

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	42 Mirrabooka Road MALLACOOTA 3892 Lot: 1 PS: 327866
The application is for a permit to:	Buildings and Works for a Second Dwelling
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2023.366.1
You may look at the application and any documents that support the application on the website of the responsible authority.	COVID-19 Omnibus (Emergency Measures) Bill 2020 now modifies the requirement of Form 2 so that <i>Planning documents previously required to be physically available to view at local government offices are now only required to be available for online inspection.</i>

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ be made to the Responsible Authority in writing,
- ♦ include the reasons for the objection, and
- ♦ state how the objector would be affected.

The Responsible Authority will not decide on the application before:	Subject to applicant giving notice
--	------------------------------------

If you object, the Responsible Authority will tell you its decision.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10175 FOLIO 895

Security no : 124109144498E
Produced 18/09/2023 09:39 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 327866L.
PARENT TITLE Volume 09175 Folio 734
Created by instrument PS327866L 28/06/1994

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS327866L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 42 MIRRABOOKA ROAD MALLACOOTA VIC 3892

DOCUMENT END

Delivered from the LANDATA System by Dye & Durham Terrain Pty Ltd

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 3

VOLUME 10175 FOLIO 895

Security no : 124107985451N
Produced 31/07/2023 12:50 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 327866L.
PARENT TITLE Volume 09175 Folio 734
Created by instrument PS327866L 28/06/1994

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
LUCY WOOD of 42 MIRRABOOKA ROAD MALLACOOTA VIC 3892
AM336468W 18/11/2015

ENCUMBRANCES, CAVEATS AND NOTICES

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DIAGRAM LOCATION

SEE PS327866L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 42 MIRRABOOKA ROAD MALLACOOTA VIC 3892

DOCUMENT END

PLAN OF SUBDIVISION

STAGE No.

LTO USE ONLY

ADVERTISED PLAN NUMBER

EDITION 1

PS 327866L

LOCATION OF LAND

PARISH: MALLACOOTA

TOWNSHIP: -----

SECTION: -----

CROWN ALLOTMENT: 5 (PART)

CROWN PORTION: -----

LTO BASE RECORD: CHART NO.1 (3044)

TITLE REFERENCES: VOL.9175 FOL.734

LAST PLAN REFERENCE: PS.119267 LOT 4

POSTAL ADDRESS: MIRRABOOKA ROAD
(at time of subdivision) MALLACOOTA 3892

AMG CO-ORDINATES: E
(of approximate centre of land in plan) N ZONE: 55

VESTING OF ROADS OR RESERVES

IDENTIFIER

COUNCIL/BODY/PERSON

NIL

NIL

COUNCIL NAME : SHIRE OF ORBOST

REF : 113-OPS-LS-C4-326

1. THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988.

2. ~~THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988.~~
~~DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 / /~~

3. ~~THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE~~
~~SUBDIVISION ACT 1988.~~

OPEN SPACE

(i) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE
SUBDIVISION ACT 1988 ~~HAS~~ HAS NOT BEEN MADE.

~~(ii) THE REQUIREMENT HAS BEEN SATISFIED.~~

(iii) THE REQUIREMENT IS TO BE SATISFIED IN STAGE

COUNCIL DELEGATE

COUNCIL SEAL

DATE 16 / 3 / 94

RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988

COUNCIL DELEGATE

COUNCIL SEAL

DATE / /

NOTATIONS

DEPTH LIMITATION 15.24m BELOW THE SURFACE APPLIES TO
ALL OF THE LAND IN THIS PLAN

STAGING

THIS ~~IS~~ IS NOT A STAGED SUBDIVISION
PLANNING PERMIT No. OPS-LS-C4-326

THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES

SURVEY THIS PLAN ~~IS~~ IS NOT BASED ON SURVEY

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No (s) .
IN PROCLAIMED SURVEY AREA No.

EASEMENT INFORMATION

LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)

LTO USE ONLY

STATEMENT OF COMPLIANCE/
EXEMPTION STATEMENT

RECEIVED ☒

DATE 16 / 5 / 94

LTO USE ONLY

PLAN REGISTERED

TIME 1.40pm

DATE 28 / 6 / 94

Signature
ASSISTANT REGISTRAR OF TITLES

SHEET 1 OF 2 SHEETS

EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1 & E-2	POWER LINE PURPOSES	6m	SEC.103B OF THE S.E.C. ACT 1958, THIS PLAN	SECV
E-2 & E-3	DRAINAGE	3m	THIS PLAN	LAND IN THIS PLAN

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engineers architects planners cartographers



LICENSED SURVEYOR (PRINT) ALAN D NORMAN

SIGNATURE DATE / /

REF: 17946 VERSION C 9/2/94 DGN: PS1C

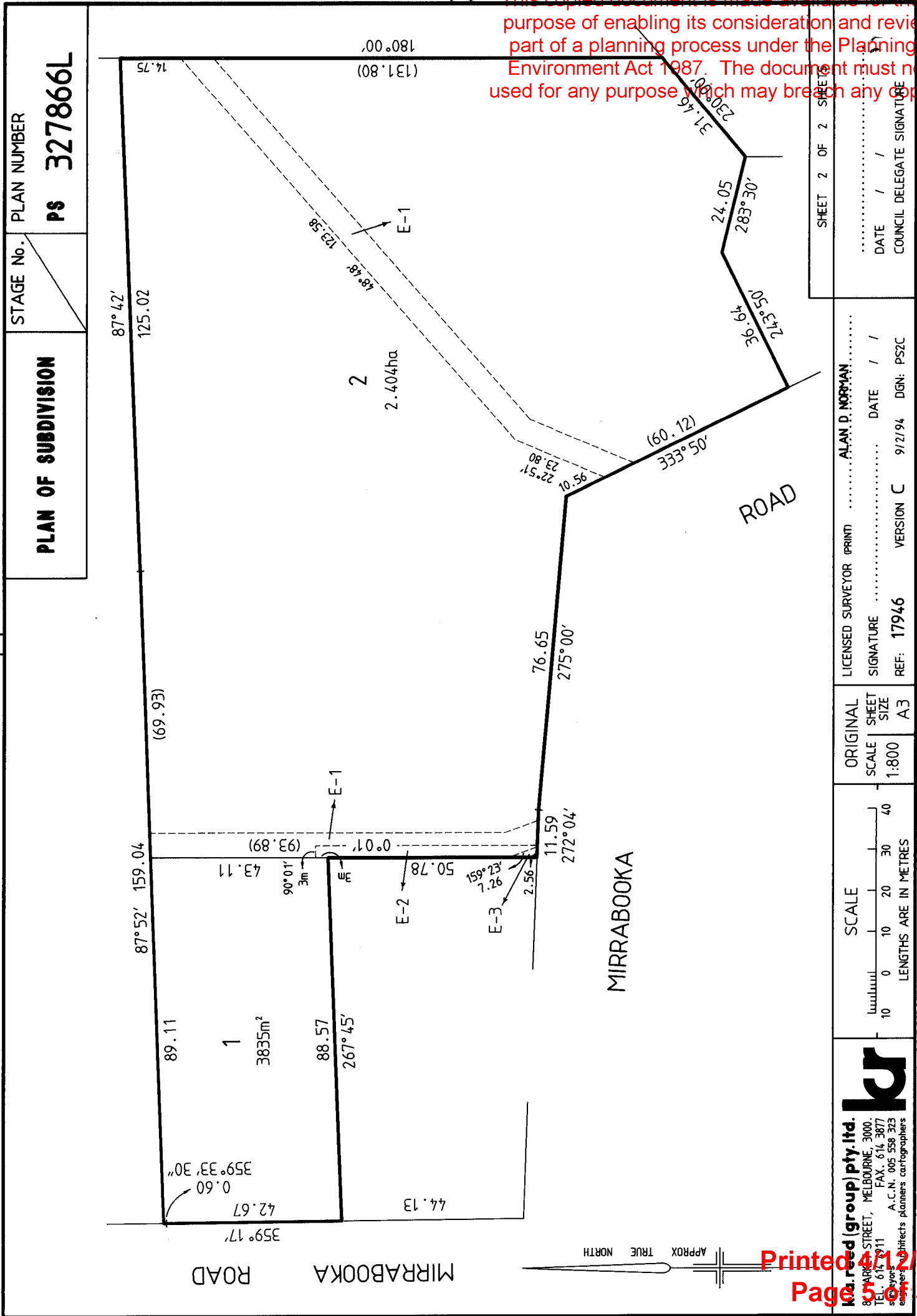
DATE / /

COUNCIL DELEGATE SIGNATURE

ORIGINAL SHEET SIZE A3

Printed 4/12/2023
Page 4 of 37

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Printed 4/12/2023
Page 5 of 37

Planning Report

Construction of a Second Dwelling
42 Mirrabooka Road, Mallacoota

Our reference – 20557

18 September 2023



FS 520900



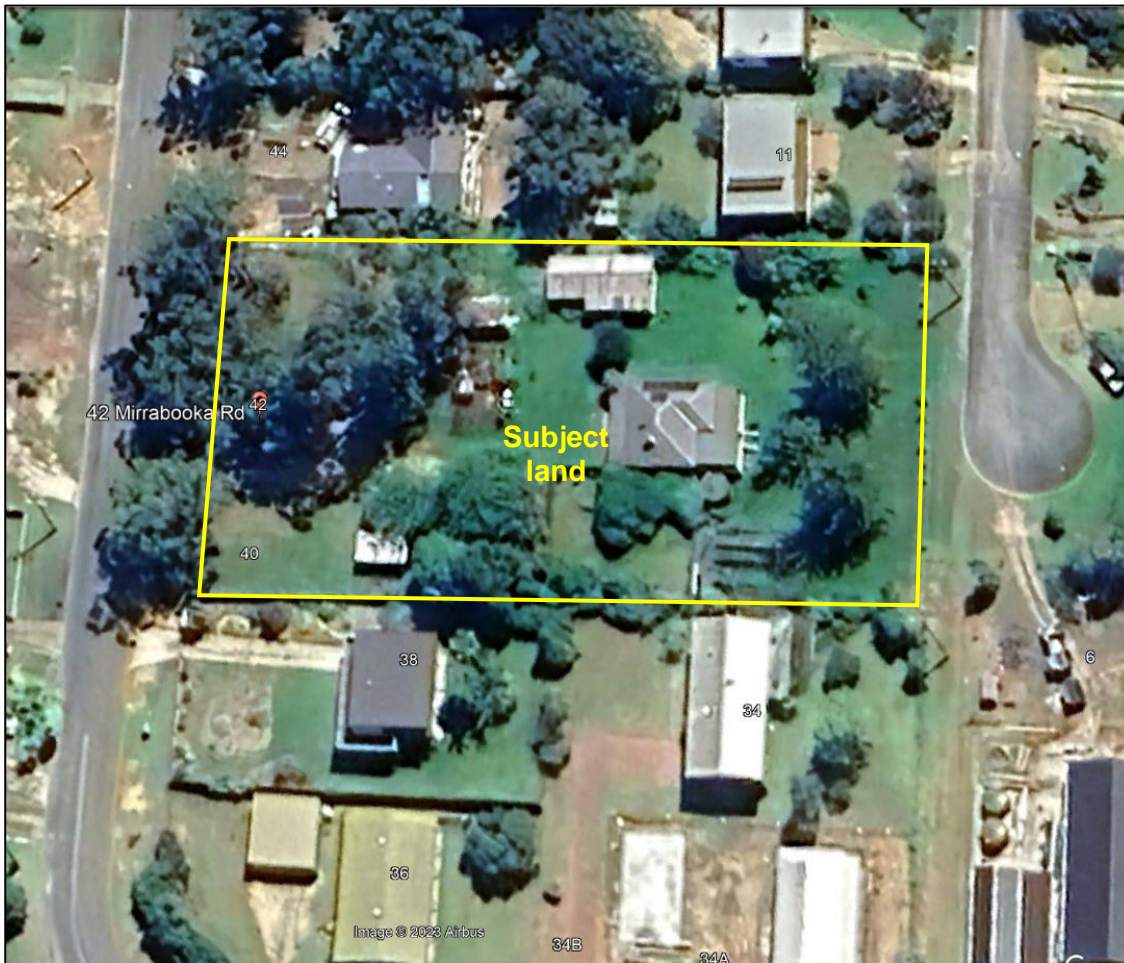
Contents

1.	Introduction	3
2.	Subject Land & Surrounding Context	4
3.	The Application & Proposal	10
4.	Cultural Heritage	13
5.	Planning Policy	14
5.1	Planning Policy Framework	14
5.2	Municipal Planning Strategy	15
6.	Planning Elements	16
6.1	General Residential Zone	16
6.2	Design and Development Overlay 12	23
7.	Conclusion	24
8.	Attachments	
	Application Form	
	Proposed Site Plan, Floor Plans and Elevations	
	Copy of Title (Lot 1 on PS327866)	

Note: Applicable Planning Application fee is \$1,661.55

1. Introduction

This Planning Report is prepared in support of a proposed construction of a second dwelling at 42 Mirrabooka Road, Mallacoota. The Report addresses the provisions of the General Residential Zone, Design and Development Overlay 12 and Bushfire Management Overlay as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land and immediate surrounds (Source: Google Earth)

2. Subject Land & Surrounding Context

Formally known as lot 1 on PS327866 or more commonly known as 42 Mirrabooka Road, Mallacoota, the subject land is regular in shape, is large given the residential context and allotment sizes of the area.

The property has two road abutments being Mirrabooka Road to the west and Brady Street to the east.

Both Mirrabooka Road and Brady Street are sealed urban roads containing drainage infrastructure.



Aerial image of the subject land and wider surrounds (Source: Google Earth)

The property is developed with a dwelling and outbuildings, falls to Brady Street to the east and contains ornamental vegetation, particularly within the eastern part of the land.



Image of the subject land and existing dwelling looking west from Brady Street

The subject land runs from Brady Street in the east through to Mirrabooka Road in the west, with the dwelling and larger outbuilding fronting Brady Street. Brady Street is a cul-de-sac, with the subject land situated at the bowl of the court.



Locational plan and planning scheme zone mapping (Source: VicPlan)



Image of the subject land taken from Brady Street looking west

South of the subject land is a two storey dwelling that has an outlook to the east across a small informal pedestrian link and electricity reserve from Brady Street to Mirrabooka Road further south.



Image of the southern neighbouring property (34B Mirrabooka Road)



Image of the pedestrian/electricity link from Brady Street to Mirrabooka Road

North of the subject land is a two storey dwelling with an outlook to the east and accessed from Brady Street.



North of the subject land looking west from Brady Street (11 Brady Street)

South-east of the land is a vacant residential lot, the dwelling currently under construction is the southern neighbouring property that fronts Mirrabooka Road.



Vacant property to the south-east, with dwelling under development further south (6 Brady Street)

East of the land is a vacant residential zoned property and a property developed with an elevated dwelling.



Vacant residential zoned property to the east - looking to the east (8 Brady Street)



Property to the east across from Brady Street - looking to the east (10 Brady Street)

Site Context Plan – (Source: Google Earth)



A – Subject land

B – Mallacoota Activity Centre

C – Mallacoota Inlet

D – Mallacoota P -12 School

E – Active Sport Reserve

F – Large Caravan Park

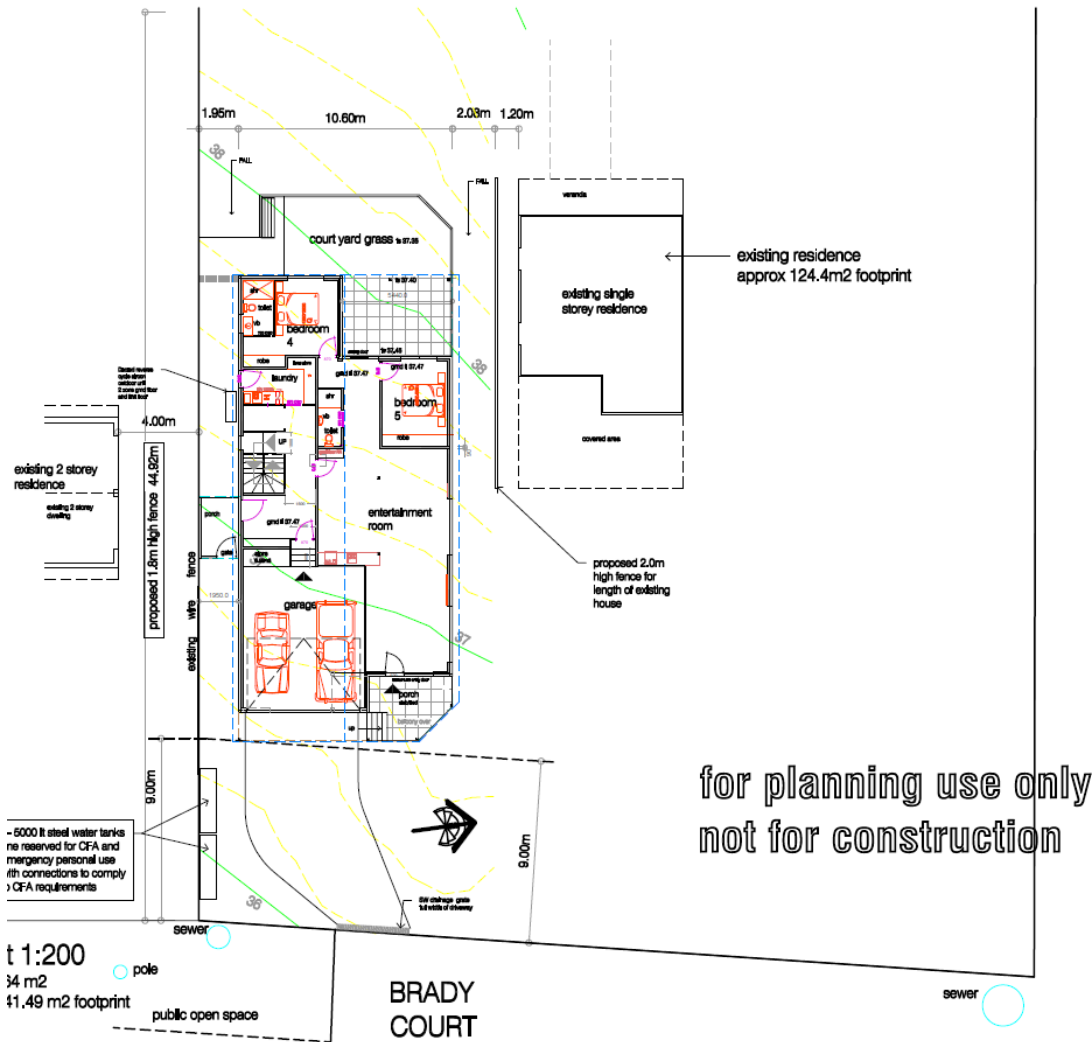
G – Mallacoota Coastal Reserve

H – Mallacoota Bushland Reserve

3. The Application & Proposal

It is proposed to construct a second dwelling on the subject land to the south of the current dwelling.

The second dwelling is proposed to be setback from Brady Street to the east by 9.0 metres, 3.23 metres to the existing dwelling to the north and 1.95 metres to the southern property boundary.

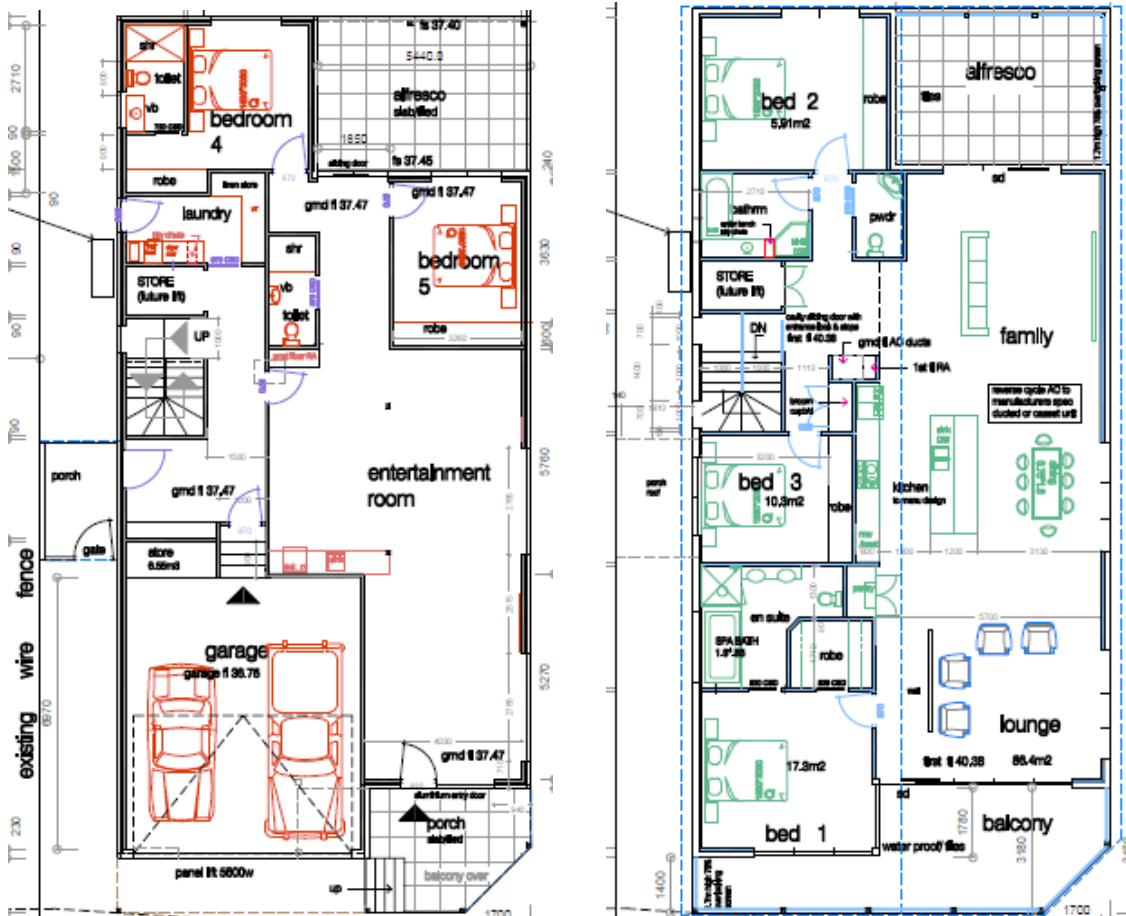


Extract from Site Plan (Client supplied)

Vehicle access to the second dwelling is sought to be obtained from Brady Street.

The proposed second dwelling is double storey and will consist of double garage, open plan living/dining area, laundry and two bedrooms on the ground floor. An eastern facing porch from the living room and a western facing alfresco area is also proposed.

The first floor will comprise of three bedrooms, open plan lounge/kitchen/family area and bathroom. An eastern facing balcony and western facing alfresco is also proposed.



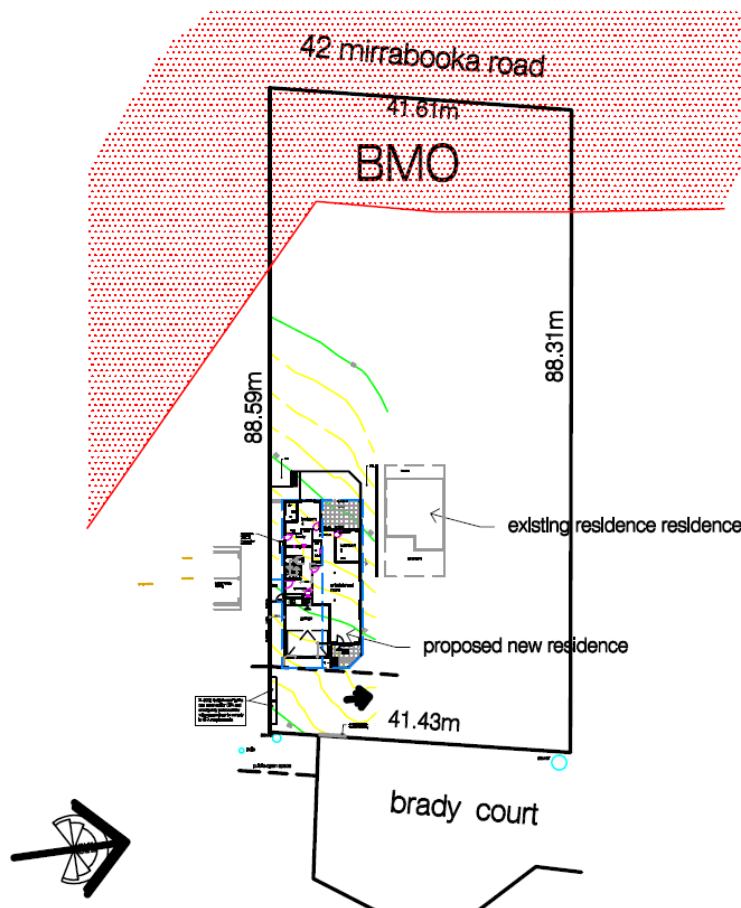
Proposed ground floor plan (to left) and first floor plan (to right)

The proposed siting of the dwelling will necessitate the removal of outbuildings, vegetable garden, outbuilding and rainwater tank.



Location of the proposed dwelling looking west, showing structures to be removed

Whilst the western part of the subject land is contained within the Bushfire Management Overlay, the proposed development has been sited in the eastern portion of the subject land to maximise separation from the bushfire hazard.



Extract from Site Plan, with extent of BMO shown in red (Client supplied)

Accordingly, the proposal does not require consideration under the Bushfire Management Overlay.

The majority of the building will be constructed in face brickwork, with some cement sheeting and glazed areas.

Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is Proposed
32.08-6	Construct a dwelling if there is at least one existing dwelling on a lot.
43.02-2	Construct a building as the total area proposed on a site is greater than 300 square metres.

4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



*Extract from Cultural Heritage Sensitivity mapping,
with sensitive areas shown in green (Source: VicPlan)*

The subject land is not mapped as an area of cultural heritage sensitivity and the construction of two dwellings on a lot is an exempt activity, therefore there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

5.1 Planning Policy Framework

Support for the proposed second dwelling is contained within Clause 11.01-1S Settlement. The development achieves the relevant strategies of providing for population growth within an existing settlement, assists to limit urban sprawl and achieves infill development of a large underutilised residential zoned and serviced property.

The Gippsland Regional Growth Plan identifies Mallacoota as a small town where sustainable change will be fostered (11.01-1R Settlement – Gippsland).

As sought within Clause 11.01-1L-01 East Gippsland settlements, the proposed second dwelling provides for infill development within an established town and existing residential zoned property.

Consistent with Clause 11.03-4S Coastal Settlement, the subject land is located on an elevated property, well setback from the Mallacoota Inlet and is unlikely to be impacted by future sea level rise and coastal processes.

Clause 11.03-4L-10 Mallacoota applies as the subject land as it is located within the Mallacoota Framework Plan.



Mallacoota Framework Plan – yellow star is the subject land location (Source: EGS)

The proposed second dwelling design is respectful of and reflects the coastal character of Mallacoota, providing a two storey building, with low pitched roofing, incorporating an eastern facing balcony and providing an articulated eastern façade. The dwelling is also considered consistent with Clause 15.01-5S Neighbourhood Character, providing a built form reflective of the surrounding form, scale and design of nearby housing.

Siting of the second dwelling within the eastern part of the property avoids the need to detrimentally impact the remnant native vegetation contained on the land (Clause 12.01-1S Protection of biodiversity and Clause 12.01-2S Native vegetation management).

Part of the land to the west is located within the Bushfire Management Overlay and as such Clause 13.02-1S Bushfire Planning has been considered. The proposed second dwelling has been sited to avoid the mapped risk and maximise the separation distance from the hazard. A static water supply will be provided with CFA fittings to assist in an event, located south of the proposed second dwelling driveway.

The development of a second dwelling on this large, appropriately serviced and zoned property assists to increase the proportion of housing in an established urban area, reducing the share of new dwellings in greenfield and fringe areas as sought by Clause 16.01-1 Housing supply.

Mindful of Clause 19.03-3S Integrated water management, provision of a 5,000 litre rainwater tank is proposed and will be plumbed into sanitary systems, thereby reducing urban runoff and reducing pressure on drinking water supplies.

5.2 Municipal Planning Strategy

Council has developed strategic directions within the Municipal Planning Strategy to guide land use and development.

Clause 02.03-1 Settlement and housing includes the strategic direction to provide minor expansion of existing areas in Mallacoota. Developing a second dwelling on a large and serviced property within the urban area reduces the pressure for the Mallacoota township to expand.

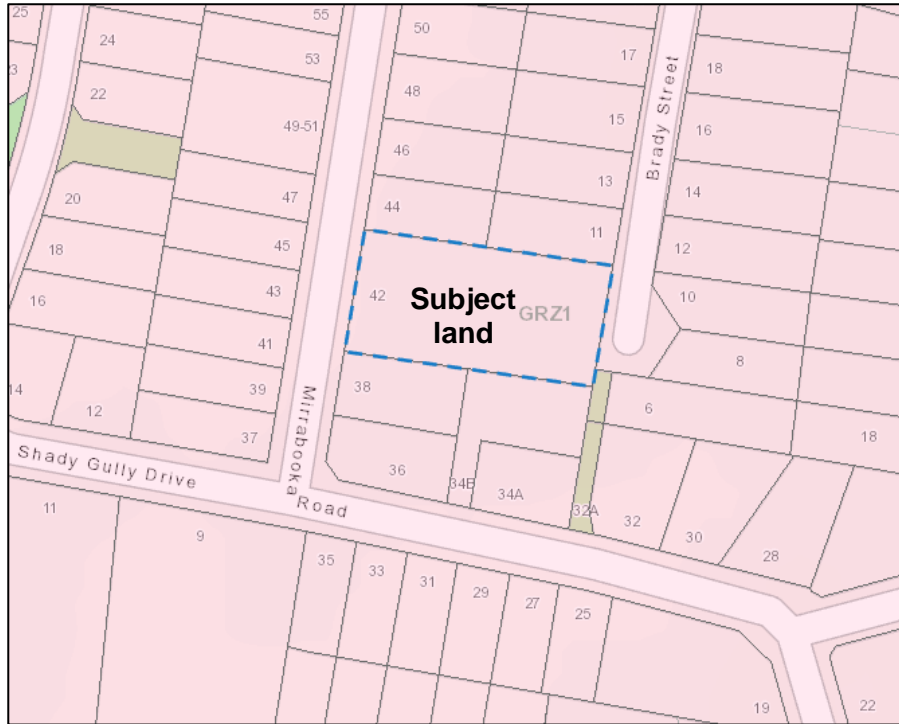
The remnant native vegetation on the land has been respected and the second dwelling siting avoids vegetation removal as sought within Clause 02.03-2 Environmental and landscape values.

As per Clause 02.03-3 Environmental risks and amenity, the second dwelling has been sited to avoid the mapped bushfire risk and provide for separation from the hazard. Located on an elevated property and well setback from the Inlet the property is unlikely to be impacted by climate-induced sea level rise.

6. Planning Elements

6.1 General Residential Zone

The subject land is zoned General Residential Zone in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

In accordance with Clause 32.08-6 Construction of two or more dwellings on a lot a development must meet the requirements of Clause 55 of the planning scheme. An assessment of the requirements of Clause 55 has been undertaken and commentary offered below.

Clause 55 – Two or more dwellings on a lot

Objective	Comment
55.01-1 Neighbourhood and site description	<p>Complies</p> <p>A description of the site and surrounding neighbourhood is included at Section 2 of this Report. Located within the central urban residential precinct of the Township, the property is well located close to the Mallacoota Activity Area, Mallacoota P-12 school and active and passive recreational areas.</p> <p>Properties within the surrounding precinct are generally detached dwellings on conventional residential sized allotments. There is a mix of single and double storey dwellings with most dwellings being elevated to some degree to accommodate the topography of the landform and to obtain views to the east of the Mallacoota Inlet.</p> <p>Whilst the precinct comprises a mix of housing styles spanning several decades, there is a variety of materials and colours throughout the existing housing stock.</p>

Objective	Comment
55.01-2 Design Response	<p>Complies</p> <p>The proposed development has been designed and sited having regard for the existing site features and adjoining development.</p> <p>This large allotment extends from Mirrabooka Road to the west to Brady Street to the east. The proposed second dwelling has been sited within the eastern part of the property to avoid vegetation loss, the Bushfire Management Overlay and address the public realm and provide an active interface with the Brady Street road reserve.</p> <p>The proposed dwelling will be double storey consistent with the building form on the western side of Brady Street. The dwelling will include an eastern porch and balcony consistent with the neighbouring built form and is to be developed by materials evident in the surrounding precinct.</p> <p>Both dwellings include secluded private open space to the rear of the dwellings.</p> <p>The accompanying plans include detail of the proposed development in relation to the existing development contained on the adjoining land.</p>
55.02-1 Neighbourhood character	<p>Complies</p> <p>The design of the proposed development respects the existing neighbourhood character.</p> <p>Neighbourhood character of the area is represented by detached dwellings on conventional sized residential lots, with elevated buildings, low roof pitches, upper floor balconies, under croft or garage vehicle parking within ornamental garden settings.</p> <p>The second dwelling represents the building form of the area having a two storey form, low pitched roof, balconies, garaged vehicle parking and a lighter weight second floor façade with a mix of materials. Located on a large land parcel, the property is provided with ample opportunity to introduce further landscaping.</p> <p>There is no Neighbourhood Character Overlay, however local planning policy identifies the existing urban area of Mallacoota for infill development.</p>
55.02-2 Residential policy	<p>Complies</p> <p>The proposed development is consistent with relevant sections of the Municipal Planning Strategy and Planning Policy Framework as outlined in Section 5 of this Report.</p>
55.02-3 Dwelling diversity	<p>N/A</p> <p>Less than 10 dwellings are proposed.</p>
55.02-4 Infrastructure	<p>Complies</p> <p>All necessary infrastructure is available to the land and has the capacity to accommodate the proposed development.</p>

Objective	Comment
55.02-5 Integration with the street	<p>Complies</p> <p>The proposed development has been designed and sited to ensure integration with existing development within Brady Street.</p> <ul style="list-style-type: none"> The second dwelling will be orientated to front Brady Street consistent with the streetscape. No front fencing is proposed consistent with the existing western streetscape of Brady Street. A new vehicle crossing to the second dwelling is proposed from Brady Street consistent with the streetscape.
55.03-1 Street setback	<p>Complies</p> <p>The second dwelling is similar to a corner site. The dwelling to the south takes access from Mirrabooka Road, noting it has been developed to have an outlook towards the pedestrian/electricity reserve. The existing dwelling provides for an abuttal to Brady Street.</p> <p>The proposed second dwelling will have a setback of 9m consistent with the standard.</p> <p>Setbacks of the existing dwelling and other dwellings to the north are generous to take advantage of the elevated parts of the properties to enjoy views of the Inlet.</p>
55.03-2 Building heights	<p>Complies</p> <p>The south-eastern wall height of the proposed dwelling is 6.4m.</p> <p>Standard B7 allows for a maximum wall height of 11m. The building height is consistent with the western side of Brady Street which sees a built form of two storey dwellings.</p>
55.03-3 Site coverage	<p>Complies</p> <p>Standard B8 stipulates that the site area covered by buildings should not exceed 60% where there is no site coverage specified in a schedule to the zone.</p> <p>The site coverage of the proposed development (existing dwelling, outbuildings and second dwelling) is 457.67 square metres on a 3664 square metre allotment being 12.49% which is less than the maximum site coverage of 60% otherwise allowed under Standard B8.</p>
55.03-4 Permeability and Stormwater Management	<p>Complies</p> <p>Standard B9 stipulates that the site area covered by pervious surfaces should be at least 20% of the site, where there is no minimum area specified in a schedule to the zone.</p> <p>The site permeability for the proposed development well exceeds 20% of the site, ensuring the development complies with Standard B9.</p> <p>The new dwelling will be provided with a 5,000 litre rainwater tank that will be plumbed into sanitary flushing systems.</p>

Objective	Comment
55.03-5 Energy efficiency	Complies The proposed development has been oriented to make appropriate use of solar energy by providing large windows on the northern ground and first floor aspect of each proposed dwelling to allow maximum light into the open plan living areas.
55.03-6 Open space	Complies Whilst there is no communal open space as part of this proposal, the dwelling has been orientated to allow casual surveillance of the adjoining pedestrian/electricity open space.
55.03-7 Safety	Complies The proposed dwelling provides for a front entry easily identifiable from Brady Street. The entry is pronounced by a porch in front of the entry door.
55.03-8 Landscaping	Complies Development within the precinct is generally complimented by ornamental style gardens, however the subject land has maintained existing native vegetation within the western part of the land. Low scale landscaping will be incorporated to the north-east of the second dwelling A landscape plan is able to be provided as a condition of permit should Council require.
55.03-9 Access	Complies Vehicle access to the existing dwelling is provided from Mirrabooka Road to the west of the subject land. The second dwelling is proposed to be accessed from Brady Street consistent with the prevailing neighbourhood character. Standard B14 stipulates that the width of accessways should not exceed 33% of the street frontage having regard for the width of the street frontage which is greater than 20 metres. The proposed crossover will comprise a total width of 3.3 metres being less than 33% of the site frontage (7.9%). It is noted that a standard crossover can not be adopted for this proposal due to the location of the public open space.
55.03-10 Parking location	Complies Vehicle parking for residents will be practical and convenient with the proposed dwelling being provided with a secure double garage with internal access to the respective dwelling. With a total of 2 dwellings on the land there is no requirement to provide on site visitor car parking. Adequate on street car parking is available to cater for visitors in Brady Street and Mirrabooka Road.

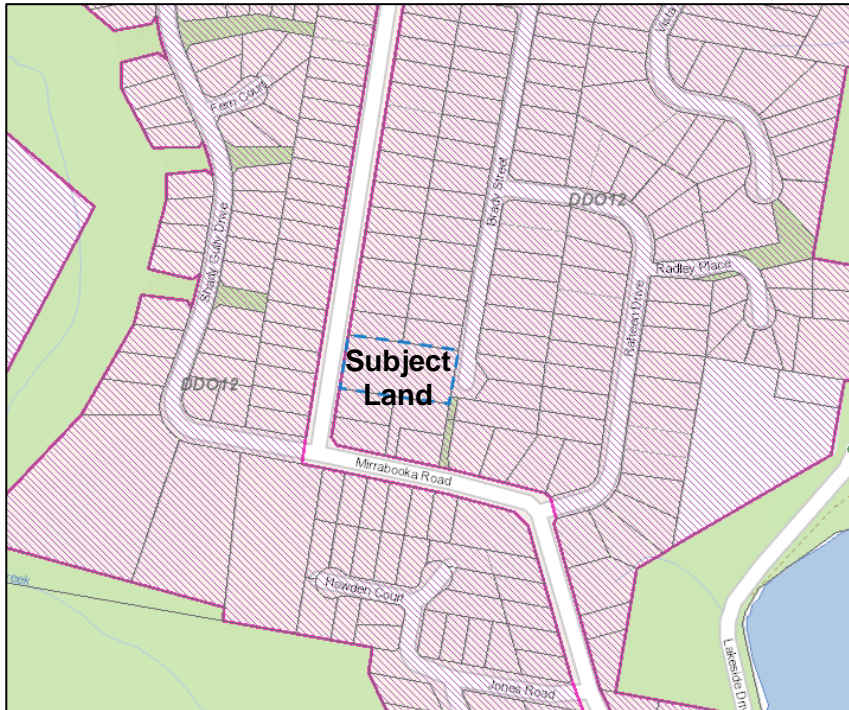
Objective	Comment
55.04-1 Side and rear setbacks	<p>Complies</p> <p>The height and setback of each of the proposed dwellings from boundaries is considered to respect the neighbourhood character and limit the impacts on the amenity of existing adjoining properties.</p> <p>As there is no distance specified in Schedule 1 to the General Residential Zone in the East Gippsland Planning Scheme, a new building not on a boundary should be setback at least 1.0 metre plus 0.3 metres for every metre of height over 3.6 metres.</p> <p>The southern wall height ranges from 5.2m to the south-west and 6.4m to the south-east. The proposed setback to the southern boundary is 1.95m.</p> <p>At the maximum height of 6.4m the required setback is 1.84m meeting standard B17.</p> <p>The southern porch wall will be constructed along the common boundary with a wall height of 2.9m meeting the standard.</p> <p>The northern wall height ranges from 6.2m to the north-east and 5.5m to the north-west. The proposed setback is 2.03m exceeding the required setback at the highest wall height of 1.78m.</p>
55.04-2 Walls on boundaries	<p>Complies</p> <p>The porch wall of the second dwelling is proposed along the southern boundary for a length of 3m complying with Standard B18. The character of the area will not be detrimentally impacted by the proposed wall.</p>
55.04-3 Daylight to existing windows	<p>Complies</p> <p>The proposed development will allow adequate daylight into existing habitable room windows of adjoining dwellings.</p> <p>Standard B19 outlines that habitable room windows should be provided with a light court which has a minimum area of 3m² and minimum dimension of 1.0 metre clear to the sky.</p> <p>The objective and standards are achieved as the proposed development is appropriately setback from the existing development on the adjoining property.</p>
55.04-4 North facing windows	<p>Complies</p> <p>There are no north-facing habitable room windows of existing dwellings on abutting lots within 3 metres of a boundary adjoining the subject land. The north-facing window of 34B Mirrabooka Road is setback 4 metres from the southern boundary.</p>
55.04-5 Overshadowing open space	<p>Complies</p> <p>The proposed development will have no unreasonable impacts on overshadowing of the eastern facing secluded private open space of the existing southern property on the adjoining allotment.</p> <p>It is noted that the secluded private open space of 34B Mirrabooka Road is subject to significant shadow from vegetation planted along the southern boundary line.</p>

Objective	Comment
55.04-6 Overlooking	<p>Complies</p> <p>Habitable room windows that represent unreasonable overlooking towards the south have raised sill heights of 1.7m. The southern element of the first floor balcony is screened to a height of 1.7m.</p> <p>The first floor alfresco is screened to the north to a height of 1.7m.</p> <p>No unreasonable overlooking of neighbours will occur. The proposal is therefore considered to satisfy the requirements of Standard B22.</p>
55.04-7 Internal views	<p>Complies</p> <p>Habitable room windows of dwellings have been located to avoid internal overlooking of more than 50% of secluded private open space.</p>
55.04-8 Noise Impacts	<p>Complies</p> <p>The subject land is not located adjacent to any noise sources that would affect the amenity of future residents. The subject land does not abut an arterial road, railway line or industrial land.</p>
55.05-1 Accessibility	<p>Complies</p> <p>The proposed development has considered the needs of people with limited mobility, with the ground floor able to be accessed via the southern entranceway.</p>
55.05-2 Dwelling entry	<p>Complies</p> <p>The front entrance is clearly visible from Brady Street and is provided with a porch for weather protection, in accordance with Standard B26.</p>
55.05-3 Daylight to new windows	<p>Complies</p> <p>All habitable room windows have an outdoor space clear to the sky of at least 3 square metres with a minimum dimension of 1 metre that is entirely contained within the property boundaries.</p>
55.05-4 Private open space	<p>Complies</p> <p>Standard B28 outlines that a dwelling should have private open space of 40m² in area, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m², a minimum dimension of more than 3.0 metres and convenient access from a living room, or a balcony of 8 m² with a minimum width of 1.6 metres and convenient access from a living room.</p> <p>The secluded private open space requirements meet the objective and standard. Both the existing and the second dwelling have an area exceeding 25m² with a minimum dimension of 3.0 metres and convenient access from a living room.</p>

Objective	Comment
55.05-5 Solar access to open space	Complies <p>The proposed development has been designed to facilitate solar access into the secluded private open space areas of the second dwelling.</p> <p>Each of the proposed dwellings have been provided with private open space to the north of the dwellings in order to maximise solar exposure.</p>
55.05-6 Storage	Complies <p>The second dwelling will be provided with internal storage located within the proposed garage close to the secondary dwelling entry.</p>
55.06-1 Design detail	Complies <p>The proposed dwellings will respect the character of the area with articulated facade, appropriate opening sizes, use of a façade balcony and use of materials and colours common to the area.</p>
55.06-2 Front fences	Complies <p>No front fencing is proposed, a theme consistent with the western side of Brady Street. The requirements of Standard B32 is achieved.</p>
Common property 55.06-3	Complies <p>No common property will be required.</p>
55.06-4 Site services	Complies <p>Each dwelling has adequate provision for storage of rubbish bins.</p> <p>Reticulated services including electricity, water, sewerage and telecommunications are all available to the site. Mailboxes for the proposed dwelling can be located to the front of the property.</p>

6.2 Design and Development Overlay 12

The subject land is contained within the Design and Development Overlay Schedule 12 – *Coastal Settlements: Mallacoota*.



Planning scheme overlay mapping (Source: VicPlan)

The property is located within Character Area 13: Lakeside and Develing's residential, where the design objectives are.

To ensure retention of the existing natural tree canopy.

To encourage planting of additional indigenous trees and ground flora in private gardens

Decision Guidelines

The proposed development is consistent with the objectives and decision guidelines of Schedule 12:

- The siting of the second dwelling has allowed for the retention of native vegetation within the western part of the land.
- Loss of planted vegetation to the south of the existing dwelling has been limited and enjoys an exemption from requiring planning approval.
- The building form of the second dwelling, being a double storey building, is sympathetic to the character of the area. Dwellings within the precinct are elevated and double storey on the western side of Brady Street. The building design has maintained the low pitched roofing evident in the precinct buildings. Eastern facing balconies are a common element that has been reflected within the design and a mix of materials has been incorporated into the building façade including lighter weight materials.

- Roof form of the second dwelling will sit below the prevailing tree canopy and proposed materials are low-reflective.
- The extent of site coverage requires approval, however given the context of the subject land being a larger residential lot, the site coverage is not considered excessive and consistent with many surrounding residential properties.
- Site cut has been limited to that necessary for the dwelling construction.
- There is the ability to provide for some planting of indigenous flora however, given the bushfire risk this will need to be carefully balanced.

7. Conclusion

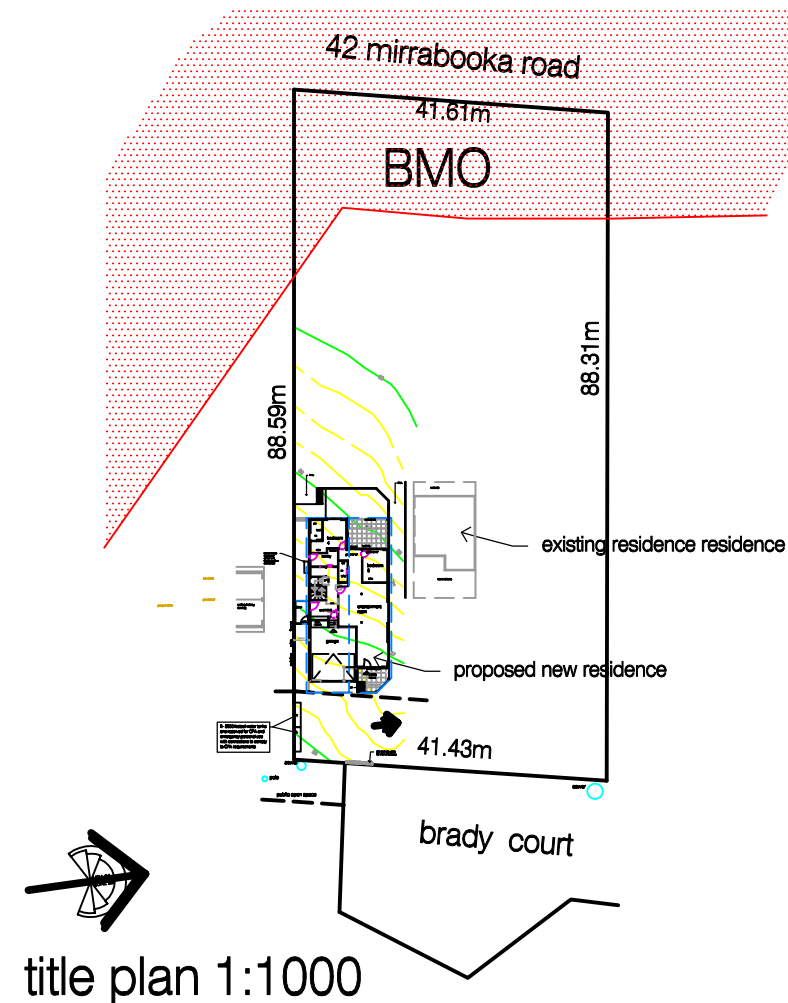
The proposed construction of a second dwelling at 42 Mirrabooka Road, Mallacoota is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 12 and Bushfire Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and has been designed to complement the adjoining properties and surrounding landscape.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

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NEW RESIDENCE
COMPLIANCE WITH 608 of BCA (VIC) REQUIRES THE INSTALLATION OF
i. rainwater tank receiving rainfall from a minimum catchment area of 50 square metres and having a minimum capacity of 2000 litres (additional to BAL requirements) connected to all toilets in the building for the purpose of sanitary flushing, or
ii. A solar water heater system.
In either case, documentation must be provided to the relevant building surveyor (RBS) to ensure compliance.

- FR5 thermal assessments; builder and owner to verify that contract specifications include all requirements of thermal assessment details of the assessment provided for this residence.



Planning/rescode notes

- plans have been assessed for rescode compliance refer notes for any details
- total built area: planning cl 54 & 55 (A5 B8). Rescode practice note 27 built area excludes eaves (600mm wide)
- site level no impact on rescode or construction unless levels shown otherwise
- soil classification to be determined by engineers report

NOTE

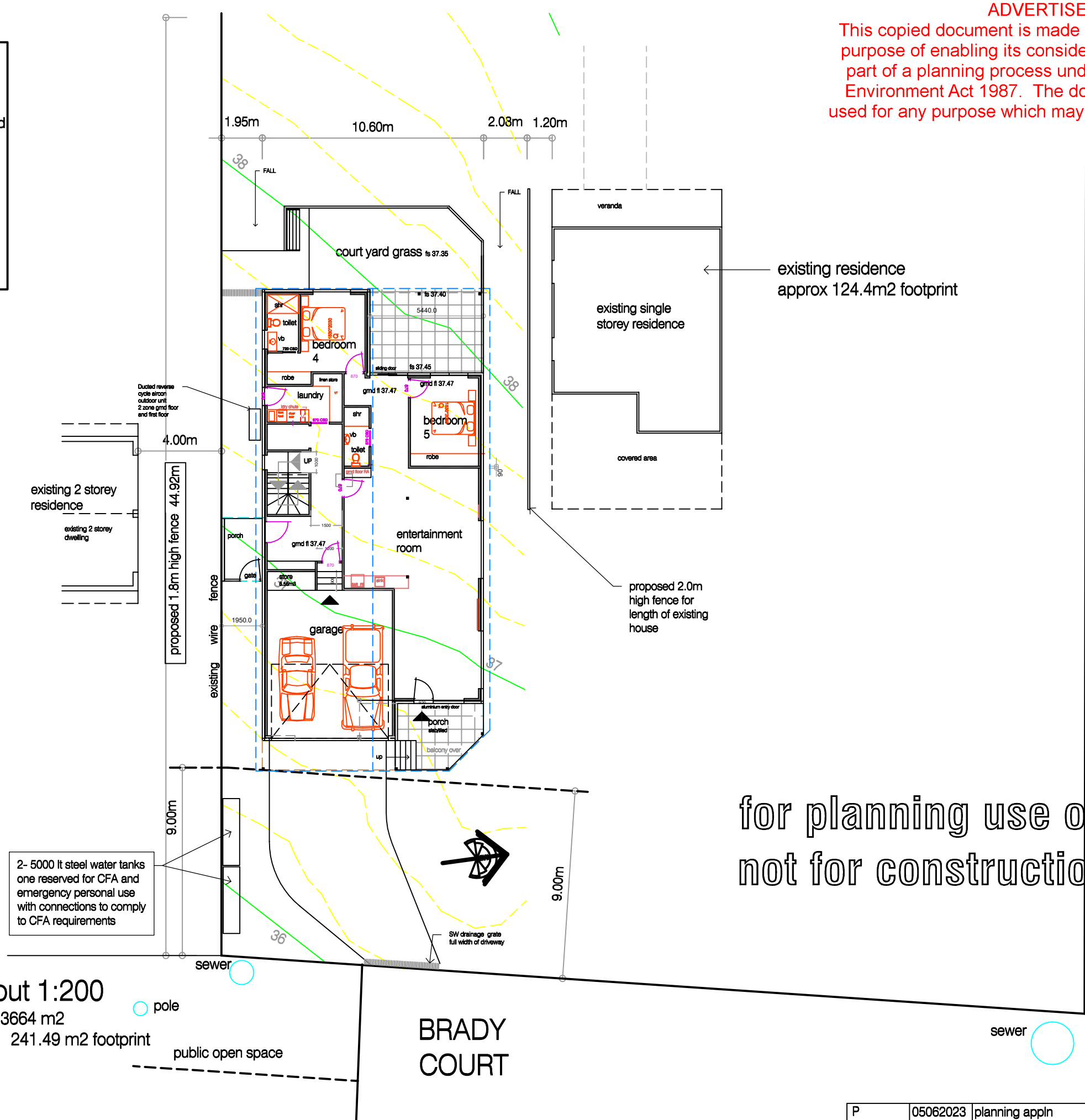
BUILDER AND/OR SUB CONTRACTORS TO VERIFY LOCATION OF ALL SERVICES BEFORE COMMENCING WORKS OR EXCAVATIONS

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site layout 1:200

site area 3664 m2
dwelling 241.49 m2 footprint

proposed new residence
42 Mirrabooka rd (brady ct front)
MALLACOOTA



BRADY COURT

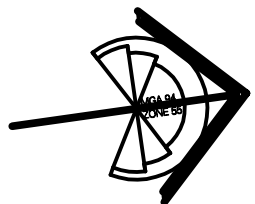
Lucy Wood
site analysis

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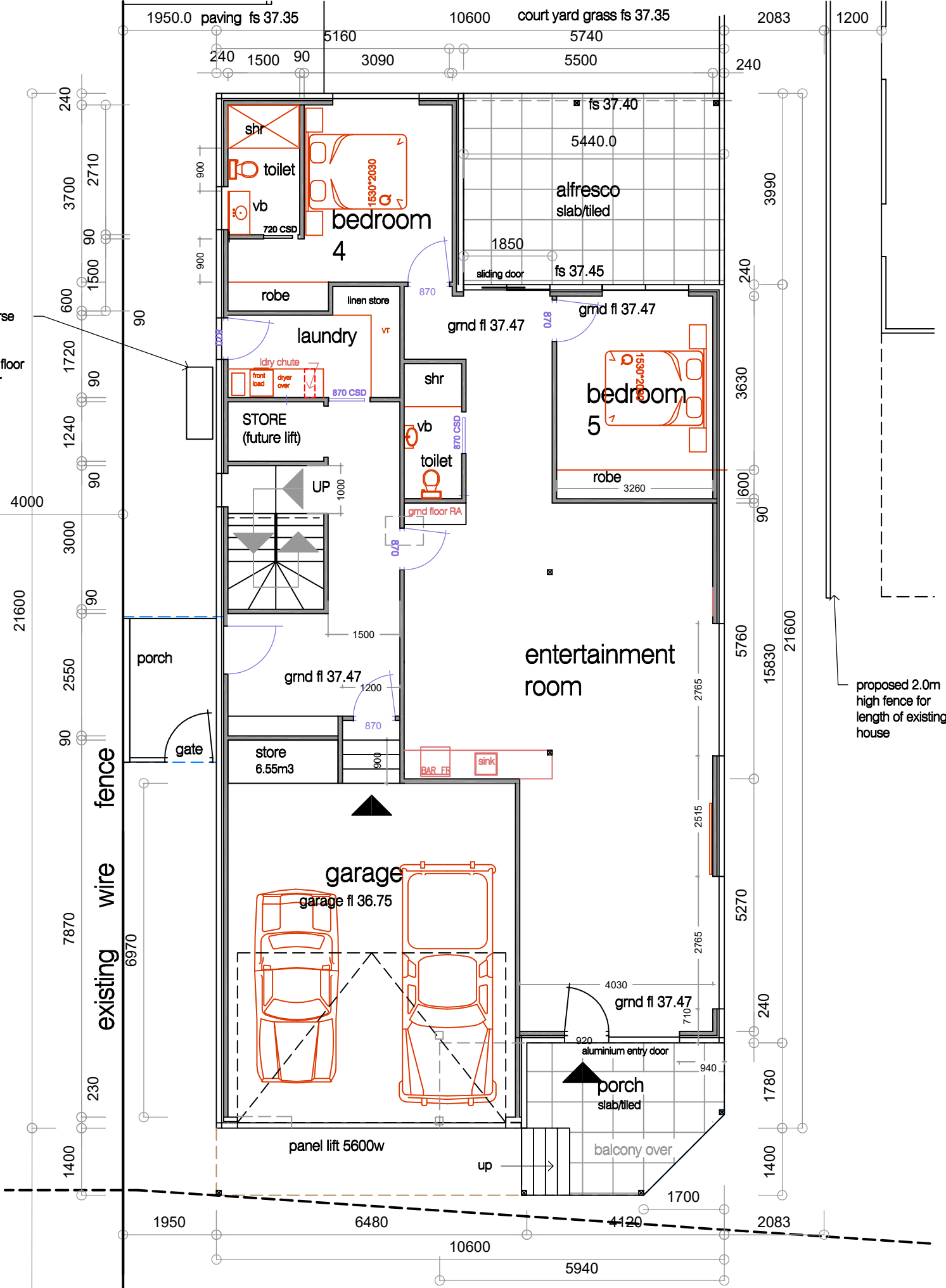


grnd floor plan 1:100

house 148.95m2
garage 50.78m2
alfresco 21.71m2
balcony 11.83m2
total 233.27m2

17. WET AREA LAUNDRY, BATH & SANITARY COMPARTMENTS FLOOR FINISHES TO COMPLY WITH AS3740 - 2010

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proposed new residence
42 Mirrabooka rd (brady ct front)
MALLACOOTA

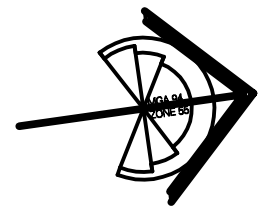
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GROUND FLOOR

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Page 31 of 37
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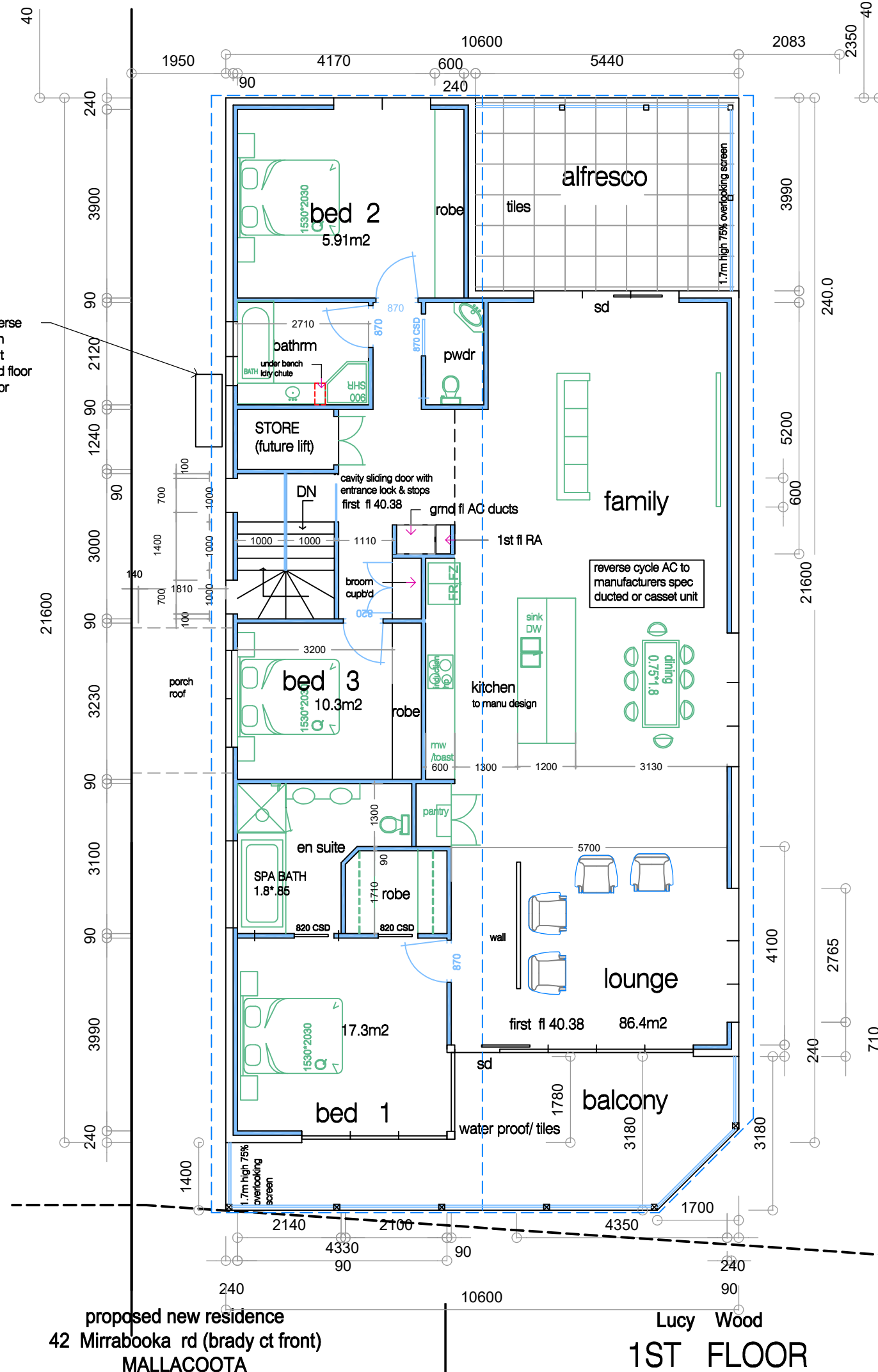


1st floor plan 1:100

house	196.05 m2
alfresco	21.71 m2
balcony	23.73 m2
total	241.49 m2

17. WET AREA LAUNDRY, BATH & SANITARY COMPARTMENTS FLOOR FINISHES TO COMPLY WITH AS3740 - 2010

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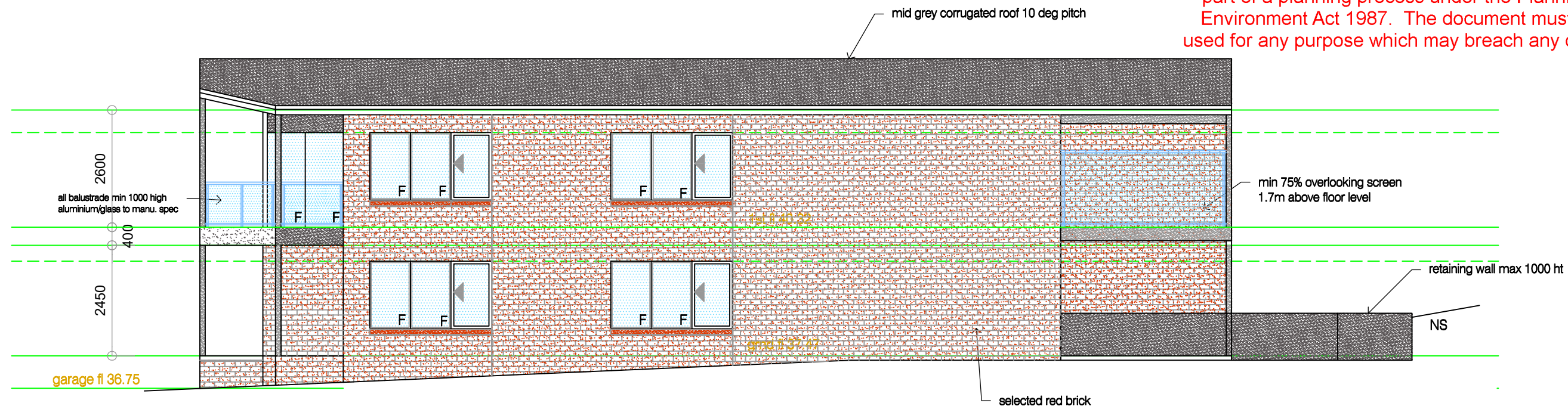


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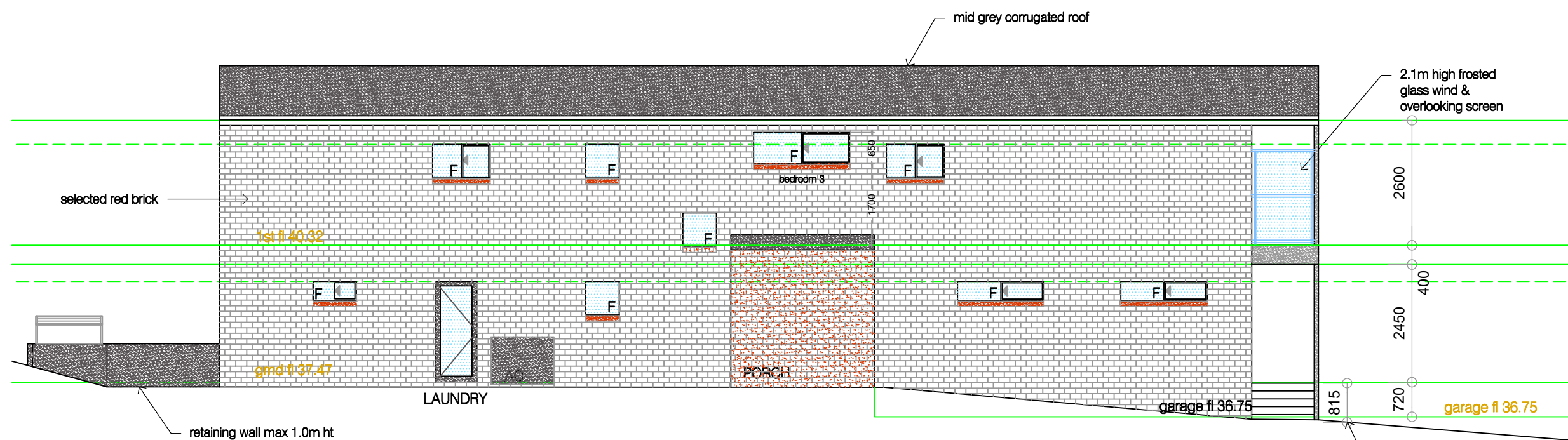
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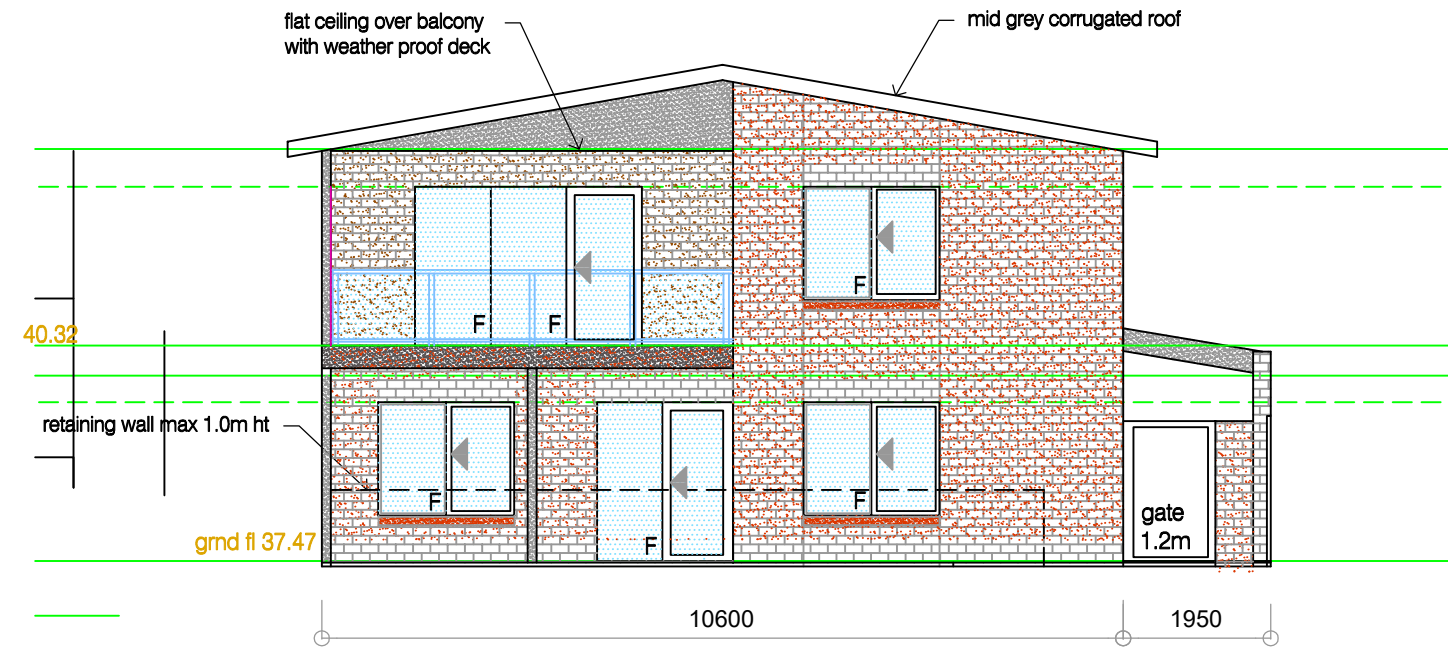


north elevation 1:100

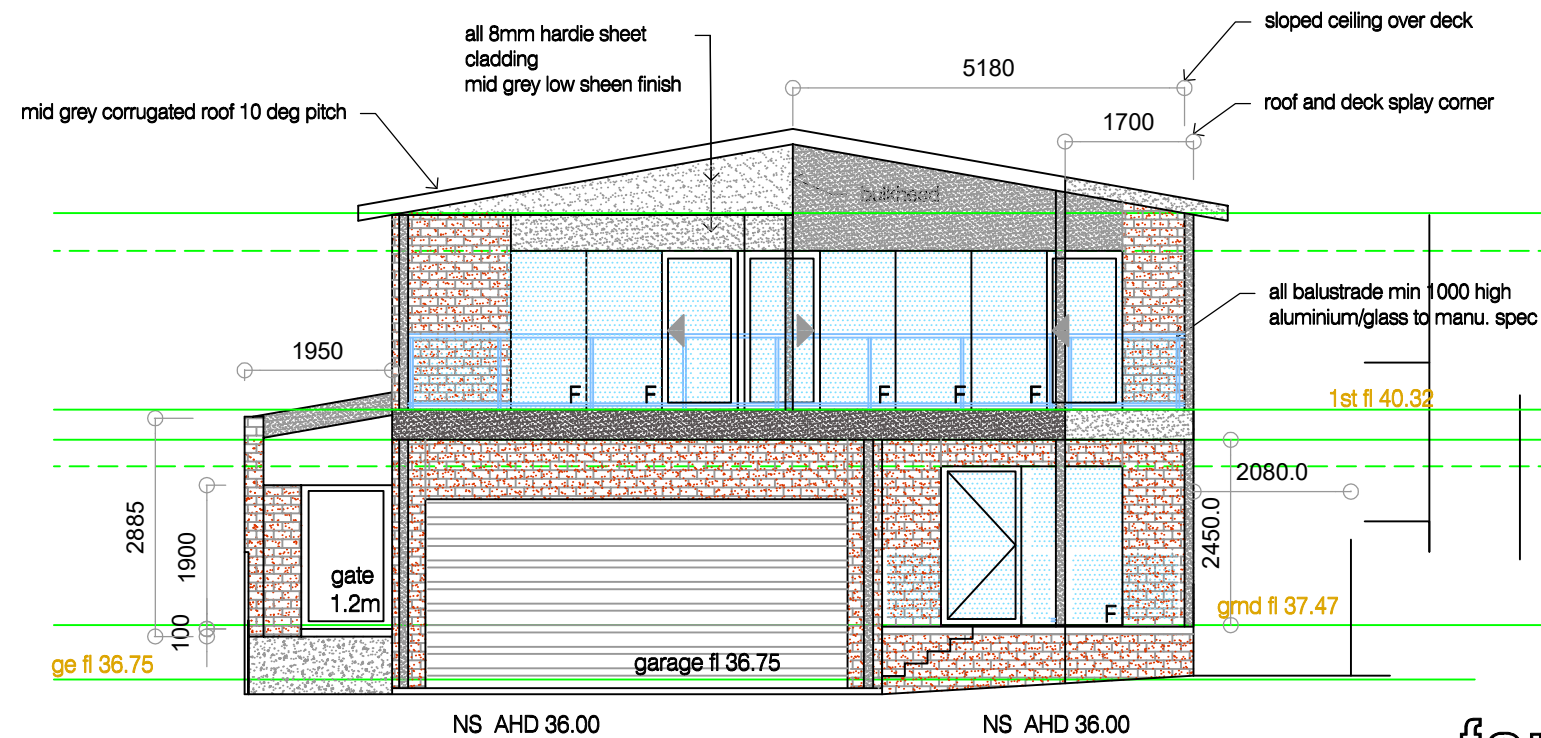


south elevation 1:100

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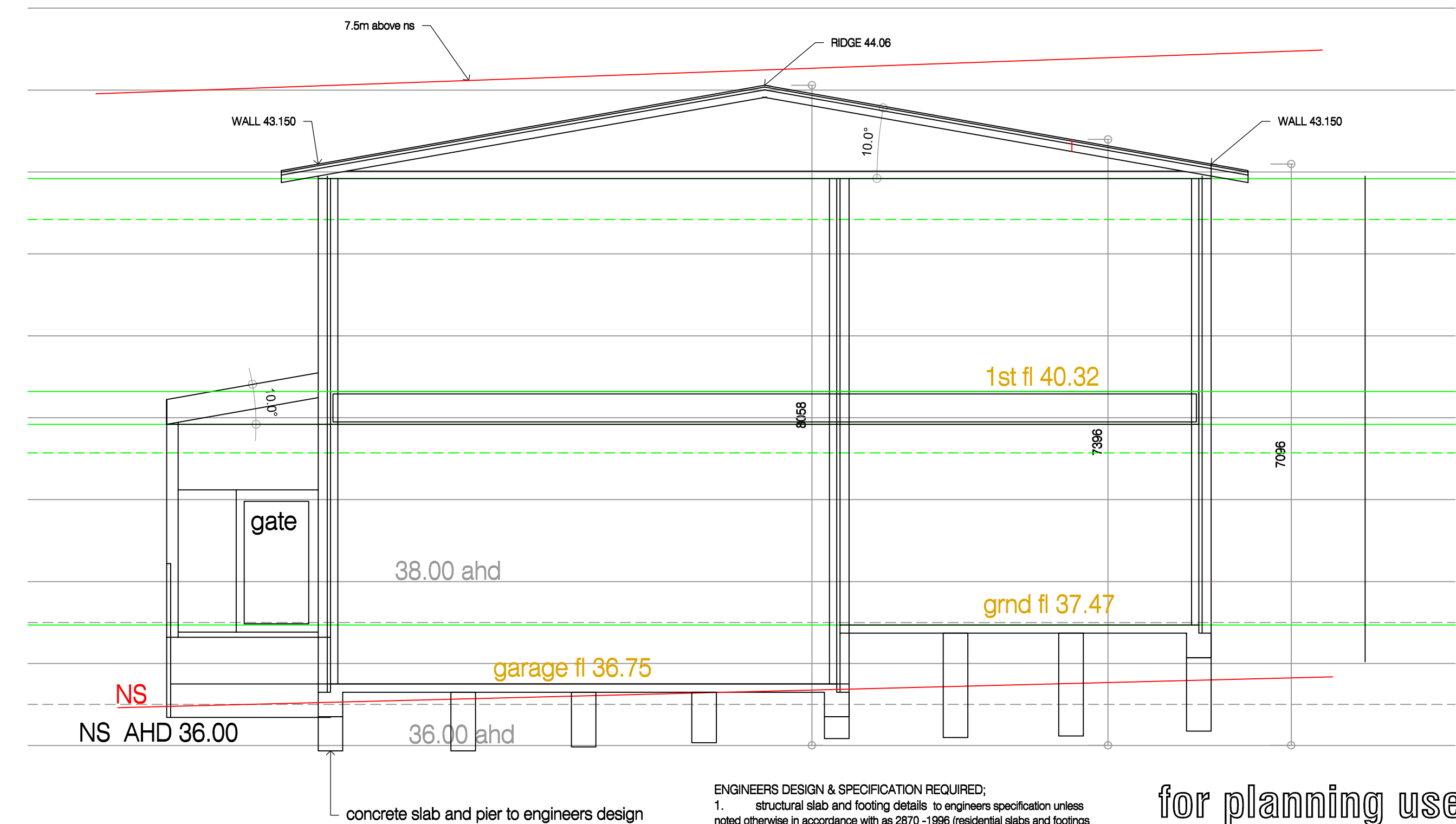


west elevation 1:100



east (front brady court) elevation 1:100

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DATE	SCALE	REF No	REV	
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	ORIG A3			



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proposed new residence
42 Mirrabooka rd (brady ct front)
MALLACOOTA

Lucy Wood
section BB

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Lucy Wood
site stormwater drainage
and building heights