1.7  **27 FERNTREE GULLY ROAD, OAKLEIGH**  
**CONSTRUCTION OF TWO (2) THREE STOREY DWELLINGS ABOVE A BASEMENT CARPARK**  
(TPA/44978)

**EXECUTIVE SUMMARY:**

This application proposes to construct two (2) x three storey dwellings above a shared basement car park.

The application was subject to public notification. Five objections to the proposal have been received.

Key issues to be considered relate to building scale and bulk, overlooking, and the amenity of neighbouring residential dwellings.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 55 and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of $1.95 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

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<tr>
<th>RESPONSIBLE DIRECTOR:</th>
<th>Peter Panagakos</th>
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<tr>
<td>RESPONSIBLE MANAGER:</td>
<td>Angela Hughes</td>
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<td>RESPONSIBLE PLANNER:</td>
<td>Sue Monagle</td>
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<td>WARD:</td>
<td>Oakleigh</td>
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<td>PROPERTY ADDRESS:</td>
<td>27 Ferntree Gully Road, Oakleigh</td>
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<td>PRE-APPLICATION MEETING:</td>
<td>Yes</td>
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<td>NUMBER OF OBJECTIONS:</td>
<td>Five (5)</td>
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<td>ZONING:</td>
<td>General Residential 2 Zone (GRZ2)</td>
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<td>EXISTING LAND USE:</td>
<td>Single storey dwelling</td>
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<td>OVERLAY:</td>
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<td>RELEVANT CLAUSES:</td>
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<td>State Planning Policy Framework</td>
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<td>Clause 11 (Settlement)</td>
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<td>Clause 21.04 (Residential)</td>
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<td>Melbourne) Clause 15 (Built Environment &amp; Heritage) Clause 16 (Housing) Clause 16.01-2 (Location of Residential Development) Clause 16.01-4 (Housing Diversity)</td>
<td>Development) Clause 22.01 (Residential Development and Character Policy) Clause 22.04 (Storm Water Management Policy) Clause 22.05 (Tree Conservation Policy) Particular Provisions Clause 52.06 (Car Parking) Clause 55 (Two or more dwellings on a lot and residential buildings) General Provisions Clause 65 (Decision Guidelines)</td>
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<td><strong>STATUTORY PROCESSING DATE:</strong> 21 December 2015</td>
<td><strong>DEVELOPMENT COST:</strong> $1.95 million</td>
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**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/44978)** for the construction of two (2) three storey dwellings above a basement carpark, at 27 Ferntree Gully Road, Oakleigh subject to the following conditions:

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans but further modified to show:
   a) Deletion of the third level (library, sitting room and terrace) from both dwellings.
   b) Deletion of the paved area in the front setback to dwelling 2 (adjacent to lounge) and its replacement with soft landscaping.
   c) Deletion of fire pit from rear yard of dwelling 2.
   d) The section of footpath surrounding the new crossover in Devon Grove modified to abut the eastern title boundary of the lot, along the width of the vehicle crossing. The section of footpath south of the crossover is to taper towards the title boundary to align with the new section of footpath within the crossing and the nature strip is to be reinstated to the satisfaction of Council. The existing retaining wall is to be modified accordingly, gradually reducing in height to ground level adjacent to the new crossover. All works at to be done at full cost to the developer and to the satisfaction of Council’s Engineering Department.
   e) Proposed front fencing to dwelling 2 reduced to a maximum height of 1.5 metres.
   f) Proposed front fencing to dwelling 1 (adjacent to lounge) reduced in height of 1.5 metres.
   g) Proposed design of common boundary fencing along the western boundary. Plans must be scaled and show the height of the fencing in relation to the existing ground level of number 25 Ferntree Gully Road. The proposed design/height of the fencing must be done in consultation with the owners of 25 Ferntree Gully Road and must be to the satisfaction of Council. All necessary steps must be taken to avoid high wall heights, especially adjacent to the front setback area of 25 Ferntree Gully Road.
   h) Increased opportunity for meaningful planting (screen planting along the northern and western boundaries of the lot).
   i) A full schedule of materials, external finishes and colours (including samples of colour palette).
   j) Provision of a corner splay or area at least 50% clear of visual...
obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

k) Minimum turning clearance of 5.6 m diameter for the proposed turntable within the basement. Detailed turntable specifications are to be submitted and be to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Landscaping

5. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:

- Screen planting around the perimeter of the site in accordance with the requirements of condition 1 of the permit.
- the location of all existing trees and other vegetation to be retained on site;
- planting to soften the appearance of hard surface areas such as driveways and other paved areas;
- a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material;
- the location and details of all fencing;
- the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;
- details of all proposed hard surface materials including pathways, patio or decked areas.

When approved the plan will be endorsed and will then form part of the permit.
6. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

7. The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:
   - Monday to Friday (inclusive) – 7:00am to 6pm;
   - Saturday – 9am to 1pm;
   - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);

unless otherwise approved in writing by the Responsible Authority.

No construction works are permitted on public holidays.

Vehicle access and car parking

8. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
   a) constructed to the satisfaction of the Responsible Authority;
   b) properly formed to such levels that they can be used in accordance with the plans;
   c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
   d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
   e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
   f) Parking areas and access lanes must be kept available for these purposes at all times.
   g) All on site visitor car spaces are to be clearly marked as ‘visitor spaces’

9. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of the Responsible Authority.

10. The layout of the development shall follow the design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
    - Driveway to be at least 3 metres wide.
    - Driveway to provide at least 2.1 m headroom beneath overhead
obstructions.
• Ramp grades to be designed as follows:
  i. Maximum grade of 1 in 4.
  ii. Provision of minimum 2.0 metre grade transitions between
different sections of ramp or floor for changes in grade in
excess of 12.5% (summit grade change) or 15% (sag grade
change)

11. The turntable is required to cater for the following:
• A clear/usable platform width of at least 4.5 m
• Minimum turning clearance of 5.6 m diameter as required by
  condition 1.

12. The mechanical turntable is to be maintained in good working order and be
permanently available for the parking of vehicles in accordance with its
purpose to the satisfaction of Council.

Engineering

13. Stormwater discharge is to be detained on-site to the predevelopment
level of peak stormwater discharge. Approval of any detention system is
required from Council prior to works commencing. Please refer to the notes
section of this permit for additional details

14. All on-site stormwater is to be collected from hard surface areas and must
not be allowed to flow uncontrolled into adjoining properties. The on site
drainage system must prevent discharge from the driveway onto the
footpath. Such a system may include either:
  a) a trench grate (150 mm minimum internal width) located within the
     property; and/or
  b) shaping the driveway so that water is collected in a grated pit on the
     property; and/or
  c) another Council approved equivalent.

Time Limit

15. This permit will expire in accordance with section 68 of the Planning and
Environment Act 1987, if one of the following circumstances applies:
• The development is not started before 2 years from the date of issue.
• The development is not completed before 4 years from the date of
issue.

In accordance with section 69 of the Planning and Environment Act 1987,
the responsible authority may extend the periods referred to if a request is
made in writing before the permit expires, or within six months of the
permit expiry date, where the development allowed by the permit has not
yet started; or within 12 months of the permit expiry date, where the
NOTES

1. A drainage contribution will **not be** accepted in lieu of a detention system. Detention system requirements for above property are as follows:
   - Minimum storage = 6.9 cubic metres
   - Maximum discharge rate = 8.7 litres per second
   - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.

2. Three printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

3. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council’s Engineering Department.

4. The nominated point of stormwater connection for the site is to the south east corner of the property where the entire site’s stormwater drainage must be collected and free drained via a pipe to the 225 mm Council drain along Ferntree Gully Road via a 900 mm x 600 mm junction pit to be constructed to Council standards. Note:- if the point of discharge cannot be located then notify Council’s Engineering Division immediately.

5. Any new drainage work within the road reserve requires the approval of the Council’s Engineering Division prior to the works commencing. A refundable security deposit of $1000.00 is to be paid prior to the drainage works commencing.

6. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518 3555).

7. Building approval must be obtained prior to the commencement of the above approved works.

8. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

9. The proposed crossing is to be constructed in accordance with the City of Monash standards to the satisfaction of the Responsible Authority. The development has lawfully started before the permit expires.
new crossing must be a minimum of 3.0 metres in width.

BACKGROUND:

History
No planning permits apply to the site.

The Site and Surrounds
The subject site is located at the north-west corner of Ferntree Gully Road and Devon Grove in Oakleigh. The land is rectangular in shape with a frontage width to Ferntree Gully Road of 20.12 metres, a depth of 45.72 metres and a total site area of 988.2 square metres. No easements encumber the lot. The lot sits high above footpath level with a 1 metre high stone retaining wall extending across the Ferntree Gully Road frontage and along part of the Devon Grove sideage to the site. The central and rear section of the lot plateaus to some degree.

The site is developed with a modest single storey brick dwelling capped with a hipped tiled roof. The site is in a state of disrepair and does not contribute to the streetscape or neighbourhood in its current state. The front setback to Ferntree Gully Road is unfenced and terraced with retaining walls. High paling fencing extends along the Devon Street frontage of the site. A single vehicle crossover from Devon Grove provides vehicle access to the rear yard of the lot.

The site is part of a typical residential neighbourhood characterised by standard housing lots generally around 750 square metres in area, and containing double fronted detached dwellings circa 1950’s/60’s. Although many of the original homes still exist, larger replacement homes and medium density housing developments are emerging throughout the broader area. Front gardens are generally visible from the street and housing lots are provided with on site car parking provision.

The site is located within walking distance of the Oakleigh Activity Centre and has good access to public transport, schools, shopping and community facilities.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:
The proposal is to develop the site with two three storey dwellings above a shared basement car park. Features of the proposal are as follows.

- Both dwellings will front Devon Grove and share a basement car park. Entry to the basement area is also via Devon Grove via a 3.6 metre wide access ramp which extends between the two dwellings. A mechanical turntable at the base of the ramp allows vehicles to manoeuvre on site to allow for ease of entry and exit. Each dwelling is provided with two
oversized car spaces within the basement. A store, cellar, home gym and bathroom is also provided for each dwelling. Separate lift and stair access is available from basement level to each of the dwellings.

- Both dwellings share a similar style and layout. Ground floor levels comprise large open plan living, formal lounge and dining area, study and bathroom and laundry amenities. The first floor level comprises four bedrooms, each with ensuite facilities. A smaller second floor level is proposed and accommodates a library/sitting room and outdoor terrace.

- Both dwellings are large in size with each being approximately 730 square metres in floor area (including basement level). Each dwelling is provided with an outdoor lap pool and paved entertaining area within their secluded private open space provision. Dwelling 1 is provided with a total of 280 square metres of private open space including a secluded area of 233 square metres of located within the setback to Ferntree Gully Road and wrapping around to the western side of the dwelling. Dwelling 2 is provided with a total of 159 square metres of open space including 119 square metres of secluded private open space. Each dwelling is also provided with a 12 square metre outdoor terrace at second floor level (library).

- Both buildings share a modern facade characterised by symmetrical lines, rendered finishes, generous glazing and vertical tiled feature walls/sections. Both dwellings are capped with a flat, parapet style roof.

- Both dwellings are setback from Devon Grove a minimum of 3 metres at ground floor level, with upper floor facades stepping back progressively.

- No boundary wall construction is proposed.

- Proposed site coverage is 52%, and 23% of the site will remain permeable.

Attachment 1 details plans forming part of the application.

**PERMIT TRIGGERS:**

**Zoning**
The land is zoned General Residential 2 (GRZ2) under the provisions of the Monash Planning Scheme.

Pursuant to the requirements of Clause 32.08-4 a permit is required to construct two or more dwellings on a lot and a development must meet the requirements of Clause 55 (Rescode).

**Particular Provisions**
Clause 52.06: Car Parking
Prior to a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land. On site car parking provision satisfies the requirements of the planning scheme.
Clause 55: Two or more dwellings on a lot (Rescode)

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Public Notice
The application was advertised in accordance with section 52 of the Planning and Environment Act 1987 by way of notices being sent to the surrounding property owners/occupiers, and signs displayed on both the Ferntree Gully Road and Devon Grove frontages to the site.

Five objections have been received to the application. The grounds of objection are as follows;

- Obstruction of views towards city
- Increased traffic and parking generation and safety issues
- Loss of privacy/overlooking
- Impact of screening
- Excessive scale and mass
- Height of fencing required along the side (western) boundary to privatise open space of dwelling 1 will be excessive in height.

These matters have all been considered as part of the following assessment.

Attachment 4 details the location of objector properties.

Referrals

Traffic Engineers
The application was referred to Council’s Traffic Engineers who have no objection to the proposal on traffic grounds. Their comments have been considered in the assessment of the proposal.

Drainage Engineers
The application was referred to Council’s Drainage Engineers who have no concerns to the proposal provided conditions are placed on any permit issued.

DISCUSSION:

Consistency with State and Local Planning Policies
The raft of State Planning Policy relevant to the current proposal all promote the:

- provision of a diversity of housing types that meets community needs (Clause 16.01-4);
- encouragement of housing types at higher densities in and around activity centres (Clause 11.01-2);
location of new housing in or close to activity centres, employment corridors and areas that offer good access to services and transport (Clause 16.01-2 and clause 11.04-2);

provision of housing that recognises and protects neighbourhood character and achieves architectural and urban design outcomes that contribute positively to local urban character (Clause 15).

The Local Planning Policy Framework seeks to expand on these broader state objectives and in doing so, identifies the ‘Garden City Character’ as a core value held by the community and Council. Garden City Character policy objectives are significant and important considerations in all land use and development decisions throughout the municipality.

Clause 21.04 (Residential Development Policy) seeks to balance residential development within the city by providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

Clause 22.01 (Residential Development and Character Policy)

In accordance with Clause 22.01 of the Monash Planning Scheme, the subject site is located within the Residential Character Type ‘C’ area under the Monash Urban Character Study.

In accordance with Clause 22.01, the subject site is located within the Residential Character Type ‘C’ area under the Monash Urban Character Study. Elements that contribute to this character include;

“Undulating topography, distorted grid subdivision pattern with diagonal distortion, variety of architectural styles including two storey houses especially in northern neighbourhoods, consistent building setback, infrequent but prominent conifer windrows, well-planted front gardens with large trees and shrubs within lots, low fences, walls or open soft frontage, street trees varying in spacing, species and quality, linear open space links, 2 metre wide nature strips, 7.5 metre street and overhead services.”

The Desired Future Character Statement for the ‘C’ Character area seeks to protect and enhance;

- The pleasant leafy framework of well-planted front gardens and large canopy trees.
- Architecture which is secondary in visual significance to the landscape.
- Neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.
- Setbacks will be generous and consistent within individual streets.
- Varied building heights between neighbourhoods. In lower, less wooded areas, building will be mainly low rise unless existing vegetation or a graduation in height softens the scale contrasts between buildings.
- Trees within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character.
- Streets which have a majority of gardens currently lacking fences will continue to do so. Walls and fences in other streets will be low to allow plants in the front garden to be visible from the street. Colours and materials will be sympathetic to the architecture of the house.

The following provides an assessment of the development against the different character elements of the neighbourhood.

Council’s Tree Conservation Policy (Clause 22.05) also contains objectives designed to maintain, enhance and extend the Garden City Character throughout the municipality.

**Strategic Justification**

The proposal to develop the subject site for two dwellings has strategic support of both state and local planning policy. The site is located in an established residential neighbourhood with convenient access to existing urban infrastructure and public transport. The proposal to introduce one (net) additional dwelling to the neighbourhood is considered to represent ‘minimal change’ and is supported in the strategic sense.

The appropriateness of the design response is discussed in detail below.

**ASSESSMENT**

**Assessment under Clause 55 (Rescode)**

**Neighbourhood Context/Character and built form**

Clause 22.01 suggests that the character of Area C is defined by its well planted visible front gardens, and an eclectic mix of single and double storey homes of varying architectural styles. In this regard, the contemporary facade of the current proposal is considered appropriate for this particular neighbourhood, where a mix of architectural styles is emerging as original homes are redeveloped with larger replacement homes. In its current state, the subject site detracts from the streetscape and neighbourhood, with the existing dwelling and garden in a state of disrepair. Existing high paling fencing extending along the Devon Grove frontage to the site also detracts from the entrance to the street.

The current proposal provides the opportunity to revitalise the site, by activating the Devon Grove frontage to the site and creating two new visible residential frontages at its interface. Due to the sloping land form, the site sits high above the Ferntree Gully Road footpath and as such, dwelling 1 has been oriented towards Devon Grove so that the main entry porch/door is at footpath level. The southern setback to Ferntree Gully Road will be used as the main area of secluded open space for the dwelling, and will be terraced and landscaped in a
manner that enhances the streetscape whilst providing privacy for future residents.

**Street setback**
Dwelling 1 is setback 7.6 metres from Ferntree Gully Road and sits comfortably with the general rhythm of setbacks in the vicinity of the site. Both dwellings will be setback a minimum of 3 metres from Devon Grove, with upper floor levels stepped back to 4.4 and 5.095 metres. Proposed street setbacks satisfy relevant clause 55 requirements and will be further enhanced with the inclusion of a condition for increased planting in the front setback to Devon Grove.

**Building Scale and mass**
Both dwellings are three storeys in height, and this is not supported. Although smaller in footprint than the levels below, the third level library element of the proposal will be a dominant element of the dwellings rising to approximately 13.3 metres above the Ferntree Gully Road footpath level, and to over 10 metres above the Devon Grove footpath in parts. The third level will also dominate views from abutting residential properties to the west and north, and is considered excessive and is not supported.

It is noted also that the natural ground level of the adjoining lot to the west (25 Ferntree Gully Road) is approximately 750 mm - 1 metre lower than the subject lot and that the current application proposes an additional 900 mm of site fill along this boundary. This effectively means that, from the westerly perspective, the three storey scale will tower to 11-12 metres above the natural ground level of 25 Ferntree Gully Road, albeit stepped in setback. This is considered unreasonable and it is recommended that the third level of each dwelling be deleted from the proposal due to its excessive height when viewed from adjoining lots and from the adjoining streetscapes.

**Car parking, Traffic and Access**
Both dwellings are provided with two on site car spaces as required by clause 52.06 of the Scheme. Council’s Traffic Engineers have assessed the proposed car parking and access arrangements and have provided the following notable advice (among other things).

- The proposed vehicle crossing will affect the existing retaining wall and footpath. The footpath must be modified to abut the eastern title boundary of the lot, across the width of the new crossover and the section of footpath south of the crossover is to taper towards the eastern property boundary to align with the new section of footpath within the crossing and the nature strip is to be reinstated to the satisfaction of Council. The existing retaining wall is to be modified accordingly. The retaining wall should gradually reduce and end at ground level just south of the new vehicle crossing. All works are to be done at full cost to the permit holder to the satisfaction of Council’s Engineering Department.
• Mechanical turntable will need to be amended to show a minimum turning clearance of 5.6 metre diameter.

• The grades and the length of grades detailed in the basement plan achieve a basement floor level of 78.76 which does not correspond with the floor level detailed on the plan.

In terms of additional traffic generation, the proposal represents just one additional (net) dwelling to the neighbourhood and the additional traffic generation is negligible.

Amenity Impacts

Overlooking
The western and northern boundaries are the most sensitive in terms of overlooking. Even at ground floor level, high fencing will be required along the length of the western boundary fence line to prevent direct views into the adjacent back yard and eight windows located along the eastern facade of number 25 Ferntree Gully Road. The deletion of the third level library and outdoor terrace will mitigate issues of overlooking from the upper most level and a condition of permit will ensure that all where there is the potential for overlooking, windows will be screened to Council’s satisfaction.

Overshadowing
The project architect has provided shadow plans for 9 am, 12 midday and 3 pm as required by clause 55. Being located at the north west corner of the intersection, for most of the day, shadows will fall across the site itself or adjacent road reserves. The dwelling to the west will experience some overshadowing during the morning hours, however should be free of shadow by approximately 11 am. This is considered reasonable.

Private open space
Both dwellings are provided with generous secluded open space. Both secluded areas are directly accessed from the main living areas of the dwelling and each contain a paved entertaining area, lap pool and deep soil/soft landscaping zone. As mentioned earlier in the report, a condition of permit should include a requirement to reduce the amount of paved area within the front setback to dwelling 2 and replace it with soft landscaping. It is also considered that the proposed fire pit/seating area (north west corner of backyard of dwelling 2) is inappropriately located close to the windows of number 35 Devon Grove and as such, it is recommended that this be deleted from the proposal via a condition of permit.

It is also noted that number 35 Devon Grove has a number of upper floor windows along its southern facade directly adjacent to the common boundary to the subject site, however these windows are frosted and direct views into the secluded open space of dwelling 2 will be avoided.
Site Coverage and Permeability
Proposed site coverage is 52% and at least 23% of the site will remain permeable, satisfying clause 55 requirements. Opportunity for meaningful landscaping is available around the perimeter of the site and across the street setbacks.

On site amenity for residents
Excellent on site amenity will be afforded to future occupants. Secure basement parking, ample storage and open plan living is proposed. Lift and stair access extends through to the basement level and each dwelling is provided with a functional outdoor entertaining area and lap pool.

Both dwellings have direct street frontage and the proposed orientation allows for each dwelling entrance to be at footpath level. The Ferntree Gully Road setback to dwelling 1 will be cleverly terraced and fenced to respond to the sloping landform whilst providing a good level of privacy to the secluded open space of that dwelling. Both dwellings will have excellent outlook across both adjacent streets.

Objections not previously addressed
Obstruction of Views
Adjourning neighbours have no statutory right to a view and Council cannot have regard to this. Having said this, the development will not obstruct any views of significance.

Overlooking of front yard of dwellings on opposite side of Devon Grove
Concerns have been raised about the potential for overlooking across Devon Grove and into the front gardens of opposite residential properties. This will occur to some degree and is common to all residential streets. The application should not be refused on this basis.

Height of common boundary fencing required along western boundary to privatise the secluded open space of dwelling 1 (located in setback to Ferntree Gully Road)
Due to the difference in height between the subject site and the adjoining lot at 25 Ferntree Gully Road (being around 750 mm to 1 metre drop to 25 Ferntree Gully Road), the common fencing between the two sites will be required to be around 2.5 – 4.5 metre in height. The southern section of fencing adjacent to the secluded open space of dwelling 1 (front setback to Ferntree Gully Road) will be required to be the highest fencing along the length of the boundary, rising to approximately 4.5 metres above the neighbours property. This is not acceptable and, if approved, a condition of the permit should require revised plans to ensure that fencing height can be minimised along the western boundary. The permit applicant will be required to carry out these changes in consultation with their
neighbours at 25 Ferntree Gully Road. It is understood that these discussions have already commenced.

CONCLUSION:

The proposal to develop the site with two new dwellings has strategic support. The sloping nature of the site and surrounding landform does present a challenge for designers, especially to ensure that the amenity of neighbouring dwellings can be protected. The current proposal shows a good level of compliance with clause 55 standards and objectives, however it is recommended that the three level scale is unreasonable and the building should be reduced to a double storey height by way of a condition on the permit.

The application is supported subject to conditions.
LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.
Attachment 2 – Aerial Photograph (October 2014).
Attachment 3 – Zoning and Overlays Map.
Attachment 4 – Objector Properties Location Map.