Ruskin Park
Character Assessment
& Advice
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**Ruskin Park Character Assessment & Advice**
1. Introduction

Following the implementation of the Government’s response to the recommendations of the Managing Residential Development Advisory Committee through Amendment VC110, Claire Scott Planning was engaged by the Maroondah City Council to provide advice regarding the implications of VC110 for Amendment C107 pertaining to the residential area of Ruskin Park.

Study area

The residential area referred to as Ruskin Park is located within Croydon, and is bound by Hull Road, Ruskin Avenue, Mt Dandenong Road and the eastern boundary of the Maroondah municipal boundary.
2. Background

Current Planning Scheme provisions

The Ruskin Park area is currently zoned General Residential (GRZ1). The purpose of the zone includes encouraging development that respects neighbourhood character, and encouraging a diversity of housing types and housing growth.

Under the Maroondah Planning Scheme, a permit is required to construct or extend a single dwelling in the GRZ only if the lot size is less than 300 square metres. However, a planning permit is required to construct two or more dwellings on a lot.

A number of standards to Clauses 54 and 55 can be varied through a schedule to the GRZ. In Maroondah, only the standards relating to side boundary setbacks and front fence heights have been varied in the schedule.

The mandatory building height limit in the GRZ is 11 metres, and a building must not contain more than 3 storeys. The maximum building height requirement can also be varied through the schedule to the zone.

The Significant Landscape Overlay (SLO4 Landscape Canopy Protection) applies to Ruskin Park. The purpose of this overlay is to conserve vegetation, encourage re-generation of vegetation, and to maintain the canopy tree cover that contributes to the special character of the area.

A permit is required for vegetation removal under SLO4 (a list of exemptions is included in the schedule), but not for the development of buildings and works. Effectively, SLO4 provides a permit trigger for the removal of significant trees, and includes a set of decision guidelines relating to vegetation and canopy tree coverage, which is integral to the character of Ruskin Park.

Local Policy 22.02 Residential Neighbourhood Character applies to the Ruskin Park area. The local policy is underpinned by the Maroondah Neighbourhood Character Study, which was prepared in 2004.

The policy supports the objectives in the MSS relating to the enhancement of the preferred neighbourhood character of Maroondah. It includes a series of compatible objectives, and specific policy statements (some with dimensions) relating to environmental considerations, the number of dwellings, cross over widths and other street integration requirements, landscaping, front fences and site services.

Detailed preferred neighbourhood character objectives are also provided for each of the 23 neighbourhood character areas across Maroondah. Ruskin Park is located within neighbourhood area 12, and the objectives for achieving the preferred future character within the neighbourhood area are:

- ensuring the development of complementary dwelling styles, derived from the horizontal form of existing housing stock in the older areas of the neighbourhood;
- encouraging the use of compatible materials, particularly in exclusively weatherboard areas;
- maintaining the current setback patterns, allowing space between buildings for gardens;
- ensuring the front setbacks are not dominated by car parking structures;
- ensuring the retention of existing vegetation, particularly canopy trees; and,
- encouraging low and open front fences where this predominates.

The Maroondah Neighbourhood Character Study is listed as a policy reference, and also includes ‘neighbourhood character brochures’ for each of the neighbourhood areas, including a preferred neighbourhood character statement and design guidelines.
2. Background continued.

Community concerns

This and previous neighbourhood character work undertaken in Ruskin Park is a direct response by the Council to the concerns of the local residents regarding the type of infill development occurring in the area. Local residents’ concerns (determined from secondary sources, including media, Council reports etc.) include:

- the clearing of sites for new development resulting in the loss of vegetation, particularly canopy trees;
- the loss of older dwellings set in spacious gardens;
- ‘gun barrel’ driveways, and the visual impact of hard surfacing at the front and side of sites;
- the development of sites for more than two dwellings, and the resultant loss of openness and vegetation; and,
- the loss of the ‘non urban’, low scale, spacious, vegetation covered character that Croydon (and Ruskin Park) has always been known for.

The Places We Live – Maroondah Housing Strategy

The Maroondah Housing Strategy was adopted by Council on 27 June 2016, and therefore reflects current aspirations and Council policy regarding the provision of housing across the municipality.

The strategy contains the following vision for housing in Maroondah:

In 2040, Maroondah will have high quality housing environments in appropriate locations that meet the community’s diverse and changing needs. There will be a wider range of living options and housing will increasingly be revitalised in affordable, sustainable and well-designed ways. Maribyrnong’s activity centres will be more accessible and provide a broader range of services that meet community needs. In partnership with the community, Council will continue to plan for housing growth strategically backed by a strong evidence base.

And of direct relevance to this assessment is the following priority action 5.2C:

Prepare a planning scheme amendment for the rezoning of residential land in the Ruskin Park and Wonja Road precincts from GRZ to NRZ.
2. Background continued.

Amendment C107 (on hold)

In response to community concerns and the aforementioned priority action, Council prepared Amendment C107. The amendment sought to rezone the Ruskin Park area from the GRZ to the NRZ, and apply Schedule 3 (already in place in the Maroondah Planning Scheme), with the new heading ‘Canopy Protection Cover’.

The amendment was exhibited in November/December 2016, with a total of 31 submissions received (including one supportive petition with 473 signatories). It was recommended that the submissions be referred to a Panel, but the process was subsequently halted pending the outcome of the Managing Residential Development Advisory Committee process, and Amendment VC110.

Amendment VC110

Amendment VC110 was published in the Government Gazette on 27 March 2017. The amendment implemented the Government’s response to the recommendations of the Managing Residential Development Advisory Committee.

Amendment VC110 made a number of changes to the residential zones, with the intention of improving housing capacity and choice, while protecting the openness and neighbourhood character of established residential areas across Victoria.

Key changes to the residential zones that are of direct relevance to Ruskin Park, were:

- revising the purposes of the NRZ and the GRZ;
- specifying that a schedule to the NRZ must contain neighbourhood, heritage, environment, or landscape character objectives;
- specifying that a schedule to the GRZ may contain neighbourhood character objectives;
- removing the ‘number of dwellings on a lot’ requirement in the NRZ;
- inserting a new ‘minimum garden area’ requirement in the NRZ and the GRZ e.g. on a lot size greater than 650 square metres, 35% of the lot must be set aside as a garden area (the same % requirements apply to both zones); and,
- introducing revised default mandatory maximum building heights in the NRZ (increased to 9 metres & two storeys) and GRZ (increased to 11 metres & three storeys).

The ability to trigger a permit relating to lot size, vary the maximum building height and vary the requirements of Clause 54 and 55 through a schedule to the zone, were retained in both the NRZ and the GRZ.

In removing the ‘number of dwellings on a lot’ clause in the NRZ, Amendment VC110 results in the two zones having very similar provisions. The key points of difference are in the purposes of the zones, and building height (which can still be varied through a schedule, but cannot be lower than the height and number of storeys specified in the zone).

A comparison of the NRZ and the GRZ is further explored in Chapter 4 of this report.
2. Background continued.

Recent VCAT decisions

Two recent VCAT decisions were reviewed for their critique of the character of Ruskin Park, and the strength or otherwise of the current Maroondah Planning Scheme provisions in place to protect and manage it.

21 View Street, Croydon (VCAT P2274/2016)

In this case, the decision of the Council was set aside, and the construction of three dwellings and vegetation removal was granted a permit.

Key points to note include:

- The Council’s grounds of refusal related primarily to neighbourhood character, including built form and landscape character considerations.
- Amendment C107 (on hold at the time of the hearing) was given limited weight.
- This was due to the fact that the NRZ no longer has a mandatory limit of two dwellings per lot, and that the proposed development was well below the 9 metres maximum building height allowed (under the NRZ, let alone the GRZ).
- It was noted by the Tribunal Member that the exhibited version of the Schedule 3 to the proposed NRZ included exactly the same local variations to the standards currently applicable to Schedule 1 of the GRZ.
- Furthermore, the exhibited Schedule 3 did not include any additional local variations over and above what is currently included in Schedule 1 to the GRZ. That is, no local variations in relation to setbacks, site coverage, permeability, landscaping etc.
- Tribunal decisions relating to the development of 17-19 View Street were referred to, and it was acknowledged that "the strong presence of canopy trees, and the overall green, leafy look and feel of this neighbourhood" defines the local character and is important to be respected in any proposed development.
- Through requiring the modification of side boundary setbacks and decreasing the size of a proposed garage, it was considered that this would result in further opportunities for landscaping and decrease the amount of hard surfacing in the front garden area.

An important point to note from this decision is that following VC110, the rezoning of Ruskin Park to NRZ without any additional schedule changes, results in the virtually the same requirements being applicable as are included in the GRZ (with the exception of the default mandatory maximum building height).

54 Pascoe Avenue, Croydon (VCAT P2409/2016)

In this case, the decision of the Council was upheld to refuse to grant a permit for the construction of four dwellings and vegetation removal.

Key points in this decision are:

- It was considered that the height and scale of the proposed dwellings was not excessive, but that their reduced front and side setbacks did not respect existing neighbourhood character, particularly in relation to the retention and planting of vegetation.
- The tribunal member agreed with the Council that the proposed development did not provide an adequate space for landscaping, and that "some of the trees proposed simply do not have enough room to prosper."2
- It was noted that the removal of canopy trees from the site had already had a detrimental impact on neighbourhood character, and that "recent development in the vicinity has usually resulted in a loss of vegetation cover, and the extent of built form visually more dominant than landscaping."3
- The ability of the proposal to protect retained trees on site and adjacent properties, and to provide a landscaping solution that meets the objectives of the SLO4 was not accepted.
- Furthermore, "the preferred siting of buildings took precedence over retention of trees instead of the other way around."4

It is worth noting that the requirements of SLO4 were the main reason why a permit was not granted for the proposed development. Particular emphasis was placed on the need for permeable space between dwellings and property boundaries, and an adequate volume of soil to retain and replace canopy trees, and have them thrive.

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1 Victorian Civil and Administrative Tribunal, Planning and Environment List, Hassan Kobaessi v Maroondah City Council, VCAT Reference No. P2274/2016, p. 5
2 Ibid. p. 10
3 Ibid. p. 11
3. Ruskin Park Character Assessment

What is neighbourhood character?

Neighbourhood character is shaped by the way buildings, vegetation and topography, both in public and private areas, relate to each other. It is the way these distinctive components of an area’s character combine to produce a particular visual ‘sense of place’ that makes one neighbourhood different from another. Some elements may be more important than others in creating this special character.

Within Ruskin Park, the following character elements were surveyed and considered in order define the existing neighbourhood character of the area:

- Context/location/topography
- Landscape character/vegetation
- Street/block alignment
- Street characteristics/street trees
- Front and side setbacks/front gardens/front fences
- Architectural style(s)/building materials
- Building height and form/roof form
- Other notable neighbourhood features

Neighbourhood character description

Ruskin Park is located within an undulating landscape, and is characterised by the widespread presence of vegetation, particularly large canopy trees (both native and exotic), and a sense of proximity to the Dandenongs. Views to the Ranges are available from the higher points in the neighbourhood.

The subdivision pattern is a modified grid, with some through streets, as well as cul de sacs. Lot sizes are large and unencumbered, ranging from approximately 700 square metres to 1,200 square metres. This partly accounts for the occurrence of infill and other residential redevelopment, with many examples of four to five units being constructed on single sites, and 8 or more units on larger or amalgamated sites.

The streets throughout Ruskin Park have a spacious and informal feel due to the wide grassy nature strips, and a mixture of front boundary treatments, including low and open fencing, or no fencing. Large, established street trees of mixed species are prevalent, and front gardens are generally grassy and/or well vegetated.

The area contains a mix of dwelling styles, including many simple Post War timber houses, brick veneer homes from later periods, and contemporary infill development. There are also a limited number of Pre War and bungalow style timber dwellings. Historically, houses have had generous front, side and rear boundary setbacks, allowing ample space for gardens and large trees. More recent development has tended to be constructed closer to the property boundaries, with side driveways often providing access to rear units.

Older dwellings in the precinct tend to be single storey, but there are now many examples of two storey homes. The majority of houses have tiled, low-pitched roofs. Overall, built form is low scale and sits well below the established tree canopy height, which provides a textured, green backdrop to the rooftops and dominates skyline views. Throughout Ruskin Park there is a balance between vegetation and built form, and in some areas, vegetation remains the most visually dominant feature of the landscape.
3. Ruskin Park Character Assessment continued.

Character conclusions

The key element that defines the highly valued character of Ruskin Park is the vegetation cover and particularly the existence of large canopy trees.

The prevalence of vegetation is important both as a ratio to built form (this relates to site coverage) and as the dominant element in elevation, when viewed from the street (this relates to building height).

It is important that vegetation and canopy trees remain the visually dominant feature of the landscape, or that there is at least a balance between built form and vegetation.

The ability to retain and require canopy trees relates to the space available to plant and sustain them, which in turn relates to the ratio of building footprint (and hard surfacing) to permeable site. The key planning elements that influence this are site coverage, building setbacks, permeability and landscaping requirements, all of which are standards that can be varied through a schedule to the NRZ or the GRZ.

The visual dominance of vegetation and canopy trees also relates to the height of buildings. That is, throughout Ruskin Park it is not only important that buildings are surrounded by vegetation, but that built form sits below the established tree canopy height. This maintains a skyline dominated by leafy, green treetops as opposed to roof tops, and strengthens the visual links to the nearby Dandenong Ranges. The default maximum mandatory building height is one of the few differences between the NRZ and the GRZ.
4. Options & recommendations

Introduction

The Victoria Planning Provisions (VPPs) provides a suite of tools ranging from broad strategic objectives to detailed, non-discretionary measures for the protection and management of neighbourhood character. One of the key issues facing a local Council is selecting the right provisions to give effect to its desired neighbourhood character outcomes.

The determination of existing positive neighbourhood character traits, along with an analysis of the threats to that character, and consideration of what the community values most about their local area, should all be deliberated before arriving at a decision.

As outlined, due to the changes to the residential zones that were implemented through VC110, the differences between the provisions of the NRZ and the GRZ are now minimal. Further, it is possible to vary the same zone provisions for both, through a schedule.

The key objective of Amendment C107 in applying the NRZ to Ruskin Park was to limit the development of sites to a maximum of two dwellings. This is no longer possible, and with no other schedule changes proposed as part of C107 (other than those already existing in NRZ3 relating to side and rear setbacks and open space), this makes the rezoning of the area to NRZ, without schedule changes, virtually purposeless.

NRZ or GRZ?

In order to make effective changes to the Maroondah Planning Scheme and be proactive about the character of Ruskin Park, changes are required to the provisions that affect vegetation coverage and dominance (or balance).

The changes relating to the space provided for vegetation can be made through a schedule to either the NRZ or the GRZ (by varying the requirements of Clause 54 and 55) and are recommended as follows:

- Decreasing the site coverage requirement from 60% to 50%, thus increasing the space available for the planting of vegetation, including canopy trees.
- Increasing the permeability requirement from 20% to 30% for the same reasons.
- Including a landscaping requirement that canopy trees be planted where more than one dwelling is proposed, and linking this requirement to site width and available permeable soil area e.g. Provision of a minimum of one canopy tree per 175 square metres of the site area, that will reach a minimum mature height that equals the height of the proposed development, including:

  ✓ a minimum of one canopy tree within each area of secluded private open space; and
  ✓ a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway).
  ✓ Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres. Up to 50% of the permeable surface may be shared with another tree.

Existing Maroondah changes to residential provisions relating to side and rear setbacks, and private open space are also considered to be appropriate, particularly when combined with the new zone provisions relating to the requirement for a minimum garden area. For properties over 650 square metres, the requirement is that 35% of the lot is set aside for this purpose.

It should be noted that similar (or the same) residential zoning provisions were recently discussed and supported in the Panel report for Monash Amendment C125. And as described, these changes can be made to either the GRZ or the NRZ, through a schedule.

In deciding which residential zone is the most appropriate to implement these changes, the other key element – building height relative to tree canopy height – is the determining factor. The default mandatory maximum building height under the GRZ is 11 metres and 3 storeys, as opposed to the NRZ, which is 9 metres and 2 storeys.

In wanting to maintain the dominance of tree canopy height over building height, and in response to the existing low scale built form that characterises the area, the most appropriate maximum building height is considered to be 9 metres, as opposed to 11 metres.

Furthermore, the purposes of the NRZ are more appropriate to Ruskin Park, and the decision to apply this zone would close off priority action 5.2C of the housing strategy, validate the community’s concerns, and uphold their expectations. The additional schedule changes would also further support the existing SLO4.

Council could proceed with these changes to the Maroondah Planning Scheme by continuing with the amendment to rezone Ruskin Park to NRZ, but would need to apply a new schedule to the zone (NRZ5) to change the zone requirements. If Council wished to apply the same requirements to other areas of the municipality where tree canopy cover is the defining feature e.g. through NRZ3, that course of action is recommended only after a full review of the Neighbourhood Character Study, so that appropriate justification could be provided.
4. Options and recommendations continued.

What about the NCO?

The Neighbourhood Character Overlay (NCO) is most appropriately used where an area, relative to the rest of the municipality, requires a specific approach to neighbourhood character, and can only be applied following a rigorous character study and community consultation. The NCO is most often used in areas where the built form character is consistent and highly valued, but a Heritage Overlay cannot be justified, or is not appropriate. A schedule to the NCO must contain a statement of the key features of the neighbourhood character, and the neighbourhood character objectives to be achieved.

The NCO is not considered the appropriate tool to protect the character of Ruskin Park, which relates less to built form, and more to vegetation and canopy tree cover, and the balance between buildings and greenery. These characteristics can be protected and managed through the new residential zones and schedules. Furthermore, a schedule to the NRZ must now contain the neighbourhood and landscape character objectives to be achieved for the area, which provided further guidance for decision-making.

Conclusion

It is considered that the rezoning of Ruskin Park to the Neighbourhood Residential Zone is the most appropriate course of action, together with changes to the provisions through inclusions in the schedule relating to site coverage, permeability and landscaping. The existing Maroondah provisions relating to side and rear setbacks, and open space should also be retained.

As well as these specific protection and management actions for Ruskin Park, Council should review its Neighbourhood Character Study and all other residential provisions in the Maroondah Planning Scheme, including the MSS and Local Policy.

Next steps

Council may choose to proceed in one of the following ways:

1. Continue with Amendment C107 in its current form. However, this action is now virtually purposeless due to the deletion of the two dwelling maximum from the NRZ.

2. Continue with Amendment C107 but incorporate the NRZ schedule changes as recommended in this report. In pursuing this action, DELWP and Planning Panels may advise that it is a different amendment and may require re-exhibition and further strategic justification work.

3. Abandon C107 and restart the process with a new amendment. This action would require further strategic justification work and the preparation of new amendment documentation, both resulting in time and cost implications for Council.

4. Abandon C107 and include a particular focus on the Ruskin Park area as part of the upcoming Neighbourhood Character Study review. Further strategic justification could be undertaken as part of the NCS review, and while this option would take longer, it would result in cost savings for Council.
5. List of photos

Cover
Typically landscaped front garden, Timms Avenue
p. 4

Mix of species in vegetated streetscape, Timms Avenue
p. 5

Top: Native canopy tree, Alamein Avenue
Bottom: View to the Dandenongs over treetops, Alamein Avenue
p. 6

Leafy, green tree canopy dominating skyline views, Alamein Avenue
p. 8

Heavily vegetated front boundary treatment, Timms Avenue
p. 9

Top: Established canopy trees, Ray Street
Bottom: Green, informal streetscape view, Pascoe Street
p. 11

Top: Older style timber dwelling, Alamein Avenue
Bottom: Acacia bloom, Forest Way
6. Consultant experience relevant to the project

Claire Scott is qualified in planning and design, and has a detailed working knowledge of both fields. She has approximately twenty years experience in strategic and statutory planning, both in local government and consulting, and in her former role as Director at Planisphere, was responsible for the delivery of major landscape assessment studies (including the determination of best practice methodology), and neighbourhood character studies across urban, rural and coastal Victoria.

In addition to neighbourhood character and landscape assessment, Claire’s experience spans many areas of planning and urban design. This includes the preparation of urban design frameworks, structure plans, and built form guidelines, and the implementation of such studies through the formulation of planning scheme policy and controls, and amendment documentation.

She has also worked on numerous other projects covering the fields of Aboriginal and post-contact heritage, viewshed analysis, and open space planning, in both urban and rural environments.

Claire is currently a member of the Victorian Heritage Council Landscape Advisory Committee, and is also the former Chair of the Melbourne University Master of Urban Design Advisory Board.

Awards

Award winning planning projects that Claire has led and/or authored, include:

National AILA Award for Planning in Landscape Architecture – South West Victoria Landscape Assessment Study
2013 | Australian Institute of Landscape Architects (Victoria)

State PIA Award for Planning Excellence (Best Planning Ideas Large Project) – South West Victoria Landscape Assessment Study
2013 | Planning Institute of Australia (Victoria)

National PIA Award for Planning Excellence (Rural and Regional Planning Achievement) – Victorian Coastal Spaces Landscape Assessment Study
2006 | Planning Institute of Australia

State PIA Commendation for Planning Excellence (Rural and Regional Planning Achievement) – Victorian Coastal Spaces Landscape Assessment Study
2006 | Planning Institute of Australia (Victoria)

State PIA Award for Planning Excellence (Urban Design Plans & Ideas) - Barwon Heads Urban Design Framework
2003 | Planning Institute of Australia (Victoria)

State Award for Planning Excellence (Academic Excellence Student Award) - Masters Thesis 'Towards a New Planning'
1997 | Planning Institute of Australia (Tasmania)