

**1.4 193-195 CLAYTON ROAD, CLAYTON
CONSTRUCTION OF 14 THREE STOREY DWELLINGS
(TPA/48365)**

EXECUTIVE SUMMARY:

This application proposes the construction of 14, three storey, attached dwellings in a reverse living arrangement.

The application was subject to public notification. One (1) objection to the proposal has been received.

Key issues raised within the objection relate to neighbourhood character, visual bulk, overshadowing, car parking provision, increased traffic, overlooking and residential amenity.

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

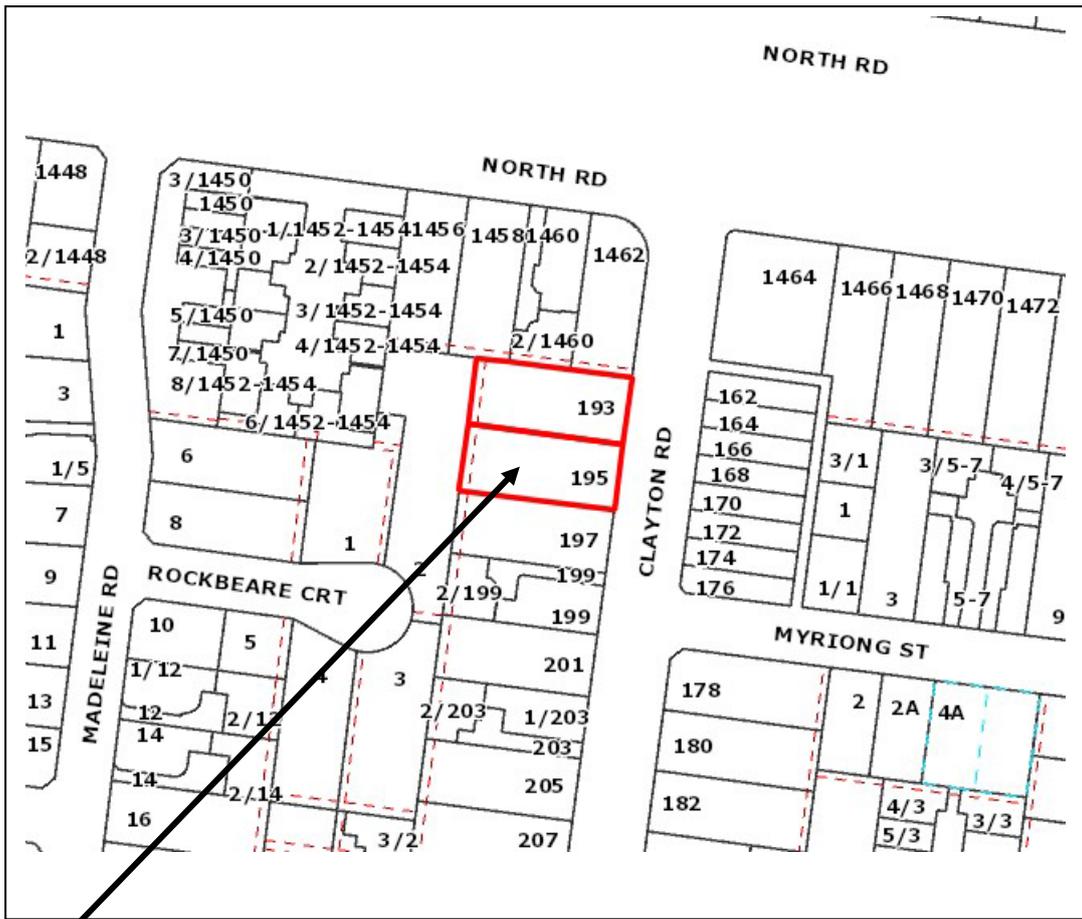
The reason for presenting this report to Council is the proposed development cost of \$3.5 million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme representative of a poor design outcome and underdevelopment of the land. It is recommended that the application be refused.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE ACTING MANAGER:	Sean McNamee
RESPONSIBLE PLANNER:	James Heitmann
WARD:	Oakleigh
PROPERTY ADDRESS:	193-195 Clayton Road, Clayton
EXISTING LAND USE:	Single and double storey dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	One (1)
ZONING:	Residential Growth – Schedule 3
OVERLAY:	No Overlays
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 10.01 (Purpose)	<u>Local Planning Policy Framework</u>

<p> Clause 10.02 (Goal) Clause 10.04 (Integrated Decision Making) Clause 11 (Settlement) Clause 11.04 (Metropolitan Melbourne) Clause 14.02-1 (Catchment Planning and Management) Clause 15 (Built Environment and Heritage) Clause 16 (Housing) Clause 16.01-2 (Location of Residential Development) Clause 16.01-3 (Strategic Redevelopment Sites) Clause 16.01-4 (Housing Diversity) </p>	<p> Clause 21 (Municipal Strategic Statement) Clause 21.04 (Residential Development) Clause 21.08 (Transport and Traffic) Clause 22.01 (Residential Development and Character Policy) Clause 22.04 (Stormwater Management Policy) </p> <p> <u>Particular Provisions</u> Clause 52.06 (Car Parking) Clause 52.29 (Land Adjacent to a Road Zone, Category 1) </p> <p> <u>ResCode</u> Clause 55 </p> <p> <u>General Provisions</u> Clause 65.01 (Decision Guidelines) </p>
<p>STATUTORY PROCESSING DATE:</p>	<p>20 May 2018</p>
<p>DEVELOPMENT COST:</p>	<p>\$3.5 million</p>

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/48365)** for the construction of 14 triple storey dwellings and alteration of road access in Road Zone Category 1 at 193-195 Clayton Road, Clayton subject to the following grounds:

1. The development is inconsistent with the design objectives and requirements of Schedule 3 to the Residential Growth Zone (RGZ3).
2. The proposal is inconsistent with the Residential Development Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme as it fails to achieve architectural and urban design outcomes that positively contribute to the neighbourhood character having particular regard to the desired future character for the area.
3. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to neighbourhood character, site layout and building massing, setbacks, front fencing, access provision, amenity impacts, private open space provision, solar access to open space, common property, dwelling entry, parking location, site servicers, landscaping and detailed design.
4. The proposed development is not consistent with the Monash Housing Strategy.
5. The proposed development would adversely affect the landscape character of the area.
6. The proposed development will have a detrimental impact on future development of the area.
7. The proposed development is considered a poor design outcome for the site.
8. The proposed street tree removal will have a detrimental impact on the streetscape.
9. The proposed development is of a poor standard and will set an undesirable precedent for the residential growth area of Clayton.

BACKGROUND:**History****193-195 Clayton Road CLAYTON (subject land)**

Planning Permit No. TPA/44369 was issued on 24 May 2016 allowing the development of a three storey apartment building with basement car parking including alteration to access to a Road Zone. The permit was issued at the direction of VCAT following Council's refusal of the proposal. The matter was resolved by consent including requirement for increased upper level setbacks and a reduction in apartment numbers. The approved development provided for 29 apartments being a mix of one and two bedroom dwellings. The permit was valid for commencement of works by 24 May 2018. No permit extension of time request has been received to date. Pursuant to section 69 of the *Planning and Environment Act 1987*, an extension of time request can be made up to six months following permit expiry.

Surrounding Sites**205-207 Clayton Road CLAYTON**

Council's delegate refused Application TPA/47481 on 20 December 2017 for the construction of a three storey building containing 12 dwellings and alteration of access to a road in a Road Zone Category 1.

An appeal against Council's refusal has been lodged with VCAT. The matter is yet to be heard.

The development scheme was lodged by the same architect as the subject application.

209-211 Clayton Road CLAYTON

Council's delegate refused Application TPA/48089 on 19 January 2018 for the construction of twelve (12) three storey dwellings and alteration of access to a road in a Road Zone Category 1.

An appeal against Council's refusal has been lodged with VCAT. The matter is yet to be heard.

The development scheme was lodged by the same architect as the subject application.

The Site and Surrounds

The subject land is located on the western side of Clayton Road in Clayton, approximately 45 metres south of its intersection with North Road. The land is regular in shape, comprises of 2 allotments, and has an overall area of 1,555 square metres. The land has a frontage to Clayton Road of 36.58 metres and depth of 42.52 metres. The land has a slight fall of 1.08 metres from south-east to north-west. A 2.44 metre wide drainage and sewerage easement spans the western (rear) boundary. The land is currently developed with a double storey rendered

brick dwelling and a single storey weatherboard dwelling along with associated outbuildings. The land contains no significant vegetation.

Surrounding land to the north, south and west is typically residential in land use and built form. Development comprises a mix of single and double storey detached dwellings constructed of brick and weatherboard with pitched tiled roofs. The housing stock of the area includes a mix of original dwellings dating back to the 1950's and 1960's, medium density unit development and newly constructed detached dwellings which have replaced some of the original housing stock. A small strip shopping centre and petrol station is located opposite the subject land to the east.

The land is located within close proximity of several key regional assets including Monash Medical Centre (approximately 520 metres to the south), Monash University (approximately 550 metres to the east) and the Clayton Activity Centre (approximately 900 metres to the south). The land is located within the Monash Employment Cluster identified within Plan Melbourne (May 2014).

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

PROPOSAL:

The application proposes the construction of 14 reverse living townhouses in a three storey attached form accessed via a central driveway.

Details of the proposal can be surmised as follows:

Dwelling Type A (2 dwellings)

- 3 bedrooms, 10m² balcony secluded private open space, enclosed double garage.
- Internal floor area of 143.4 (excludes garage).

Dwelling Type B (6 dwellings)

- 3 bedrooms, 10.5m² balcony secluded private open space, 2 car space enclosed tandem garage.
- Internal floor area of 100m² (excluded garage).

Dwelling Type C (4 dwellings)

- 2 bedrooms, 10.1m² balcony secluded private open space, 1 car space (unsecure undercroft).
- Internal floor area of 126m² (excluded garage).

Dwelling Type D (2 dwellings)

- 4 bedrooms, 11.6m² balcony secluded private open space, enclosed double garage.
- Internal floor area of 151.4 (excludes garage).

Two visitor car spaces are accessed via a central driveway and new vehicle crossover to Clayton Road.

Pedestrian paths run along the northern and southern boundary providing pedestrian access to the development.

The design response proposes a basic, contemporary palette of materials and finishes including face brickwork, white grey and dark grey rendered elements, tile, cement sheet and “timber look” cladding along with a flat roof form.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The land is zoned Residential Growth (Schedule 3) under the provisions of the Monash Planning Scheme. Pursuant to the provisions of Clause 32.07-5 a permit is required to construct two or more dwellings on a lot.

No permit is required for use of land as a dwelling with the Residential Growth Zone.

Design objectives specified by RGZ3 seek:

“To facilitate housing growth in the form of apartment developments of a high quality design and finish.

To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.

To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.”

Schedule 3 to the Residential Growth Zone (RGZ3) nominates the following variations to Clause 55 applicable to the site:

“Minimum front street setback – 4 metres.

Side setbacks - 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Rear setbacks - 3 metres for the first 2 storeys plus 2 metres for the third storey.

Landscaping - Retention or provision of at least three canopy trees (two located within the front setback) with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.

Private open space - an area of 40 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 3 metres and convenient access from a living room.

Front fence – maximum height 0.9 metres.”

Particular Provisions

Clause 52.29: Land adjacent to a Road Zone, Category 1.

A permit is required to create or alter access to a road in a Road Zone, Category 1.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 12 December 2017. In this letter, officers also raised extensive preliminary concerns with the proposed development as set out below:

- Poor regard for neighbourhood character and design detail. The design response poorly integrates with the established built form of the surrounding area and desired future character design objectives as envisaged by applicable residential development policy.
- Three storey massing elements of the proposed development poorly relate to the surrounding context.
- The extent of upper level massing is considered excessive. More substantial upper level building breaks and dwelling separation elements should be provided.
- Upper level balconies exacerbate the building massing and compromise the ability for meaningful upper level recession. The extent of screening required to balconies compromises the amenity of these spaces.
- Substantial screening required to upper level habitable room windows and extensive use of highlight windows results in poor internal amenity outcomes to a substantial proportion of proposed dwellings.
- Internally orientated habitable room windows resulting in overlooking/requiring screening is considered to be a poor internal amenity outcome.
- The dwelling types shown on the site present a repetitious built form. Greater emphasis should be paid to breaking up the built form, streetscape presentation, landscaping provision and dominance of the proposed vehicle access on the streetscape.
- Poor sense of address to dwellings. Dwellings should be designed to provide for appropriate sense of address to dwellings and surveillance of the public realm. Common property areas should be appropriately designed to provide for practical, attractive, easily maintained and safe spaces.
- Secluded private open space areas are inadequate and poorly relate to internal living areas. The design response should be modified to provide for

improved relationship and functionality between living areas of dwellings and secluded private open space areas.

- Insufficient open space and garden area provision having regard to the requirements of the general residential zone.
- Insufficient street setback.
- Poor integration with the street.
- Inadequate storage facilities.
- Insufficient landscaping provision and adequate space for canopy tree provision.
- Awkward internal vehicle access and excessive reliance on tandem car parking arrangements.
- Insufficient internal dimension of garages. Bin storage encroaching into garage circulation space will not be supported.
- The layout of some of the proposed dwellings appears to be akin or easily convertible to 3 bedroom dwellings requiring provision of 2 car parking spaces to each dwelling.

The Applicant was advised that should these concerns not be addressed, that the application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this further information letter on 8 March 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they were not prepared to make any changes to the proposal.

The Applicant has been advised that this application was scheduled for the May Council Meeting. A letter has been sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been advised that this application is recommended for refusal.

Public Notice

Notice of the application was given in accordance with section 52 of the *Planning and Environment Act 1987* to the surrounding property owners and occupants, along with the display of two (2) signs on the site.

One (1) objection to the proposal has been received. Issues raised can be summarised as:

- Visual bulk;
- Neighbourhood character;
- Unsightly property;
- Waste management and bins storage;
- Car parking and vehicle access;

Attachment 4 show the location of objectors property.

Referrals

VicRoads

The application was referred to VicRoads pursuant to the requirements of Clause 52.29 (Land adjacent to a Road Zone, Category 1). The authority has no objection to the grant of a planning permit for the proposed development subject to conditions.

Engineering Referral

The application has been referred to Council's Traffic and Drainage Engineers for comment. The proposed development is considered satisfactory from a vehicle access perspective subject to conditions.

Horticulture Referral

Council's horticulture department have considered the proposed street tree removal request and requested the tree be retained with a minimum setback of 2.2m provided for any proposed vehicle crossover. The tree is identified as being in good condition and having a high retention value. Being located on a main road, Vic Roads street tree planting requirements provide minimal scope for replacement planting in the event the existing tree is removed.

DISCUSSION:

Consistency with State and Local Planning Policies

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

"Understand and plan for expected housing needs."

"Reduce the cost of living by increasing housing supply near services and public transport."

"Facilitate the supply of affordable housing."

Initiatives seek to locate a substantial proportion of new housing in or close locations that offer good access to services and transport and employment areas.

Relevant housing objectives and strategies of activity centres policy found at Clause 11.01 seek:

"Provide different types of housing, including forms of higher density housing."

"Encourage a diversity of housing types at higher densities in and around activity centres."

Housing policy at Clause 16.01 seeks to:

“Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.”

“Locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.”

“Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.”

Increased residential density and dwelling diversity is sought by state and local policies. The proposed development is considered consistent with the local planning policy framework in respect of increased density and housing diversity objectives.

In the Municipal Strategic Statement at Clause 21, the Garden City Character of the municipality is identified as a core value held by the community and Council as a significant and important consideration in all land use and development decisions.

Monash Housing Strategy 2014

The Monash Housing Strategy has been developed to review Council’s current housing strategies based on an assessment of key State and Local Strategies and research from all tiers of Government and other research bodies.

The Housing Strategy identifies that a key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability.

The need for the City of Monash to adopt a proactive role to address housing issues has been imperative and the Monash Housing Strategy forms part of that role.

While the proposal would result in a modest addition to the housing supply, the combined bulk and mass of the proposed dwellings is not found in the immediate area and would result in an unacceptable neighbourhood and streetscape impact.

Residential Growth Zone – Schedule 3 (RGZ3)

The recently gazetted RGZ3 applicable to the land provides opportunity for increased residential density and housing growth. Along main roads, the newly adopted zone envisages well designed and high quality apartment buildings which appropriately integrate with existing development in an attractive garden setting.

The reverse living townhouse design of the proposed development seeks to benefit from reduced setback and open space requirements envisaged for apartment development, at the expense of surrounding properties and the surrounding streetscape. The design response fails to adequately demonstrate

high quality design finesse and appropriate bulk and massing response sensitive to surrounding residential interfaces.

The applicable open space requirement for townhouse development requires 40 square metres of ground level private open space to each dwelling. The submitted proposal provides no ground level secluded private open space. The provision of balconies as open space for townhouse development as proposed is no longer provided for by the provisions of the RGZ3.

Whilst the RGZ3 zone affords some opportunity for increased density and building scale, the design response does not adequately satisfy applicable application requirements, decision guidelines, design objectives and requirements of the zone. Design work undertaken by MGS Architects associated with the Housing Strategy and Amendment C125 emphasized the development opportunity provided for by the RGZ3 areas surrounding Clayton, encouraging well designed and high quality apartment development providing for a more substantial development yield and greater housing diversity. The proposed development would appear to be an underdevelopment and poor design response of a well located and scarce consolidated land parcel.

Neighbourhood Character & Design Detail

At Clause 21.04 (Residential Development Policy) Council's goal is for residential development in the City to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

The Residential Development and Character Policy at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area.

The design response must be appropriate to the neighbourhood and the site, and must respect the existing or preferred neighbourhood character and respond to the features of the site. The height and setback of buildings must also respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

Council must also consider neighbourhood character policy in respect of integration with the street and front fences.

The land is located within Residential Character Type 'B' having regard to the Monash Urban Character Study. Elements that contribute to character are the variety of architectural styles including single and double storey dwellings, consistent building setbacks, common functional architectural style, variety in materials and finish, well-planted front gardens with large trees and shrubs within lots, and low fences, walls or open soft frontages.

The Desired Future Character Statement for the 'B' Character area envisages:

“The neighbourhood character of this area will, as it develops, retain its modest and unassuming character by ensuring that multi housing developments, including dual occupancies, are appropriate in scale and form to existing dwellings.

The built-form will be unified by a general consistency in building setback. New dwellings will address the street and complement the scale and form of adjacent buildings. Redevelopments will be single storey unless there is a graduated change in height or on-site trees and large shrubs to soften the transition between buildings.

Sympathetically designed buildings will be encouraged. Extensions or alterations to pre-Second World War buildings will be sympathetic to the historic integrity of the building.

Front fences will be low, allowing shrubs and other plants in the front garden to soften the edge between development and street. Fences will complement the architecture of the building in design, colour and materials.

Gardens will be well planted with, in the majority of cases, both native and exotic plants to create a visually permeable buffer between the house and street. Existing mature vegetation within properties will be retained and additional tree planting within lots and within the public domain will be encouraged to provide an upper canopy and back drop to the buildings.

The ‘soft’ quality of the street that is derived partially from the nature strips and tree planting within them will be maintained by ensuring that there is only one single crossover per lot frontage.

The character of existing public open space within the Character Type will be protected by ensuring that buildings directly adjacent to such areas are set back and buffered with planting that complements the species and size of that within the public open space.”

The residential development framework of the Monash Housing Strategy 2014 provides the following future character and residential outcomes for the residential land within and surrounding the national employment cluster:

Development within the Cluster will respect the changing built form within the commercial areas. The scale of new residential development will generally comprise larger footprint apartment development of a high quality design and finish. Some infill development, town house and unit development, will also occur.

Improved building density and quality will be encouraged, to maximise the comfort for future residents (and neighbours) as well as minimising running and maintenance costs.

The Cluster will develop to create a 'campus feel', through developments set in open garden settings, as well as less intense development that presents a uniform presentation to the street (often attached).

Provision of more affordable accommodation will be important, and a diversity of dwelling sizes will be encouraged, especially within the vicinity of the university or public transport.

Landscaping treatment to the streetscape will be important, as the native canopy tree setting is a major element of the attractiveness of the area.

Higher density apartment development at the interface with the technology precinct.

Lower density unit and townhouse style development at the interface with surrounding residential areas.

Potential for lower to medium density apartment development in predominantly residential streets subject to careful design

On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of appropriate landscaped setbacks.

The proposed submitted design response is inconsistent with the vision of the desired future character statement and development outcomes sought by the Monash Housing Strategy. Any development of the subject land needs to suitably integrate with the established and emerging built form of the surrounds. Whilst increased height and apartment forms are to be expected within this area and on larger sites, the detail of this form of development needs to have careful consideration of interface with existing adjoining properties and how the development fits within the streetscape.

The surrounding development comprises predominantly modest detached dwellings, interspersed with less intensive medium density housing developments providing for substantial building and landscaping setbacks. Newer development is generally sympathetic to the older housing stock, typically containing recessive upper storeys.

The design of the proposal poorly integrates with the built form in the surrounding area with regard to both streetscape and rear yard character. The architectural styling of the proposal is not in keeping with the established built form and neighborhood. The proposed development is visually dominant in its presentation to the street and adjoining properties, being three storeys in height and comprises of architectural styling elements at odds with the traditional residential form of the surrounding area.

It is considered that a more appropriate design response for the site would better integrate new residential development having regard to the existing and preferred character of the area. Development of the land should be less visually dominant, more modest in scale and massing and provide for appropriate setback to the street and adjoining properties. Architectural styling and design detail should be more reflective and sympathetic of the predominant character and form of the surrounding area. The size of the consolidated land parcel provides an opportunity for a well designed apartment scheme providing for a high level of residential amenity, housing diversity and a built form outcome which suitably integrates with surrounding development.

Built form and scale

The size and scale of the proposal is an inappropriate design response having regard to the surrounding streetscape which comprises more modest suburban forms. The façade treatments lack adequate visual interest and further exacerbates the bulk and dominant upper levels of the façade when viewed from the adjoining properties. A more graduated building height design response would result in a more appropriate and sympathetic transition between the surrounding residential form and the subject site. More refined façade detailing and utilisation of softer materials and finishes in keeping with the form of the surrounding area would further improve the transition.

Minimal meaningful facade articulation, two and three storey sheer walls and a lack of building breaks to the upper levels results in substantial visual bulk to the streetscape and adjoining residential interface. The massing and visual impact of upper levels of the development is particularly dominant in their presentation to the adjoining properties.

The continuous massing impact of the development along the north, western and southern facade is excessive and should be modified to provide for more substantial building breaks. The upper level of the development is by no means recessive resulting in visually dominant building presentation when viewed from the immediately adjoining properties and wider surrounding area.

The design response needs to more appropriately integrate with the established residential area and provide for more improved height transition. Greater upper level separation should be provided consistent with the established built form of surrounding development. The massing of the proposal should have greater regard to the established built form of the surrounding area. Upper levels of the development should be more deeply recessed to provide for appropriate height transition and graduated height change.

Street Setback

The proposed setback of 3.0 metres (ground level) and 2.35 metre (first floor) does not comply with the prescribed 4.0 metre minimum street setback of the newly applied RGZ3. Dwellings on properties to the south have setbacks greater than 8

metres to the Clayton Road frontage. The dwelling to the north has a side street setback of greater than 3.0 metres. The proposed setback is not appropriate having regard to the prevailing setback of the surrounding area.

In justifying any reduction in street setback, development needs to have regard to prevailing setbacks of the surrounding development, presentation of the development to the street including adequacy of landscaping opportunities, and appropriateness of the scale of the proposed development within the streetscape and context of the surrounding area.

The proposed development incorporates significant encroachment into the reduced street setback including upper level balconies, fencing and bin storage areas. No fire services or utility meters have been indicated on drawings, however these would typically occupy space within the street frontage also. Given the scale of the proposal and substantial width of the land, more generous setbacks and landscaping areas should be provided within the street setback. The considerable encroachment of the development into the street setback poorly integrates the development with the established built form of the surrounding area at the expense of meaningful landscaping provision. Siting development of the three storey scale proposed is unsuitable given the locality and context. Greater attention should be paid to the streetscape integration of the development and adequacy of landscaping along the street frontage consistent with the Clause 22.01.

Car Parking and Access

The proposed development provides the requisite number of car parking spaces pursuant to Clause 52.06 as detailed in the following table.

	No. of dwellings	Clause 52.06 requirement	Car spaces required	Car spaces provided
One and two bedroom dwellings	4	1 space per dwelling	4	4
Three and four bedroom dwellings	10	2 spaces per dwelling	20	20
Visitor parking	14	1 space per 5 dwellings	2	2
Total required			26	
Total provided				26

Proposed vehicle access to the site is via a new vehicle crossover located centrally along the Clayton Road frontage. The proposed access arrangement was referred to Vic Roads and deemed satisfactory subject to conditions.

Council's traffic engineers have raised some minor concerns with some aspects of the proposed design of the car parking and access arrangements which would require modification should a permit issue.

The traffic impact of the development is relatively low and within the capacity of the existing arterial road network.

Private Open Space

Council's RGZ3 variation to Clause 55 (ResCode) requires a dwelling to have private open space consisting of:

"An area of 40 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 3 metres and convenient access from a living room."

The submitted design response proposes first floor balcony spaces of 10 square metres-11.6 square metres. The provision of upper level balcony secluded private open space to townhouse development is non-compliant with the requirements of the RGZ3. The provision of balconies as secluded private open space is only applicable to apartment development. Townhouse development should be designed to provide for generous ground level open space areas to facilitate areas for canopy tree planting and mitigate building massing on surrounding properties.

Balconies are heavily reliant on screening to prevent overlooking of the adjoining properties and within the development resulting in poor internal amenity outcomes. A large proportion of balconies have a southerly aspect, and will be in shade throughout the day.

Overlooking

The design response proposes screening of all upper level habitable room windows and balcony spaces to prevent overlooking of the adjoining residential properties to the north, south and west. The significant reliance on screening to prevent overlooking from the development results in compromised amenity outcomes for future residents and is an indication that the proposal is an overdevelopment of the site. The excessive screening proposed results in minimal (if any) outlook from a substantial number of upper level dwellings habitable room windows.

Overshadowing

Overshadowing requirements seek to ensure buildings do not significantly overshadow existing secluded private open space. Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 40 square metres with minimum dimension of 3 metres of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. The proposed development satisfies the abovementioned requirement.

Landscaping

Opportunities for meaningful landscaping and canopy tree provision along the perimeter of the development are constrained by the close proximity of the

development to the adjacent boundaries. The front setback of the development is provided with very minimal opportunity for meaningful landscaping provision

No landscape plan was submitted with the application to demonstrate landscape integration with the development.

Sense of address and common property

Pedestrian entrances to the development are narrow pathways along the northern and southern boundaries of the land and lack easy identification. The design of the spaces raises some concern having regard to safety and poor visibility. Given the narrow 2.0 metres width of the spaces minimal opportunities existing to provide for meaningful landscaping.

The central driveway and car park area is dominated by blank walls and garages. The design of the space is considered a poor aesthetic outcome without any sense of site integration or residential amenity.

On site amenity

The development has not been designed to maximise solar access with minimal number of dwellings having north aspect to living rooms and secluded private open space areas. The substantial scale of the proposed development results in south and east facing secluded private open spaces being substantially overshadowed.

Habitable room windows and balconies of the development are excessively reliant on screening and obscure glazing to prevent overlooking from the development resulting in compromised internal amenity outcomes for future residents. The extent of screening is an indication that the proposal is an overdevelopment of the site given the context and interface.

Objector issues not previously addressed

- Overdevelopment of the land – the proposal is considered to be an overdevelopment due to the excessive bulk and mass of the building and poor internal amenity outcomes resulting from an inappropriate design response.
- Reduction of property values – this is not a relevant planning consideration.
- Loss of amenity – it is considered the proposal will have a negative impact on visual amenity.

CONCLUSION:

Whilst the proposal would contribute to increased density objectives of the Monash Planning Scheme it does so only partially and at the expense of the competing character policy within the Scheme of neighbourhood character.

The design response displays inadequate regard for the surrounding context having insufficient consideration of neighbourhood character, established and

emerging built form, building height and scale, height transition, design detail, street setback, landscaping, open space provision and future amenity outcomes for residents. A more substantial land size and close proximity to an activity centre is not merely justification for development of increased density and scale. The proposal is excessive in its built form given the locality, does not demonstrate site responsive design and constitutes an extremely poor development solution for a consolidated land parcel on a main road location where a better design outcome could be achieved.

It is recommended that the application be refused.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.