.

The building at ground floor is proposed to be constructed to the side and rear boundaries and has 100% site coverage.

The retail shop has a glassed frontage to both Vista Place and Vista Drive.

The residential pedestrian entrance/address to the dwellings above is from Vista Drive via a centrally located front door and entrance foyer. The entrance foyer contains two staircases that lead to each of the upper level dwellings and also connects to the rear car parking area.

Dwellings are over two levels and have three aspects having an outlook to the streetscape and public area.

Adequate window and balcony positioning provides light penetration to the habitable rooms and living areas of each dwelling.

The building has a maximum height of 10.03 metres.

The dwellings in the development contain two bedrooms.

All dwellings are provided with a bathroom, a kitchen and living area.

Dwellings are each provided with a balcony secluded private open space area and rooftop terrace area.

The rooftop terrace areas are centrally positioned and setback within the lower level building footprint. These areas are bordered with a 1 metre high glass balustrade.

All living areas and bedrooms in the development have adequately sized windows and access to natural light. Windows are operable to 1 metre squared, and provide excellent light penetration and cross ventilation capabilities.

Vehicle access to the building is via the rear laneway that abuts the southern side of the property. This laneway has a 6 metre width and is accessed from Vista Drive.

A total of 2 car spaces have been provided in the development.

Each dwelling has been allocated one car space.

The shop has not been allocated a car space.

Visitor car parking is not required in this instance.

The building contains 2 bicycle parking spaces located on the ground level.

## Building Layout

### Shop/Ground level

The ground level is to contain one shop, dwelling entrance/foyer, dwelling storage areas, building storeroom, service cupboards, bin storage and a bike parking area.

The shop has a floor area of 78 square metres.

This premises is proposed to be used as a food and drink premises.

The ground level shop has an internal ceiling height of 3 metres.

### Dwellings

Dwellings are configured with the two bedrooms a bathroom, ensuite and an open retreat area on the first floor and their living areas on the second floor.

The dwellings each have a small balcony on the first floor and primary secluded open space balcony on the second floor.

Dwelling 1 has a secluded private open space balcony area that measures 19m<sup>2</sup>.

Dwelling 2 has a secluded private open space balcony area that measures 15m<sup>2</sup>.

The dwellings have an internal ceiling height of 2.7 metres.

The building provides each dwelling with a rooftop terrace area. The terrace areas have been setback from the front and side boundaries and are enclosed with a 1 metre high balustrade.

Dwelling 1 has a terrace area that measures 27m<sup>2</sup>.

Dwelling 2 has a terrace area that measures 27m<sup>2</sup>.

The terrace areas are accessed from the buildings internal staircase.

## Architectural Design, Building Materials & Finishes

The development adopts a contemporary form of architecture, providing a distinct design response to the Vista Place and Vista Drive frontage. The street edge includes a two-storey solid podium and recessed upper level.

The treatment to the façade provides a building base for the articulated upper levels that cap the building and bookend the corner position.

Building materials include the base of the building constructed from textured concrete rendered panels, offset by the use of Colorbond and metal cladding, render finishes and selected glazing.

The building has a rendered base structure and upper-level cladding with limestone colour tones. The colours and materials match the coastal setting and have a soft and neutral appearance that is consistent with new commercial buildings in this Cape Woolamai Local Centre.

The building has provided a visually interesting façade to the streetscape, broken up with a complementary choice of materials, minor projections and reassessed elements.

The Vista Place façade has been activated with the inclusion of proportionate windows and balconies on all levels. The ground level facade provides a large amount of gazing to allow interaction with the public realm, contributing to an active frontage within the shopping strip.

The ground level has provided a canopy over the footpath that wraps around the building.

The buildings residential entrance point from the Vista Drive frontage is clearly visible from the streetscape and provides an accessible mailbox and intercom facility. The foyer provides a sense of address for both residents and visitors to the building.

The car parking entrance is located at the rear of the site and does not interrupt the façade of the building and the streetscape frontage.

## Landscaping

Planter boxes have been provided on balcony and terrace areas to provide some greenery to the edge of the building.

# Use

## Food and Drink Premises

The ground level shop is proposed to operate as a 'Food and Drink Premises'.

The premises will operate between the hours of 6.am and 11.pm – Monday to Sunday (7 days per week).

The premise will accommodate for up to 70 patrons and 6 Staff members at one time.

The premises will provide both take-away and dine-in options for customers.

# Signage

## Business Identification Signage

The business identification signage will be displayed to promote and/or identify the operation of the food and drink premises.

# 4. Statutory Planning Framework

# Purpose and Vision

## Clause 02.02 - Vision

The Bass Coast Shire's Council Plan 2013-2017 provides the following vision:

*Bass Coast Shire will be recognised as a unique place of environmental significance where our quality of life and sense of community is balanced by sustainable and sensitive development, population and economic growth.*

This is supported by four objectives that shape Council's vision for land use planning:

- **Natural Environment:** *Our unique natural environment is protected, maintained and enhanced for the enjoyment of all.*
- **Sustainable Development and Growth:** *Our built environment complements our landscape, lifestyle and climate.*
- **Healthy Communities:** *Our community feels connected, safe and strong.*

- **Economic Development:** *Our economy is supported by diverse, local and innovative businesses and employment.*

## **Clause 02.03 – Strategic Directions**

### **Clause 02.03-1 – Settlement**

The distinctive settlement pattern of Bass Coast Shire contributes to the diversity of residential, commercial, recreational and employment opportunities available in the Shire. Settlements consist of various coastal and agricultural villages and hamlets, some larger towns and a regional centre, all with various levels of expansion and infill capacity, as identified in the following Settlement Hierarchy table and shown on the Bass Coast Strategic Framework Plan at Clause 02.04.

Strategic Framework Plans have been prepared for all towns in the Shire, defining their settlement boundaries and establishing clear strategic directions for land use and development.

#### **Settlement Hierarchy**

The subject site has a 'Hamlet' settlement status.

#### **Hamlets**

Settlements with low, seasonal population levels, located in a singular urban zone. Generally, no sewer connection or major services, and limited accommodation. High levels of holiday home ownership in settlements closer to Melbourne or regional centres.

#### **Expansion and infill capacity**

- Low spatial growth capacity.
- Identified potential for growth within existing urban or appropriately zoned land, primarily through infill capacity and within defined settlement boundaries.

#### **Cape Woolamai**

Cape Woolamai is situated at the head of the Cape and is almost entirely made up of detached residential dwellings. A small set of commercial buildings are located at the entry to Cape Woolamai at Vista Place.

## **Clause 02.03-5 – Built Environment and Heritage**

### **Landscape and Built Form**

Bass Coast Shire's rural and coastal setting, historic development patterns and residential architecture combine to give the municipality its appearance and character. The Bass Valley, Phillip Island, Bass Highway and Bunurong Coastal Drive are locations and corridors where the rural farmed landscape and coastal views are key elements of the landscape character.

Towns within the municipality have particular settlement patterns and housing types that contribute to their identity and liveability. It is important that valued aspects of their character are not lost through redevelopment.

The majority of new residential subdivision estates occur on the periphery of existing urban centres and at the interface between urban and rural land. Their design needs to be responsive to environmental and agricultural values.

Council seeks to:

1. *Support a built environment that enhances surrounding natural environment and landscape values.*
2. *Protect individual settlement character and identity.*
3. *Encourage buildings and public spaces that are environmentally, economically and socially sustainable.*
4. *Support building design that complements its setting.*
5. *Support the role of landscape design as integral to any development.*
6. *Support environmentally sustainable development and seek to maximise energy, water and natural resource efficiency in the construction and operation of buildings.*

### **Clause 02.03-6 Housing**

Housing in the municipality has become increasingly unaffordable. Greater diversity in housing types and tenures will be necessary to cater to the community's needs; including housing for older people and that can be adapted to cater to people with disabilities.

Urban consolidation is encouraged in areas that have the physical infrastructure, community facilities and commercial facilities to support an increase in population.

Rural living and low density residential development provide for a particular lifestyle, however they have the potential to adversely affect coastal and landscape values, as well as the productive agricultural capacity of the area.

Council seeks to:

- *Support housing diversity that is reflective of the changing demographic in permanent residents and the needs of non-permanent residents.*
- *Support the provision of affordable housing.*
- *Support increased housing densities close to commercial centres and community facilities.*
- *Support the provision of rural living and low density residential development in areas already zoned for this purpose.*
- *Minimise the impact of rural living and low density residential development on the landscape and the environment.*

## Clause 02.04 – Strategic Framework Plans

*The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.*

# Planning Policy Framework

The Planning Policy Framework (VPP) seeks to develop the objectives for planning in Victoria and BASS Coast Shire Council (as set out in the Planning and Environment Act 1987) to foster appropriate land-use and development planning policies and practices that encompass relevant environmental, social and economic factors.

There are a number of clauses within the Planning Policy that are relevant to the assessment of the application. These include:

- Clause 10 – Planning Policy Framework
- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing

## Clause 11 - Settlement

### Clause 11.01-1S – Settlement

**Objective:** *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

### Clause 11.01-1L-16 – Cape Woolamai

#### Policy application

*This policy applies to all land identified in the Cape Woolamai Strategic Framework Plan to this clause.*

#### Settlement strategies

*Prevent any additional expansion of Cape Woolamai, other than the potential redevelopment of the airport due to physical and environmental constraints.*

#### Commercial strategies

*Encourage commercial uses that support the local community needs within Cape Woolamai's existing mixed use zoned convenience centre.*

*Facilitate urban improvements as a means of encouraging development within the Vista Drive commercial precinct.*

*Encourage development within the local retail precinct around Vista Place.*

*Ensure that ground floor use and development is used for retail, dining, community or entertainment purposes to encourage active frontages and foster social interaction.*

*Support use and development above retail premises for a mix of residential, holiday apartments and offices.*

### **Coastal reserve strategies**

*Site and design residential development abutting the State faunal reserves and shearwaters rookeries to be sensitive to the environmental significance of these areas and mitigate any adverse impact by:*

- *Incorporating screenings of indigenous vegetation along the shared interface.*
- *Using landscaping and wildlife corridors as a buffer between rural land and residential development.*

*Improve the existing interface between the southern edge of Cape Woolamai township and the coastal reserve at the Colonnades by connecting Beresford Drive to Lantana Road and closing The Boulevard and the associated extensions of Lantana Road and Tampa Road to vehicle access.*

### **Cape Woolamai strategic framework plan**



### **Clause 11.02-1S – Supply of Urban Land**

**Objective:** *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

### **Clause 15 – Built Environment and Heritage**

#### **Clause 15.01-1S – Urban Design**

**Objective:** *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

## **Clause 15.01-1L – Urban Design in Bass Coast**

### **Strategies**

*Design development to reflect the coastal setting and coastal architecture through built form and materiality.*

*Ensure that view lines and vistas are protected and shared between the public and private realm.*

*Encourage development of active retail frontages within the commercial area of the town centres.*

*Site and design buildings and works adjacent to heritage places to be sympathetic to the significance, context and character of the heritage place and its setting.*

## **Clause 15.01-2S – Building Design**

**Objective:** *To achieve building design outcomes that contribute positively to the local context and enhance the public realm and support environmentally sustainable development.*

## **Clause 15.01-2L – Building Design**

### **Strategies:**

*Incorporate design elements and a variety of materials that add visual interest and articulation to all visible facades of a development, especially when visible from main traffic routes.*

*Absorb all roof elements (including plant, lift over-runs and other building services) within the overall built form or roof design.*

*Include service and storage areas (and other utility requirements) within the overall design of a building and if visible from public areas, ensure there are fully screened from street view.*

*Avoid long expanses of solid walls, particularly when visible from surrounding streets.*

*Incorporate public art in commercial, public and large residential developments.*

*Improve efficiency in energy use by designing for passive solar heating and cooling.*

*Design buildings on corner sites to incorporate active frontages to both streets.*

## **Clause 15.01-4S – Healthy Neighbourhoods**

**Strategy:** *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

## **Clause 15.01-5S – Neighbourhood Character**

**Objective:** *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

### **Strategies**

*Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

*Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*

*Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*

- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Neighbourhood character values and built form that reflect community identity.*

## **Clause 15.01-5L – Neighbourhood Character**

### **General Strategies**

*Where the built form character of an area is established and valued (and the area has not been identified for substantial change), design development to respect and not detract from this character.*

*In areas where development will be more substantial, allow for a greater diversity of built form provided the development is designed to enhance the sense of place and add to the character and overall quality of the urban environment.*

### **Cape Woolamai strategies**

*Retain the low scale character of Cape Woolamai.*

*Present a visually cohesive street presence by constructing retail buildings in “strips”.*

*Ensure that corner buildings front both streets.*

*Enhance the character of the urban and foreshore areas by incorporating indigenous trees and vegetation into the landscaping of new development and residential subdivisions.*

*Encourage fewer and low front fences to open up the streetscape and allow for visual permeability.*

## **Clause 16 - Housing**

### **Clause 16.01-1S – Housing Supply**

**Objective:** *To facilitate well-located, integrated and diverse housing that meets community needs.*

### **Clause 16.01-1L – Housing Supply**

#### **General strategies**

Encourage residential use and development above retail premises within the commercial area of town centres to facilitate commercial activity at street level and activate the street at night time.

Encourage increased housing densities in Wonthaggi, Cowes, San Remo, Inverloch and Grantville in areas that are either:

- Close to activity centres, community facilities and services.
- Nominated in structure plans or design frameworks.

A detailed assessment against these policies follows in this report.

# Zoning

## Mixed Use Zone

The purpose of this zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

### Use

Pursuant to Clause 32.04-2 a 'Shop – Food and Drink Premises' and 'Dwelling' are each a 'Section 1 – Permit not required' use.

### Buildings and Works

Pursuant to Clause 32.04-7 a planning permit is required to construct two or more dwellings on a lot.

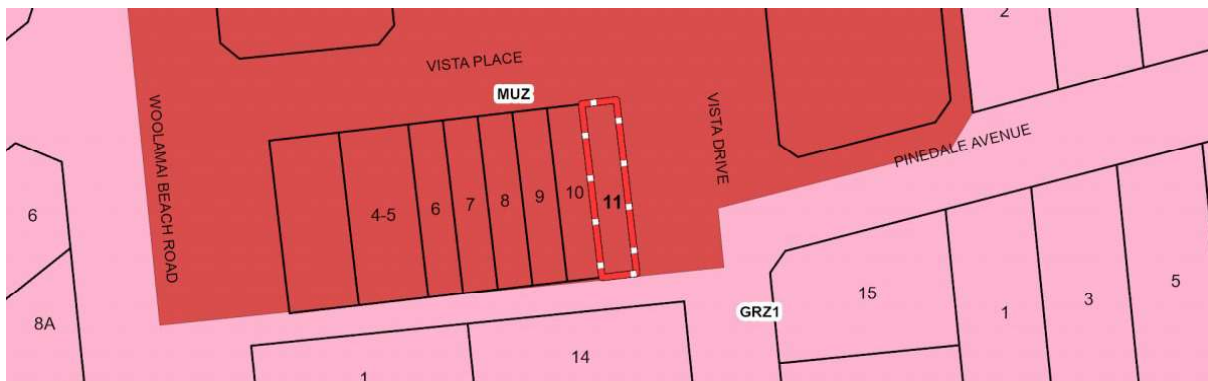
An assessment against the standards and decision guidelines of Clause 55 is required for the construction of two or more dwellings on a lot.

### Schedule 1 to Clause 32.04 Mixed Use Zone

#### Bass Coast Mixed Use Areas

No maximum building height requirement has been specified.

#### See Below – Zoning Map



22

# Particular & General Provisions

The following Clauses within the Particular and General Provisions section of the Bass Coast Planning Scheme are also relevant to the application:

- Clause 52.06 - Car Parking
- Clause 52.27 – Licensed Premises
- Clause 53.18 – Stormwater Management in Urban Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Development
- Clause 65 – Decision Guidelines

## **Clause 52.06 – Car Parking**

Clause 52.06 – Car Parking applies for the proposed development where there is an increase in the existing residential use on the site.

The purpose is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.*
- *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.*

A car parking assessment follows in this report.

## **Clause 53.18 – Stormwater Management in Urban Development**

The purpose is:

- To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

### **Clause 53.18-4 - Stormwater management objectives for subdivision**

- *To minimise damage to properties and inconvenience to the public from stormwater.*
- *To ensure that the street operates adequately during major storm events and provides for public safety.*

- *To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.*
- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*

#### **Standard W1**

- *The stormwater management system should be:*
- *Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.*
- *Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.*
- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.*
- *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

*The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.*

*For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:*

- *Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.*
- *Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.*
- *For storm events greater than 20% AEP and up to and including 1% AEP standard:*
- *Provision must be made for the safe and effective passage of stormwater flows.*
- *All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.*
- *Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria  $da Vave < 0.35 \text{ m}^2/\text{s}$  (where,  $da$  = average depth in metres and  $Vave$  = average velocity in metres per second).*

*The design of the local drainage network should:*

- *Ensure stormwater is retarded to a standard required by the responsible drainage authority.*

- *Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.*
- *Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.*
- *Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.*
- *Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.*

#### **Clause 53.18-5 – Stormwater Management Objectives for buildings and Works**

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

#### **Standard W2**

- *The stormwater management system should be designed to:*
- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

A detailed WSUD Plan and associated STROM report has been provided for the development in accordance with the *Urban Stormwater – Best Practice Environmental Management Guidelines (Victoria Stormwater Committee, 1999)*.

#### **Clause 55 - Two or more dwellings on a lot and Residential Buildings**

The purpose is:

- *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.*

### Requirements

A development must meet all of the applicable objectives contained in this clause.

If a development meets a standard:

- The corresponding objective is deemed to be met;
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

A detailed Clause 55 assessment follows in this report.

## 5. Planning Assessment

This section of the report provides an analysis of the proposal having regard to the planning controls, policies and decision guidelines applicable to the subject site and proposal. The planning considerations will address the following implications:

- The appropriateness of the proposal having regard to strategic policy guidance.
- The proposals response to the design and built form considerations.
- The proposals response to Clause 55 – Residential Development.
- The suitability of the traffic, parking and vehicle access arrangements.

## Strategic Context

The proposal is considered to satisfy all relevant objectives and key strategic directions within councils Municipal Planning Strategy and the Planning Policy Framework.

The subject site is located within the small set of commercial buildings, located at the entry to Cape Woolamai at Vista Place. This shopping strip is a desired location for reasonable commercial redevelopment and an increase in medium density housing within Bass Coast.

The subject site and its future development are important to the long-term plan of Cape Woolamai. The careful re-development of properties within this Mixed Use Zone and introduction of additional housing to this locality highly accords with Bass Coast Planning Policy that seeks to accommodate both housing and commercial growth to create sustainable and liveable neighbourhoods.

The development will deliver one ground level shop and two upper level dwellings within this established neighbourhood and streetscape where there are limited opportunities for urban consolidation. The proposed

26

three-storey, plus rooftop building accords to the strategic hierarchy implemented within Council Planning Scheme and is considered appropriate for the current vacant and underutilised site.

The proposal has consideration to urban consolidation, promoting the economy, integrated land use and transport, improving the public realm, and appropriately responding to the sites potential and policy expectations.

The proposed development strongly reflects Councils Planning Policy with the creation of diverse housing to cater for the projected population growth, whilst having regard to the changing neighbourhood character expected in this locality.

The proposal will promote regeneration and encourage local economy growth and provide the intended support to Cape Woolamai's sole commercial/mixed use area. The addition of a progressive architecturally designed building to this commercial strip will enhance the use of surrounding businesses and encourage local retail synergies through increasing pedestrian interaction between the subject land and existing shops.

The proposed development is distinctly contemporary in its design. The built form will incorporate design features that modulate the façade, including a high level of proportionate glazing, balconies and feature cladding to accentuate the Vista Place and Vista Drive frontages, resulting in a positive contribution to the built character within this local activity centre.

The development has employed high quality urban design and architecture to achieve an outcome that positively contributes to the local coastal setting character and public realm, enhances amenity, attractiveness, social, cultural, economic and environmental wellbeing for the local community, whilst ensuring impact upon neighboring properties is minimised.

The proposed ground level shop replicates the existing shopfront proportions and enhances the shopping strips visual presentation to the streetscape.

The upper level dwellings will active this corner location and provide surveillance to the streetscape and nearby parkland.

The development will provide a respectful built form outcome when viewed from the side and rear boundaries, ensuring no unreasonable amenity impacts are caused to neighbouring properties.

The proposed development has been well designed to promote a good urban outcome to facilitate a livable and attractive setting as well as ensuring it contributes to community and cultural life. The proposed three-storey apartment building attains principal objectives to enhance amenity, attractiveness, livability and safety within the municipality and local Centre.

Development in this location reduces pressure for new dwellings in surrounding General Residential Zones and other sensitive areas in the Shire where the existing and preferred character of suburbs differ from Mixed Use Zone areas.

The development proposed on this vacant property within an established commercial activity centre has strong strategic support for its built form and use outcomes.

The proposed development results in an efficient use of existing infrastructure and consolidates urban land capable of providing a shop front and greater housing diversity and density.

The proposal provides a level of change that is consistent with the zoning and relevant Planning Policy.

# Mixed Use Zone

## Considerations

The proposal is consistent with the relevant purpose of the Mixed Use Zone – Schedule 1 for the following reasons:

### Land Use

The sites location seeks to encourage respectful development with a mixture of commercial uses. The delivery of housing at a higher density on the subject site compared with properties located on surrounding residential zoned land will make optimum use of facilities and services.

The development provides a reasonable increase in dwelling yield for the vacant corner property.

The subject site provides a redevelopment opportunity within Cape Woolamai that will contribute to the Shires need to accommodate the increased population forecast and commercial expectations.

The proposed development will provide an additional ground level shop to Vista Place and introduces a residential use to the site.

The uses are consistent with the Mixed Use zoning of the land.

A permit is not required to use the land for the purpose of both a 'Shop – Food and Drink Premises' and a 'Dwelling' in the Mixed Use Zone.

The development is consistent with the purpose of the zone and delivers a diversity of housing at higher densities to make optimum use of the facilities and services in this local centre.

### Signage

The subject site is zoned Mixed Use Zone, which is in Category 3 - High Amenity Areas (medium limitation) of Clause 52.05 (Signs).

The purpose of Category 3 is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

The business identification signage will be positioned on the facade of the shop front building. The signage will be confined to that necessary to identify the business on-site.

The additional business identification signage proposed is considered appropriate for this Vista Place location and consistent with the objectives at Clause 15.01-1L – Signs.

### Buildings and Works

Increased residential growth opportunities are limited within Cape Woolamai and surrounding residential land, therefore the opportunity to develop a vacant lot within the areas sole mixed use zone is considered an appropriate outcome.

The development is built to the street frontage and will maintain and reinforce the hard-edged character of shops fronting both Vista Place and Vista Drive.

The development has a maximum building height of 10.3 metres from natural ground level. The building height proposed is not considered unreasonable and is consistent with the more recent shop top development located in Vista Drive.

The two-storey podium and building footprint is in-line with neighbouring street walls, therefore will continue the flow and distinctive shop front characteristic. A canopy over the footpath has also been proposed to marry with those on neighbouring properties.

The neighboring properties to the west have the potential to be redeveloped. These properties have the same strategic support to increase building height and residential densities within this Mixed Use Zone. The development has strategically provided blank wall on the western boundary to help facilitate construction on the neighbouring property.

The proposed building has a positive relationship with the Vista Place and Vista Drive streetscape.

The proposed development has an excellent interface to the public realm providing active frontages to Vista Place, Vista Drive and the rear laneway. Each facade provides visual interest to the streetscape through differing architectural treatments, finishes and setbacks. The ground level has been provided with a high level of glazing to the corner shop front.

The residential entrance on Vista Drive leading to individual dwellings above is clearly visible. The entry directly faces the street, and incorporates weather protection above the entry door.

The buildings pedestrian entrances will be well lit and identifiable from the streetscape through architectural treatment. The active interface at footpath level allows for interaction with pedestrian activity and surveillance of the road network and adjoining areas.

The proposal closely integrates the layout and built form patterns of both the existing and preferred development in the streetscape.

The configuration of the development and dwellings strikes an appropriate balance between internal amenity, built form, streetscape presentation and activation and vehicle access to the site. The proposed setbacks and spacing of buildings will ensure that the proposal is not overbearing of neighbouring properties by virtue of visual bulk.

The buildings and works proposed are complementary to both the role and scale of the land, the corner location, surrounding context and expected development within the Mixed Use Zone, therefore are considered appropriate for the subject site.

## Clause 55–(ResCode)

### Assessment

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken.

A discussion of the key aspects and proposal compliance with objectives and Standards of Clause 55 of the Banyule Planning Scheme is contained below.

# Neighbourhood Character

## **Clause 55.02-1** **Street setback objectives**

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

### **Standard B2-1**

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in the schedule is less than the distance specified in Table B2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- *Any relevant neighbourhood character objective, policy or statement set out in this scheme.*
- *The design response.*
- *Whether the siting of the building is constrained by the shape, dimensions, slope or other conditions of the site.*
- *Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.*
- *The visual impact of the building when viewed from the street and from adjoining properties.*
- *Whether a different setback affects the ability to retain or plant canopy trees.*

### **Assessment:**

The development at ground level is proposed to be constructed to the Vista Place and Vista Drive frontages, having zero setbacks from these boundaries.

The upper levels have been setback from the front and rear boundaries.

The siting of the development and hard-edge building is expected in this location is consistent with existing buildings in this context and is considered appropriate for new development on this vacant corner land.

The buildings interface with the streetscape is a well-balanced outcome for the subject site, providing the desired increased in dwelling density, whilst achieving the prescribed front setback for the development.

The proposed development meets the Objectives of Clause 55.02-1.

**Is the standard fully met? = N/A**

**Does an Objector have a right of appeal? = YES**

**Compliance** ☒

**Clause 55.02-2**  
**Building height objective**

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

**Standard B2-2**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

**Assessment:**

The schedule 1 to the mixed use zone does not specify a maximum height for the subject site.

The development has a maximum building height of 10.3 metres.

The three-storey plus roof top building proposed is considered appropriate for the subject site and corner lot location within this local centre.

A multi-level building is an expected outcome for new and/or redevelopment within a mixed use zone.

The overall height proposed complies with the building height requirement of the Mixed-Use Zone and is therefore considered appropriate.

The proposed development meets the Objectives of Clause 55.02-2.

**Is the standard fully met? = N/A**

**Does an Objector have a right of appeal? = Yes**

**Compliance** ☒

### **Clause 55.02-3**

#### **Side and rear setbacks objective**

To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

#### **Standard B2-3**

A new building not on or within 200mm of a boundary is set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.

Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:

- B2-3.1:

The building is set back at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

- B2-3.2:

If the boundary is not to the south of the building, the building is set back at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.

If the boundary is to the south of the building, the building is set back at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east.

Sunblind's, veranda's, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks.

Landings that have an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the side and rear setbacks.

#### **Assessment:**

The building is to be constructed to the front and side boundaries, with various openings and will maintain and reinforce the hard-edged character within this shopping strip.

The wall proposed on the western elevation abuts a neighbouring boundary wall.

The upper levels have been setback from the front and rear boundaries – proportionate to the size/dimensions of the property.

Existing shops within this shopping strip - both old and newer stock have walls built to front, side and rear boundaries. Therefore the provision of boundary walls is not out of character and considered appropriate for this location.

The side and rear setbacks proposed are appropriate for the subject site.

The hard edge building is expected in this location and is considered appropriate for new development within this shopping strip and Mixed Use Zone.

The proposed development meets the Objectives of Clause 55.02-3.

**Is the standard fully met? = No**

**Does an Objector have a right of appeal? = Yes**

**Compliance** ☒

**Clause 55.02-4**  
**Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.

**Standard B2-4**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Assessment:**

As stated above, the building has a walls built to the east and western side boundaries.

The boundary walls proposed are appropriate for the subject site.

The boundary walls proposed are expected in this location and are considered appropriate for new development within the Mixed Use Zone.

The proposed development meets the objectives of Clause 55.04-2.

**Is the standard fully met? = No**

**Does an Objector have a right of appeal? = Yes**

**Compliance** ☒

**Clause 55.02-5**  
**Site coverage objective**

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

**Standard B2-5**

The site area covered by buildings does not exceed:

- The maximum site coverage specified in a schedule to the zone; or
- If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.

If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table B2-5.

**Assessment:**

The building site coverage proposed in this application is 100%.

The development has been designed to have minimal impact on the adjoining development and allow for the possibility of new development to the west.

The proposed development coverage is acceptable and comparable to the existing shops and more recent multi-level buildings, shop-top dwellings and townhouses in this setting.

The subject site has an area of 186 square metres, having a 100% site coverage will not have any unreasonable amenity impacts to this locality that has a distinctive commercial character.

The proposed development meets the objectives of Clause 55.03-3.

**Is the standard fully met? = No**

**Does an Objector have a right of appeal? = Yes**

**Compliance** ☒

**Clause 55.02-6**  
**Access objectives**

To ensure the number and design of vehicle crossovers responds to the neighbourhood character.

**Standard B2-6**

The width of accessways or car spaces (other than to a rear lane) does not exceed:

- 33 per cent of the street frontage; or
- 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.

The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree that is proposed to be retained in a road by more than 10 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The reduction of on-street car parking spaces.
- Whether a different accessway width, number of access points or encroachment of an existing tree affects the ability to retain or plant canopy trees on the site or footpath.

**Assessment:**

The rear laneway is to be used for vehicle access.

The proposed vehicle access point provides convenient, safe and efficient vehicle connections between the street network and development.

The proposed development meets the Standard and Objectives of Clause 55.02-6.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

**Clause 55.02-7**  
**Tree canopy objectives**

To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

**Standard B2-7**

Provide a minimum canopy cover as specified in Table B2-7.1.

Table B2-7.1 Canopy cover

| Site area                     | Canopy cover     |
|-------------------------------|------------------|
| 1000<br>square metres or less | 10% of site area |

Provide at least one new or retained tree in the front setback and the rear setback.

Trees are located in either:

- An area of deep soil as specified in Table B2-7.2; or
- A planter as specified in Table B2-7.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

**Assessment:**

The subject site is in a mixed use zone and within an established shopping strip where tree planting is not expected, nor present,

No canopy trees are proposed.

The proposed development meets the Standard and Objectives of Clause 55.02-7.

**Is the standard fully met? = No**

**Does an Objector have a right of appeal? = Yes**

**Compliance** ☒

**Clause 55.02-8**  
**Front fences objective**

To encourage front fence design that responds to the existing or preferred neighbourhood character.

**Standard B2-8**

A front fence within 3 metres of a street is:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

**Assessment:**

No front fence has been proposed.

The proposed development meets the objective of Clause 55.02-8.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

Compliance ☒

# Liveability

**Clause 55.03-1**  
**Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard B3-1**

Developments include at least:

- One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings.
- One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.
- One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.

**Assessment:**

The proposed development provides two dwellings to the subject site.

The proposed development will assist in promoting an attractive and safe living environment, with a strong identity and sense of community. The responsible increase in dwelling density in this location will support the function of the locality.

The proposed development meets the objectives of Clause 55.03-1.

**Compliance** ☒

**Clause 55.03-2**  
**Parking location objectives**

To minimise the impact of vehicular noise within developments on residents.

**Standard B3-2**

Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:

- 1.5 metres; or
- If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or
- 1 metre where window sills are at least 1.5 metres above ground level.

This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.

**Assessment:**

Dwellings have been provided with a convenient, safe and ventilated car parking area located on the ground floor of the development and accessed from the rear laneway.

The car parking facilities will be conveniently accessed from the ground level lobby and levels above.

The design of the ground level car parking area is reflective of the scale and number of dwellings proposed.

The parking area for the development provides access widths and car space dimensions of sufficient size to allow safe and efficient movements within and externally from the site.

The proposed development meets the Standard and Objectives of Clause 55.03-2.

**Compliance** ☒

**Clause 55.03-3**  
**Street integration objective**

To integrate the layout of development with the street to support the safety and amenity of residents.

**Standard B3-3**

Where a development fronts a street, a vehicle accessway or abuts public open space:

- Passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space.
- The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.

Lighting is provided to all external accessways and paths.

Mailboxes are provided for each dwelling and can be communally located.

**Assessment:**

The site-specific design responds appropriately to the corner location and size of the property and is respectful of the existing and preferred setback and built form proportions in this part of Vista Place.

The developments facade adequately integrates and provides visual interest to the streetscape in the form of modern architectural treatments, finishes and articulation. The developments layout encourages activity and casual surveillance at streetscape level, having an excellent outlook to Vista Place, Vista Drive and the rear laneway.

The development has purposefully separated the vehicle and pedestrian entrances leading from the footpath to ensuring accessibility from the streetscape and minimal conflict between these two trafficable areas.

The proposed development meets the Standard and Objectives of Clause 55.03-3.

**Compliance** ☒

**Clause 55.03-4**  
**Entry objective**

To provide each dwelling, apartment development or residential building with its own sense of identity.

To provide entries with weather protection, safe design, natural light and ventilation.

**Standard B3-4**

**Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings**

Each dwelling and each residential building has a ground level entry door that:

- Has a direct line of sight from a street, accessway or shared walkway.
- Is not accessed through a garage.
- Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.

### **Assessment:**

The entrance to the upper level dwellings can be distinguished from the streetscape.

The residential entrance located on Vista Drive is attractive, clear and lit to ensure a high degree of safety for future occupants and visitors to the site.

The proposed development has created a safe urban environment for people to visit and live in. The proposal has a number of areas that provide passive surveillance both internal and externally from the site.

The development maintains an open view of each streetscape.

The proposed development meets the Standard and Objective of Clause 55.03-4.

**Compliance** ☒

### **Clause 55.05-4**

#### **Private open space objectives**

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

### **Standard B3-5**

A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimension is specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 25 square metres of secluded private open space, with a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table B3-5; or
- An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;

- The area and dimensions specified in the schedule must be 25 square metres or less; and

- The area and dimensions specified for a podium, balcony or an area on a roof must be less than the area and dimensions specified in this standard.

If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.

Where ground level private open space is provided an area for clothes drying is provided.

### **Assessment:**

Dwellings are provided with balcony secluded private open space areas measuring 19m<sup>2</sup> and 15m<sup>2</sup> with a minimum width of 2 metres.

Dwellings also have an additional roof top terrace area measuring 27m<sup>2</sup>.

All secluded private open space areas have direct access via living areas, and have access to northern sunlight. The individual private open space areas for dwellings exceed the specified requirements of this standard and are considered appropriate for the type of dwellings proposed. The individual private open space areas provided have differing aspects and offer a high level of amenity for future residents, consistent with expectations of townhouse living.

The proposed development meets the Standard and Objectives of Clause 55.03-5.

**Compliance** ☒

### **Clause 55.03-6**

#### **Solar access to open space objective**

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

### **Standard B3-6**

The southern boundary of secluded private open space is set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

### **Assessment:**

The secluded private open space balconies are located on the east and western side of the new dwellings.

The SPOS of each dwelling will receive good solar access and provide reasonable amenity levels to future occupants of these dwellings.

The proposed development meets the objective of Clause 55.03-6.

**Compliance** ☒

**Clause 55.03-7**  
**Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard B3-7**

Bedrooms:

- Meet the minimum internal room dimensions specified in Table B3-7.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

Table B3-7.1 Bedroom dimensions

| Bedroom type       | Minimum width | Minimum depth |
|--------------------|---------------|---------------|
| Main bedroom       | 3 metres      | 3.4 metres    |
| All other bedrooms | 3 metres      | 3 metres      |

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2.

Table B3-7.2 Living area dimensions

| Dwelling type                 | Minimum width | Minimum area |
|-------------------------------|---------------|--------------|
| Studio and 1 bedroom dwelling | 3.3 metres    | 10 sqm       |
| 2 or more bedroom dwelling    | 3.6 metres    | 12 sqm       |

**Assessment:**

The size of bedrooms and living room areas of each dwelling proposed exceed and comply with the minimum dimension requirements of this standard.

The proposed development meets the Standard and Objective of Clause 55.03-7.

Compliance ☒

**Clause 55.03-8**  
**Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard B3-8**

The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen; and
- The kitchen is located furthest from the window; and
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level, this excludes where services are provided above the kitchen; and
- An overhang extends no more than 2m beyond the window of the single aspect habitable room.

In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.

**Assessment:**

The dwelling living areas for each dwelling have two aspects.

The dwelling layout and ceiling heights comply with the minimum dimension requirements of this standard.

The proposed development meets the Standard and Objective of Clause 55.03-8.

**Compliance** ☒

**Clause 55.03-9**  
**Daylight to new windows objective**

To allow adequate daylight into new habitable room windows.

**Standard B3-9**

**Dwelling (other than a dwelling in or forming part of an apartment development)**

A window in an external wall of the building is provided to all habitable rooms.

Habitable rooms in a dwelling have a window that faces:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot; or
- A verandah provided it is open for at least one third of its perimeter; or

- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Assessment:**

The development has been designed to take advantage of solar access.

All habitable rooms and living areas within the development are provided with adequate glazing to capture a significant amount of daylight. This combined with the side and rear setbacks proposed allow habitable room windows in the development to receive natural light and cross ventilation.

Importantly, no bedrooms or habitable rooms in the development rely on borrowed light. This design response provides a high amenity outcome for future residents of the building.

The proposed development meets the Standard and Objective of Clause 55.03-9.

**Compliance** ☒

**Clause 55.03-10**  
**Natural ventilation objective**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard B3-10**

Dwelling (other than a dwelling in or forming part of an apartment development)

Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same size.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Assessment:**

The layout of each dwelling and associated breeze paths comply with the minimum dimension requirements of this standard.

The dwelling orientation and layout provides good cross ventilation to living areas and bedrooms offering a high level of internal amenity to future residents.

The proposed development meets the Standard and Objective of Clause 55.03-10.

**Compliance** ☒

**Clause 55.03-11**  
**Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard B3-11**

**Dwelling (other than a dwelling in or forming part of an apartment development)**

Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.

**Assessment:**

Each dwelling has a secure 6m<sup>3</sup> storage area located on the ground level.

The proposed development meets the Standard and Objective of Clause 55.03-11.

Compliance ☒

# External Amenity

**Clause 55.04-1**  
**Daylight to existing windows objective**

To allow adequate daylight into existing habitable room windows.

**Standard B4-1**

Buildings opposite an existing habitable room window provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window are set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

**Assessment:**

The subject site abuts one property to the west that contains a commercial building with a blank wall interface.

This property does not have any habitable room windows that face the subject site.

The proposed development meets the objectives of Clause 55.04-3.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

**Clause 55.04-2**  
**Existing north-facing windows objective**

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

**Standard B4-2**

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:

- A new building is to be set back from the boundary by at least 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.
- For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

**Assessment:**

As stated above, the subject site abuts one property to the west.

This property does not have any north facing habitable room windows that face the subject site.

The proposed development meets the Standard and Objectives of Clause 55.04-2.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

### **Clause 55.04-3**

#### **Overshadowing open space objective**

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

#### **Standard B4-3**

The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.

#### **Assessment:**

The shadow diagrams prepared demonstrate that the proposed development will not create any unreasonable overshadowing to adjoining properties and to the public realm.

Shadows are cast of the building roofs and rear car parking area of commercial properties to the west, abutting public area, and over the rear laneway and roof of the dwelling further south.

No unreasonable shadowing is cast over neighbouring private open space areas.

Shadowing caused by the development is not considered unreasonable and falls within the parameters as outlined in this standard.

The proposed development meets the objectives of Clause 55.04-3.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

### **Clause 55.04-4**

#### **Overlooking objective**

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

#### **Standard B4-4**

In Clause 55.04-4 a habitable room does not include a bedroom.

A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has sill heights of at least 1.7 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view are:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Assessment:**

The proposal does not result in any unreasonable overlooking of neighboring properties.

Upper level windows and balconies front a streetscape and do not require screening.

No windows and/or openings have been provided on the west and southern elevation.

The proposed development meets the Standard and Objective of Clause 55.04-4.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

**Clause 55.04-7**  
**Internal views objective**

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

**Standard B4-5**

In Clause 55.04-5 a habitable room does not include a bedroom.

Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:

- Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or
- Has a sill height of at least 1.7 metres above floor level; or
- Has a fixed, visually obscure balustrade to at least 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level; or.
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Direct views are measured at a height of 1.7 metres above floor level and within:

- A 45 degree horizontal angle from the edge of the new window or balcony.
- A 45 degree angle in the downward direction.

Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.

**Assessment:**

The design layout mitigates internal views, having no impact on secluded private open space areas and habitable room windows within the development.

The proposed development meets the Standard and Objective of Clause 55.04-5.

**Compliance** ☒

# Sustainability

## **Clause 55.05-1**

### **Permeability and stormwater management objective**

To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To contribute to urban cooling.

### **Standard B5-1**

The site area covered by the pervious surfaces is at least 20 percent of the site.

The development includes a stormwater management system designed to:

- Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:
  - Suspended solids 80% reduction in mean annual load.
  - Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
  - Litter 70% reduction of mean annual load.

### **Note:**

A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective - Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.

- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

### **Assessment:**

Similar to the above assessment, maximum site coverage and minimal permeability is expected in this location and is considered appropriate for new development within the Mixed Use Zone.

A STORM assessment of the development has been provided as part of this application.

A 100% STORM Rating has been achieved.

The proposed development meets the Standard and Objectives of Clause 55.05-1.

**Compliance** ☒

### **Clause 55.05-2**

#### **Overshadowing domestic solar energy systems objective**

To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.

#### **Standard B5-2**

Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.

In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.

#### **Assessment:**

The subject site is located within a Mixed Use Zone – therefore this standard does not apply to the subject site.

Nevertheless no neighbouring dwellings have existing roof domestic solar energy systems.

The proposed development meets the Standard and Objectives of Clause 55.05-2.

**Is the standard fully met? = YES**

**Does an Objector have a right of appeal? = NO**

**Compliance** ☒

### **Clause 55.05-3**

#### **Rooftop solar energy generation area objective**

To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.

#### **Standard B5-3**

In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.

An area on the roof is capable of siting a rooftop solar energy area for each dwelling which:

- Has a minimum dimension of 1.7 metres.
- Has a minimum area in accordance with Table B5-3.

- Is oriented to the north, west or east.
- Is positioned on the top two thirds of a pitched roof.
- Can be a contiguous area or multiple smaller areas.
- Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

#### **Assessment:**

Each dwelling has been provided with a roof area to enable the future installation of a solar energy system.

The proposed development meets the Objective of Clause 55.05-3.

**Compliance** ☒

#### **Clause 55.05-4**

##### **Solar protection to new north-facing windows objective**

To encourage external shading of north facing windows to minimise summer heat gain.

#### **Standard B5-4**

North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.

#### **Assessment:**

The north facing windows of Dwelling 1 will be provided with fixed shading devices to comply with the requirement of this standard.

The proposed development meets the Standard and Objectives of Clause 55.05-4.

**Compliance** ☒

#### **Clause 55.05-5**

##### **Waste and recycling objective**

To ensure dwellings are designed to facilitate waste recycling.

To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.

#### **Standard B5-5**

Dwelling (other than a dwelling in or forming part of an apartment development)

The development includes an individual bin storage area for each dwelling, or a shared bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.

Table B5-5.1 Bin storage

| Type of bin storage area                         | Minimum area                                     | Minimum depth | Minimum height |
|--------------------------------------------------|--------------------------------------------------|---------------|----------------|
| Individual bin storage area for a dwelling.      | 1.8 square metres                                | 0.8 metre     | 1.8 metres     |
| Shared bin storage area for 3 dwellings or less. | 5.4 square metres                                | 0.8 metre     | 1.8 metres     |
| Shared bin storage area for 4 or more dwellings. | 1 square metre per dwelling plus 4 square metres | 0.8 metre     | 1.8 metres     |

#### **Assessment:**

The development has been provided with a shared bin storage area.

The proposed development meets the Standard and Objectives of Clause 55.05-5.

Compliance ☒

#### **Clause 55.05-6** **Noise Impacts objective**

To minimise the impact of mechanical plant noise located in the development.

#### **Standard B5-6**

Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.

### **Assessment:**

The proposed development will not create any unreasonable noise impacts to neighbouring properties. Plant equipment will be located internally and away from side boundaries.

Dwellings are no different to dwellings in the streetscape regarding the exposure to external noise, therefore not considered an issue. Noise levels generated on site and received externally will be typical of a residential area, therefore considered appropriate.

The proposed development meets the Standard and Objectives of Clause 55.05-6.

Compliance ☒

# Traffic and Parking Considerations

The proposed development contributes to improving the quality and design of the localities built environment and transport to assist in cultivating a sustainable setting.

The proposed development provides the following:

## **Vehicle Access and Parking**

Each dwelling has been provided with one car spaces.

The shop – food and drink premises has not been provided with a car space.

No visitor car spaces are required.

A total of 2 car spaces have been provided.

The ground level contains 2 car spaces.

The rear laneway is to be utilised for vehicle access.

Car parking areas cannot be seen from the streetscape.

## **Bike Parking**

A total of 2 bicycle spaces have been provided.

## **Clause 52.06 – Car Parking**

The planning scheme sets out the parking requirements for new development under Clause 52.06.

The proposed car parking and bicycle storage arrangements are appropriate from a planning perspective given the sites location within the within the Mixed Use Zone, the proposed vehicle access from a rear laneway, available public transport, ESD considerations, housing affordability and choice.

## **Car Spaces Required Under Table 1:**

The subject site is located in a Category 1.

### **Shop Use**

The Shop requires 4 car spaces to each 100m<sup>2</sup> of leasable floor area.

The Shop has an area of 78m<sup>2</sup> and requires a total of 3 car spaces.

A total of 3 car spaces are required for the shop component of this application.

### **Dwelling**

1.2 car spaces is required for a two-bedroom dwelling.

- 2 x two bedroom dwellings have been provided.

Each dwelling has been provided with 1 car space.

A total of 2 car spaces are required for the residential component of this application.

No visitor car space/s are required.

Pursuant to Clause 52.06-5 the development requires a total of **5 car spaces**.

### **Car Spaces Provided:**

A total of 2 car spaces have been provided in the development.

Each dwelling has been provided with 1 car spaces.

No car spaces have been provided for the ground level shop.

### **Reduction Required:**

The application requires a reduction of **3 car spaces** for the shop component of this application.

The reduction sort is considered appropriate and accords with the relevant decision guidelines listed in Clause 52.06-7 for the following reasons:

- The car parking reduction is considered appropriate based on the following factors:
  - Each dwelling has been provided with two car spaces complying with the required car parking rate.
  - The provision of a shop with no car parking is not considered unreasonable and common with new shop top developments and some recent similar development in this context.
  - Given the size of the shop and its proposed food and drink premises use it is highly unlikely to generate excessive parking demands that differ from surrounding shops.
  - Visitors/customers to the shop will rely on public car parking specific to the Vista Place shops and on surrounding side streets where permitted. This is appropriate for the existing shops in this location, therefore should be appropriate for the proposed shop.

- The subject site has walkable access to shops and food and drink venues within this centre, therefore patrons to the café may also use other businesses within this shopping strip when visiting.
- There will not be any unreasonable impact on parking in the nearby area as a result of the proposal, as this centre has adequate car parking to accommodate for all businesses in this centre.

The proposal satisfies the decision guidelines to justify the reduced car parking rate, therefore a reduction is considered appropriate in this circumstance.

### **Car Parking Design:**

The proposal will have no adverse impacts on the traffic conditions on the surrounding street network.

Vehicle access and car parking for the development provides access widths and car space dimensions of sufficient size to allow safe and efficient movements within and externally from the site, in accordance with Clause 52.06-9 – Design Standards for Car Parking.

## **6. Conclusion**

The proposal is an appropriate response for the site having regard to the strategic intent of both the Municipal Planning Strategy and relevant Planning Policy Framework.

The proposed development is an appropriate outcome for the site having regard to the strategic intent of the Bass Coast Planning Scheme and development within this established local convenience centre.

The three-storey building height, building footprint, overall height, car parking provision and both the shop and residential uses proposed are consistent with development expected on the vacant property within the Mixed Use Zone, therefore considered appropriate.

The layout and built form is responsive to the site context and provides a respectful relationship to neighbouring properties and the streetscape and is considered a level of change consistent with Council policy regarding building design within Cape Woolamai's existing mixed use zoned convenience centre.

The proposal will provide a high level of amenity for future occupants of the site.

The proposed development achieves a high compliance with the objectives and standards of Clause 55.

The development incorporates environmental and sustainable design techniques that assist in making a positive contribution to the urban environment whilst respecting future amenity values of adjoining properties.

The proposal will not unreasonably affect the amenity of surrounding properties in terms of setbacks, daylight to existing windows, overlooking and overshadowing, having a high compliance with Clause 55.

The traffic assessment demonstrates that the proposal is consistent with the parking provisions and relevant traffic objectives of the Bass Coast Planning Scheme and Clause 52.06.

It is therefore submitted the subject proposal is of high planning merit, consistent with the Bass Coast Planning Scheme, and worthy of approval.