

**1.4 855-869 FERNTREE GULLY ROAD, WHEELERS HILL
DEVELOPMENT OF EIGHTY (80) DWELLINGS (2-3 STOREY IN HEIGHT) ABOVE
BASEMENT CAR PARKING AND REMOVAL OF VEGETATION
(TPA/49256)**

EXECUTIVE SUMMARY:

This application proposes to construct eighty (80) dwellings. All dwellings are between 2 and 3 storeys in height and basement car parking is proposed for the majority of dwellings. All trees within the site are proposed to be removed to accommodate the development.

An appeal has been lodged with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed time. This was lodged after Council officers advised that they would not be supporting the current application. It enables the applicant to move through the queue at VCAT quicker. Council is unable to determine the application but must form a position on the application.

The application was subject to public notification. Four (4) objections to the proposal have been received.

Key issues to be considered relate to the built form, design detail, integration with the street, removal of vegetation, private open space, internal amenity, design of car parking and compliance with DDO5.

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.

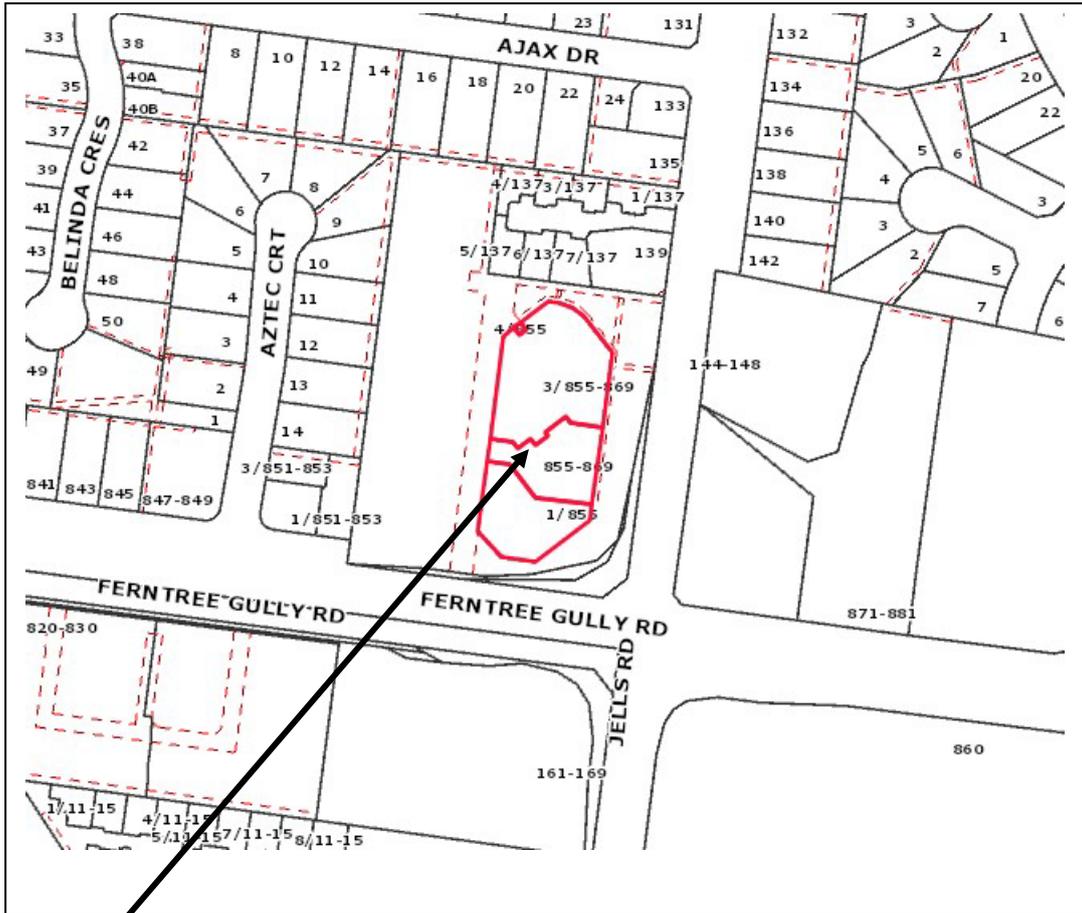
The reason for presenting this report to Council is the proposed development cost of \$23 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application should not be supported.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE PLANNER:	Eliza Connop
WARD:	Mulgrave
PROPERTY ADDRESS:	855-869 Ferntree Gully Road, Wheelers Hill
EXISTING LAND USE:	Former Gym (Vacant building)
PRE-APPLICATION MEETING:	No

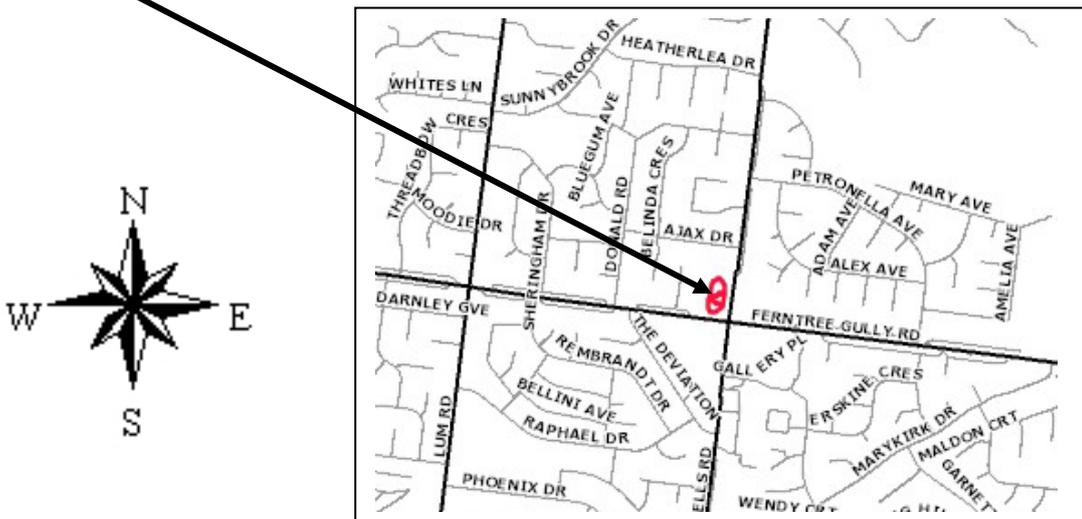
NUMBER OF OBJECTIONS:	Four (4)
ZONING:	General Residential Zone 2
OVERLAY:	Design and Development Overlay 5 - Wheelers Hill Neighbourhood Activity Centre Vegetation Protection Overlay 1
PROPOSED AMENDMENT C125 (Part 2)	General Residential Zone 5
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11 (Settlement) Clause 11.02 (Managing Growth) Clause 11.03-1R (Activity centres - Metropolitan Melbourne) Clause 12.01-2S (Native vegetation management) Clause 15 (Built Environment and Heritage) Clause 16 (Housing) Clause 16.01-2S (Location of Residential Development) Clause 16.01-3S (Housing Diversity)	<u>Local Planning Policy Framework</u> Clause 21 (Municipal Strategic Statement) Clause 21.04 (Residential Development) Clause 21.06 (Major Activity and Neighbourhood Centres) Clause 21.08 (Transport and Traffic) Clause 21.16 (Wheelers Hill Neighbourhood Activity Centre Structure Plan) Clause 22.01 (Residential Development and Character Policy) Clause 22.04 (Stormwater Management Policy) Clause 22.06 (Wheelers Hill Neighbourhood Activity Centre Policy) <u>Particular Provisions</u> Clause 52.06 (Car Parking) Clause 52.17 (Native Vegetation) Clause 52.29 (Land Adjacent to a Road Zone, Category 1)
STATUTORY PROCESSING DATE:	16 October 2018
DEVELOPMENT COST:	\$23 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That if Council were in a position to determine the matter, it resolves that had an application for review not been lodged at VCAT, Council would have resolved to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/49256)** for the buildings and works to construct eighty (80) dwellings (2-3 storeys in height) with associated basement carparking and removal of vegetation on land affected by Vegetation Protection Overlay 1 (VPO1), and alteration of access to a Road Zone (Category 1) at 855-869 Ferntree Gully Road, Wheelers Hill subject to the following grounds:

1. The proposal does not meet the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy, Clause 22.05 Tree Conservation Policy, Clause 42.02 Vegetation Protection Overlay, Clause 43.02 Design and Development Overlay and Clause 55 Rescode in terms of built form, design detail, integration with the street, private open space, internal amenity, removal of vegetation, design of car parking and compliance with Design and Development Overlay - Schedule 5 (DDO5).
2. The proposed built form is out of character and results in an overdevelopment within the context of the neighbourhood.
3. The proposal does not meet the mandatory requirements of the Design and Development Overlay - Schedule 5 (DDO5) with respect to the corner of Dwelling 79, upper and lower basements and the decks of the dwellings on the periphery of the subject site.
4. The proposal presents poor architectural design detailing and does not satisfy the design requirements of the Design and Development Overlay - Schedule 5 (DDO5).
5. Tree removal is excessive and not consistent with the objectives and policy statements of Clause 22.05 - Tree Conservation Policy and Vegetation Protection Overlay.
6. The design and location of car parking does not meet the objectives of Clause 52.06.
7. The townhouses along Ferntree Gully Road and Jells Road have not been designed to integrate with the street frontages.
8. The proposal does not satisfy Standard B28 of clause 55.05-4 (Private Open Space objective).
9. The proposal will result in poor internal amenity for future residents.

BACKGROUND:**History**

A number of permits have been issued for use of the existing building in the past allowing gym use, pharmacy use, and medical centre use. Not all of these permits had been acted upon.

An application (TPA/47334) was submitted to Council in 2017 to develop the site for 133 dwellings comprising a mix of townhouses and apartments with buildings ranging between 2 and 5 storeys and basement car parking. An appeal was lodged with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed time.

Council was unable to determine the application but formed a position to refuse the application at the October Council Meeting in 2017. The application to VCAT was withdrawn on 27 February 2018 prior to the scheduled hearing which did not take place due to the change in land ownership.

The subject site is vacant and has been for the last few years.

The Site and Surrounds

The subject site is located at the north-west corner of Ferntree Gully Road and Jells Road in Wheelers Hill. It is a large, irregular shaped lot with a total area of approximately 15870 square metres (1.578 hectares). Its corner site location provides a 110 metre frontage to Ferntree Gully Road and a 110 metre frontage to Jells Road.

The site is occupied by a 2-3 storey commercial building which sits centrally on the site. The building was formerly used as a gym, however is now vacant and in a state of disrepair. The front setbacks along both Ferntree Gully Road and Jells Road are fairly heavily treed with established mature vegetation.

The western part of the site is dedicated to at grade car parking. Vehicle and pedestrian access is via an existing crossover to Ferntree Gully Road (located towards south west corner of site), and from an existing crossover to Jells Road, located at the north eastern corner of the site.

Features of adjoining sites are as follows.

North: A total of eight (8) residential properties adjoin the northern boundaries/interface to the site including four double dwellings forming part of a medium density housing development at 137-139 Jells Road, and the backyards of three dwellings fronting Ajax Drive.

South: Ferntree Gully Road extends along the southern frontage to the site. It is a Category 1 Road accommodating 3 lanes of traffic in each direction.

Land on the southern side of Ferntree Gully Road opposite the site comprises two large titles of land, being;

- 820 -830 Ferntree Gully Road – Current permit for residential development of 98 dwellings (TPA/43406)
- 161-169 Jells Road – Current application for aged care facility (extension of existing facility at 171-175 Jells Road)
- The Monash Gallery of Art occupies land at the south east corner of Jells Road and Ferntree Gully Road diagonally opposite the site.

East: The Wheelers Hill Hotel and associated car park is located on the eastern side of Jells Road opposite the site.

West: A total of eight (8) residential properties fronting Aztec Court adjoin the site along its western boundary. All of the dwellings are single storey with the exception of number 9 Aztec Court which abuts the north west corner of the subject site. Backyards of these properties are not large with setbacks to dwellings generally between 5 – 8 metres. Most backyards contain established medium sized trees or shrubs reflecting the general age of the neighbourhood.

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

PROPOSAL:

It is proposed to demolish the existing building and construct 80 dwellings in the form of townhouses with basement parking provided for most dwellings. The townhouses range from 2-3 storeys in height. The majority are 3 storey attached terraces consisting of 3-6 townhouses spread across the site with 2 storey dwellings located at the northern end of the site. The site currently contains a significant number of trees (78 in total) comprising a mix of native and exotic species. The proposal seeks to remove all existing trees on the site.

The two existing vehicular crossovers, one on Ferntree Gully Road will be removed and the crossover to Jells Road will be altered to service the whole development. A new internal road accessed from the altered crossover on Jells Road provides access to the two large basement car parks which will provide car parking for the dwellings contained within the attached building modules and also separate garage facilities for the dwellings located at the north end of the site.

The key features of the proposal are as follows:

Dwelling Type

- 11 two storey detached dwellings with 4 bedrooms and individual double garages (TH1-TH11)

- 11 two-three storey townhouses, ranging from three to four bedrooms with a double garage or tandem garages
- 58 three storey townhouses with three bedrooms and combination of tandem and double garaging provided for car parking

Car Parking

- A total of 178 car parking spaces are provided for the development.
 - The upper and lower basement car parking provides for a total of 122 cars including 52 tandem spaces.
 - Separate basement double garages for a total of 38 cars.
 - A total of 18 visitor spaces are proposed. Parking for visitors is available along the main access road (7 spaces) and along the northern access lane extension (3 spaces). A further 8 spaces are located within the two basements (4 in each) at the southern end.

Pedestrian access

Pedestrian access to the site is proposed via the internal road with a footpath provided along the southern side of the road. Other pedestrian access points are from Ferntree Gully Road at the south western corner of the site and two other separate access points from Jells Road.

Attachment 1 details plans forming part of the application.

APPLICABLE PLANNING SCHEME PROVISIONS

Zoning

The site is zoned General Residential - Schedule 2 (GRZ2) under the Monash Planning Scheme. The building height must not exceed 11 metres unless the site is sloping then 12 metres must not be exceeded and the building must contain no more than 3 storeys at any point (Clause 32.08-10).

Overlay Controls

Two separate overlays affect the site:

Vegetation Protection Overlay - Schedule 1 (VPO1)

A planning permit is required to remove or destroy vegetation that is higher than 10 metres and has a trunk circumference greater than 500mm at 1200mm above ground level.

Design and Development Overlay 5 (DDO5) - Wheelers Hill Neighbourhood Activity Centre

This overlay sets the broader design objectives and built form parameters for the site. It includes mandatory requirements for setbacks to side and rear boundaries,

setback to front boundaries, as well as mandatory height controls which will be discussed in detail further in this report.

Particular Provisions

- Clause 52.06 – Car Parking
- Clause 52.29 – Land adjacent to a Road Zone, Category 1
- Clause 55 - Two or more dwellings on a lot (Rescode)

PERMIT TRIGGERS:

The proposal requires a planning permit under the following clauses of the Monash Planning Scheme.

- Clause 32.08-6 – to construct two or more dwellings on a lot within a General Residential Zone.
- Clause 42.02 - Schedule 1 – Vegetation removal on land within Vegetation Protection Overlay – Schedule 1 (VPO1).
- Clause 43.02-2 – To construct buildings and works on land affected by Design and Development Overlay 5 (DDO5).
- Clause 52.29 - 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 17 July 2018. In this letter, officers also raised the following preliminary concerns:

- A significant amount of tandem garaging is proposed.
- There appears to be no lift access for residents to aid in furniture delivery/removal for future occupants.
- Townhouses T01-T19 lack outlook to the internal access way road. The ground floor facades are limited to front door and garage with no habitable room outlook available.
- Fire equipment, etc is prominent within the Jells Road setback to the site and occupies a significant amount of area.
- The southern façades of TH51, 52 and 67 lack articulation.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 15 August 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address some of the concerns by adding two lifts for access, vertical glazing element to the front entry doors for

outlook/surveillance and articulation to the southern facades. However, some concerns were not addressed and some of the changes made did not address the concerns to the extent required.

Following advertising of the application, VicRoads responded objecting to the proposal on 27 September 2018. The Applicant was advised of VicRoads position and that the application would be refused given VicRoads is a determining referral authority. The Applicant had discussions with VicRoads to resolve the initial concerns. VicRoads withdrew its objection and provided conditional support of the proposed development on 31 October 2018.

Officers met with the Applicant in December 2018 to discuss the proposal and ongoing concerns regarding the application. These concerns generally related to the extent of vegetation removal, amount of tandem garaging, lack of dwelling diversity, facade articulation, presentation and architectural detailing.

Given this, the Applicant was advised that officers did not support the application in its current form and significant changes would be required. The applicant was verbally advised that a refusal would issue if significant changes were not made. Shortly after this meeting, the Applicant lodged an appeal to VCAT against Council's failure to determine the application within the prescribed time.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and signs displayed on both the Jells Road and Ferntree Gully Road street frontages of the site.

Four (4) objections were received to the proposal.

Objections received for the application included the following:

- Increased traffic congestion and parking
- One entry/exit point at Jells Road is not practical and is a safety hazard
- Building height
- High density for the area
- Overlooking
- Loss of vegetation
- Increased noise and air pollution
- Devaluation of properties

Public information session

A public information session was held on Wednesday 12 September 2018 between 6pm and 8 pm at the Wheelers Hill Library meeting room. Council officers and representatives for the applicant were in attendance to answer questions

residents had about the proposal. The meeting was attended by approximately 35 local residents.

Attachment 4 details the location of objector properties.

Referrals

The application was internally referred to the following departments:

Traffic Engineers

The application has been referred to Council's Traffic Engineers who have raised concerns with the proposed car parking layout, design and access arrangements. Consent could be granted subject to modifications to the layout, design and access arrangements. In addition, a 1 metre width for a verge would be required as part of any condition in the event that a permit would issue.

Drainage Engineers

The application was referred to Council's drainage engineers who have provided a set of suggested conditions if a permit were to issue.

Waste Department

The Waste Management Plan was referred to Council's Waste Department whom specified that any permit issued should allow for Council collections where Council is able to provide a service and the collection point is suitable to the satisfaction of the Responsible Authority.

VicRoads

The application was externally referred to VicRoads for comment who initially objected. The Applicant had discussions with VicRoads to resolve the initial concerns. VicRoads have provided conditional support, subject to a number of conditions including a detailed Functional Layout Plan and notes which they require to be included if a planning permit were to issue for this development.

Transport for Victoria

The application was referred externally to Transport for Victoria for comment under Clause 66.02 of the Monash Planning Scheme. Transport for Victoria had no objection subject to a condition which they require to be included if a planning permit were to issue for this development.

DISCUSSION:

Consistency with State and Local Planning Policies

The raft of Planning Policy relevant to the current proposal all promote the:

- Responsible Authorities must consider and apply the strategy Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of

Environment, Land Water and Planning, 2017) (Clause 11.01-1S and Clause 11.01-1R)

- Encouragement of housing types at higher densities in and around activity centres (Clause 11.03-01S);
- Location of new housing in or close to activity centres, employment corridors and areas that offer good access to services and transport (Clause 16.01-2S and Clause 11.03-01S);
- Provision of housing that recognises and protects neighbourhood character and achieves architectural and urban design outcomes that contribute positively to local urban character (Clause 15.01-5S).
- Provision of a diversity of housing types that meets community needs (Clause 16.01-3S);

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.

Council’s Residential Development and Character Policy (Clause 22.01) aims to ensure that new development is successfully integrated into existing residential environments with minimal streetscape or amenity impact and to achieve outcomes that enhance the Garden City Character of the area.

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

- *‘Sloping topography towards Dandenong Creek*
- *Curvilinear subdivision pattern*
- *Varied building style, scale and architectural quality*
- *Consistent building setback*
- *Well maintained, well planted but open front gardens integrated with the street landscape*
- *Underground services in some neighbourhoods*
- *Concrete footpaths*
- *Nature strips 2-3 metres wide*
- *In situ concrete kerb and channel*
- *Parking on the street and driveways’*

The desired future character statement for Area ‘E’ envisages that the area will evolve within a landscape that has a large number of native trees spread through

both the public and private domain. Dwellings will be designed to sympathetically integrate with any existing native trees and shrubs on, or adjacent to, the development site and relate in form and siting to the topography of the Character Type.

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

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

Monash Housing Strategy

The Monash Housing Strategy 2014 (adopted by Council in October 2014) identifies this neighbourhood as being located in a garden city suburb, within the Wheelers Hill Activity Centre. It is also located within the Dandenong Creek Escarpment. Relevant outcomes envisaged are as follows

Activity and Neighbourhood Centres

- Housing change and diversification appropriate to the site context.
- Higher density apartment developments where identified by Structure Plans or location – specific controls
- On larger sites, in suitable locations, increased density may be appropriate subject to careful design.

Garden City Suburbs

In suitable locations, lower to medium scale apartment developments may be appropriate, subject to careful design and the provision of substantial landscaped setbacks.

Creek Environs

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

Strategic Justification

The concept of developing the site for a more intense form of housing is supported by the relevant Planning Policies discussed above, and the DDO5 controls which provide built form opportunity for a more intensive form of development on the site.

The site itself is located in an established residential neighbourhood at the intersection of two main roads. Although the closest railway station is at Glen Waverley which is beyond convenient walking distance, existing bus services along both Jells Road and Ferntree Gully Road provide convenient public transport connections to railway services as well as larger activity/shopping centres such as

Brandon Park Shopping Centre and Glen Waverley Activity Centre. Wheelers Hill Shopping Centre is also conveniently located approximately 300 metres to the south along Jells Road.

The broader strategic policy forms an important part of the planning scheme and together with the DDO5 provides the opportunity for Council to entertain 2-3 storey townhouse development on the site. The site is large, it forms part of the Wheelers Hill Activity Centre and is well serviced by public transport, schools and public open space.

Conceptually the proposal enjoys strategic support providing that it can be self sufficient in terms of parking and amenities. The main issues for consideration with this proposal centres on whether the form and scale of development proposed is appropriate to its neighbourhood context and respectful of the amenity of adjacent residential neighbours having regard to the existing and future character setting. This is called for by the various policies throughout the scheme that seek respect for neighbourhood character.

DDO5 Controls (Wheelers Hill Neighbourhood Activity Centre) specific to this site

The design objectives of the DDO5 seek;

- To ensure development is in keeping with and contributes to the Garden City Character.
- To ensure that the development conforms with the design objectives of the Wheelers Hill Neighbourhood Activity Centre Structure Plan 2007.
- To ensure that the building scale and form in terms of height, bulk and setbacks is compatible with the character of the Wheelers Hill Neighbourhood Activity Centre.
- To ensure that development has minimal impact on residential amenity in terms of visual bulk, height, overlooking and overshadowing.
- To ensure that car parking, vehicle access and service areas do not visually impinge on setbacks, adversely affect streetscapes or detrimentally impact on the amenity of adjacent residential properties.

Building height and setback requirements of the DDO5 are mandatory and a permit cannot be granted to vary height or setback requirements except for architectural elements, including parapets and roof forms.

In relation to the subject site, the following design requirements apply.

Setbacks

- Development, other than vehicle or pedestrian access, landscaping and fencing abutting Jells or Ferntree Gully Roads must have a minimum setback from the street boundary of at least 10 metres.
- Development must be setback a minimum of 3 metres from the northern and western boundaries and this setback area is to be used as a landscaped buffer between the properties.

- Between 3 metres and 12 metres from the western and northern boundary, development must not exceed a height of 7 metres above natural surface level.
- Between 12 metres and 18 metres from the western and northern boundary, development must not exceed a height of 10.5 metres above natural surface level.
- Site Coverage within 18 metres of the western and northern boundary must not exceed 60%.

Height

- Development must not exceed height above natural surface level of 10.5 metres on the Jells Road and Ferntree Gully Road frontage, and
- 14 metres at any other part of the site.

The following discussion will now focus on the proposed design response, providing a detailed assessment of the proposal in terms of its design detail of the buildings, on site amenity and offsite impacts and its degree of compliance with Clause 55 (Rescode) standards and objectives.

GARDEN AREA REQUIREMENT AND AMENDMENT C125

Garden Area Requirement

The proposal meets the garden area requirements (35%) of Clause 32.08-4 of the Monash Planning Scheme with 44.4% garden area provided.

Amendment C125

The site is within the proposed General Residential Zone 5 (GRZ5) under Amendment C125, Part 2. The GRZ5 applies to residential land within the Oakleigh and Wheelers Hill Activity Centres. This zone allows development to occur in accordance with the previously approved Structure Plans for these Centres. The existing Design and Development Overlays applying to the land remain, and provide the main direction for the form of development on this site.

ASSESSMENT

Does the proposal meet the mandatory setback and height requirements of the DDO5?

Requirement	Proposed	Compliance with DDO5 controls
3 metre setback to north and west boundary and area to be landscaped.	Townhouses 01-12 comply 3-4.5 metre setback proposed along the northern boundary.	Compliance achieved
	Townhouses 1-7 decks setback 1.6-2.2 metres.	Does not satisfy mandatory setback requirement.
	Townhouses 12-35 comply 5.75-7.9 metre setback	Compliance achieved

Requirement	Proposed	Compliance with DDO5 controls
	proposed along the western boundary. Townhouses 12-19 decks setback 2 metres.	Does not satisfy mandatory setback requirement.
Between 3-12 metres of north and west boundary height must not exceed 7 metres.	All development within 3-12 metres of north and west boundary does not exceed 7 metres in height.	Compliance achieved
Between 12-18 metres of north and west boundary height must not exceed 10.5 metres.	All development within 12-18 metres of north and west boundary does not exceed 10.5 metres in height.	Compliance achieved
Building height not exceeding <ul style="list-style-type: none"> 10.5 metres on the Jells Road and Ferntree Gully Road frontage, and 14 metres at any other part of the site 	Buildings fronting Jells Road and Ferntree Gully Road do not exceed 10.5 metres in height. A maximum height of 12 metres for other parts of the site.	Compliance achieved Compliance achieved
Development, other than vehicle or pedestrian access, landscaping and fencing abutting Jells or Ferntree Gully Roads must have a minimum setback from the street boundary of at least 10 metres.	The buildings are setback a minimum of 10 metres to Ferntree Gully Road and Jells Road. DDO5 states that fencing and landscaping may encroach. The corner of Townhouse 79 fronting Jells Road is setback less than 10 metres. The upper and lower basements encroach into the Ferntree Gully Road setback including the corner of Jells Road at 1.42-3.14 metres, less than 10 metres.	Compliance achieved. Does not satisfy mandatory setback requirement. Does not satisfy mandatory setback requirement.

Neighbourhood character and built form

Streetscape and Landscaped Setback

The first Design objective of DDO5 is *'to ensure that development, including setbacks and landscape treatment, is in keeping with and contributes to the Garden City Character as set out at Clause 21.03 in the Municipal Strategic Statement.'* The importance of the landscaped character of the area is further strengthened by the application of VPO controls.

The current proposal provides for a landscaped front setback to both Jells Road and Ferntree Gully Road, however the proposal also involves the removal of all trees abutting the street frontages with no trees on site proposed to be retained. The landscaping contribution of the site is further compromised by the extent of

the basement which encroaches into the front setbacks reducing the opportunity for meaningful landscaping to be retained and/or planted. The relevant DDO control and setbacks mandate would otherwise have assisted with a better response, landscape solution and presentation, but non compliance with the required setbacks will have a significant negative impact.

In terms of the built form relationship to street frontages, the townhouses along the Ferntree Gully Road and Jells Road frontages are not integrated appropriately as they do not present any frontage to these roads. Facing all the dwellings away from the street frontages results in a lack of integration with the street and bulk and massing impacts along the streetscapes. Fencing of secluded private open space areas on Jells Road is provided along the majority of the frontage which is also not a good design outcome for the streetscape as it prevents outlook from each of the ground floor townhouses and does not integrate the development within the neighbourhood context.

The DDO5 requires that the development must be setback at least 10 metres from the front boundaries, with the only exception allowed for vehicle and pedestrian access, landscaping and fencing. The upper and lower basements and Townhouses 78-80 do not comply with this requirement and should be setback at least 10 metres from the street frontages to allow for landscaped setbacks and achieve compliance with the minimum mandatory requirements.

Additionally, the south east corner of Townhouse 79 fronting Jells Road encroaches into the 10 metre front boundary setback. The decking of Townhouses 75-80 located adjacent to the Jells Road/Ferntree Gully Road intersection extends to within 5-9 metres of the intersection and limits the opportunity for meaningful landscaping around the most prominent point of the site.

Building Height

The proposal has been designed so that the buildings meet the mandatory height/setback requirements of DDO5 and the mandatory height of 12 metres permitted due to the slope of the land. The buildings are also no more than 3 storeys in height as allowed under the General Residential Zone.

Northern and western interfaces to adjoining residential dwellings

Northern Interface

Under DDO5, the northern facades of Townhouses 1-12 are required to be setback from the northern boundary a minimum of 3 metres and this setback is to be used as a landscape buffer between the properties. The current proposal does not fully comply, with proposed decking of Townhouses 1-7 setback 1.6-2.2 metres from the northern boundary. This should be amended to comply with the DDO5 requirements in the event that a permit was to issue.

Western Interface

Under DDO5, Townhouses 12-35 are required to be setback from the western boundary a minimum of 3 metres and this setback is to be used as a landscape buffer between the properties. The current proposal does not fully comply, with proposed decking of Townhouses 12-19 setback 2 metres from the western boundary. Townhouses 20-35 comply with DDO5 controls in terms of western setback and provide good opportunity for meaningful landscaping to be accommodated.

Concerns with the northern and western interfaces of the development are centred around the minimal separation between the townhouses and lack of meaningful landscaping that can be achieved to the adjoining residential properties. Greater separation to provide sufficient visual breaks and reduced decking areas should be considered to allow for the landscaped areas.

Building Form/Scale and Facade Detailing

The 2 and 3 storey scale of the dwellings is appropriate. The approach for higher scale buildings to be to the south of the site along the main roads with lesser scale towards the more sensitive interfaces to the north and increased setbacks to the west is suitable. The built form is contemporary with modulated buildings in rows of 3-6 townhouses and lower scale separated townhouses, with sheer walls and flat roofs. The surrounding character is traditional with pitched roofs and recessing of upper floors.

The proposed box-like form, presented in row-style with limited separation between the modules/townhouses and lack of meaningful landscaping retention/opportunity is out of character with the neighbourhood. Coupled with the sheer wall nature of the design and the siting to existing residential neighbours. The proposal is unacceptable and does not satisfy the design requirements of the DDO5 with respect to the visual mass, articulation of facades and building design.

The facade detailing to Ferntree Gully Road and Jells Road need to be improved to reduce bulk and massing impacts to the streetscapes and allow for better integration. There are concerns with the facade presentation and detailing along the internal elevations to the central access way road including lack of meaningful landscaping provision. Townhouses 01-19 lack outlook to the internal access way road as the ground floor facades are limited to front door and garage with no habitable room outlook available resulting in a poor internal amenity outcome for future residents.

TREE REMOVAL/NATIVE VEGETATION/LOCATION WITHIN VPO

The site currently contains a significant number of trees (78 in total as identified in the arborist report) comprising a mix of native and exotic species. The proposal seeks to remove all trees on the site.

The applicant has submitted a Tree Impact Assessment report (Treespace Solutions – Date of Inspection 4 April 2018). Most trees on site were rated as having a ‘low’ Retention Value. There were a total of 8 trees rated as having ‘medium’ to ‘high’ Retention Value. The proposal is considered to have a major incursion on Tree 63 located on the adjoining property and has the potential to undermine the health and structural integrity of this tree from the footprint of the western dwellings. The arborist states that with the exception of Trees’ 17, 30, 31, 63 and 66, all vegetation within the site will need to be removed to accommodate the development. The arborist recommends retention of Trees 30, 31, 63 and 66 which would require modifications to the design including the footprint of townhouses and basement.

With regard to native vegetation, the applicant submitted a Native Vegetation Assessment advising that the property consists of a planted landscape garden with all trees appearing to be planted as part of the landscaping around the former gym and car park (Practical Ecology 2018). Native vegetation to Victoria that occurs on the property are planted trees and a few small patches of Wallaby Grass. It was identified that overall the Wallaby Grass made up 25 percent ground or understorey perennial vegetation cover, and therefore by definition could not be considered a patch of native vegetation (DELWP 2015). Given that no vegetation on the property met the definitions of patch of native vegetation, no vegetation quality assessment or permit trigger was required.

The site is also located in an area covered by Vegetation Protection Overlay Controls. VPO1 recognises that existing on site canopy trees contribute to the Garden City Character of Monash and recognise that the retention of canopy trees helps integrate new development into the existing urban form and reduces the impact of higher densities or large buildings on neighbourhood character. This is given more weight through the Tree Conservation Policy (Clause 22.05) which aims to, among other things, retain existing semi-mature and mature canopy trees wherever possible.

Following a site visit, Council’s arborist noted the following:

‘The trees identified in the Arborist Report for the proposed development, marked as ‘high’ and ‘medium’ retention value, should definitely be retained and protected accordingly if any development occurs. While there are trees on the site that I believe warrant removal or at least significant remedial work, this large site has notable contribution to the ‘canopy cover’ for the area and greater Monash. Trees that are not considered worth retaining by some, such the Pinus

and Fraxinus, make up an important overall part of this canopy overlay. I would recommend more detailed site consultation.'

The 'medium' to 'high' retention value trees should be retained and incorporated into the design only in limited and unavoidable circumstances should removal of a tree in this category be considered.

It is acknowledged that the DDO5 controls do envisage a more intense form of development for this site, and that some removal of trees is to be expected. However, the existing canopy should be retained where possible. The design has failed to take into account or incorporate any of the existing trees which is contrary to the VPO, Garden City Character of Monash and Council's Tree Conservation Policy.

Car parking, Traffic and Access

An assessment of the proposal against Clause 52.06 is detailed in the following table:

	No. of dwellings/apartments	Clause 52.06 requirement	Car spaces required	Car spaces provided
1 bedroom	-	1 spaces per dwelling	-	-
2 bedroom	-	1 space per dwelling	-	-
3 or 4 bedroom	80	2 spaces per dwelling	160	160
Visitor parking	80	1 space per 5 dwellings	16	18
Total required			176	
Total provided				178

A total of 178 car parking spaces are proposed on-site, representing 2 additional spaces above the statutory car parking requirement.

Car Parking

Each townhouse is provided with two car parking spaces either in the form of a double or tandem garage with the majority being in a tandem arrangement. The upper and lower basement car parking provide for a total of 122 cars including 104 in a tandem arrangement for 52 dwellings and 18 in double garages for 9 dwellings. Separate double garages are provided for a total of 38 cars to the northern group of townhouses.

Visitor car parking

Parking for visitors is available along the main access road (7 spaces) and along the northern access lane extension (3 spaces). A further 8 spaces are located within

the two basements (4 in each) at the southern end. A total of 18 visitor spaces are proposed.

Council's Traffic Engineers have assessed the proposed car parking and access arrangements and have no objections subject to modifications to the layout, design and access arrangements.

From a planning perspective, the main concern with the proposed car parking on site is centred around the large amount of tandem car parking proposed and the fact that occupants of townhouses would be required to travel down to the basement to shuffle cars around if the first car (in tandem arrangement) needs to exit the site. Additionally, the internal dimensions of the garages do not comply with Clause 52.06 of the Monash Planning Scheme. This is not ideal and the tandem spaces including internal dimensions proposed are considered a symptom that the site is being overdeveloped.

VicRoads have advised that they are satisfied with the development, however subject to a number of conditions including a detailed Functional Layout Plan which would be required for a planning permit if one were to issue for this development. Additionally, they require a metre widening of the road to facilitate turning into the site which as a consequence will encroach into the property once a nature strip, footpath and appropriate setback to the property are provided for. As a consequence this will affect the Jells Road frontage including footpath alignment, street tree, services in the nature strip and on the subject site.

Amenity Impacts

Overlooking

The northern and western boundaries are the most sensitive in terms of overlooking. Townhouses 01-35 adjoin the northern and western boundaries and sit adjacent to the backyards of adjoining residential development. Overlooking from the ground floor levels have been addressed by the proposed 2 metre high common boundary fences which are considered satisfactory. There is a notation on the elevation plans that windows within 9 metres to adjoining habitable room windows or secluded private open spaces will be screened up to 1.7 metres in accordance with the Standard B22 of clause 55.04-6 (Rescode). The provision and extent of screening required could result in adverse impact on the internal amenity of future occupants and should not be supported.

It is noted on the second floor plan that the western facing balconies (Townhouse 20-35) are set back 9 metres from the title boundary with planters provided to achieve compliance.

Overshadowing

The project architect has prepared the required shadow plans for 9 am, 11am, 12 midday and 3 pm as required by ResCode. The subject site's location at the north west corner means that adjoining residential development to the north will not be

impacted by additional shadow. There will be minimal overshadowing to the adjoining properties to the west. The proposal is considered to satisfy the daylight and solar access requirements of Clause 55.04-5.

Private Open Space/Balconies

A majority of the Townhouses (01, 04, 05, 08, 09, 11, 12, 15, 16, 19, 20-48 and 52-80) will be provided with secluded open space in the form of a balcony/terrace and/or ground floor in compliance with Rescode requirements and schedule variation of the General Residential Zone 2 (noting that the townhouses propose a mix of balconies and ground floor private open space). The provision of private open space for these townhouses are considered satisfactory. However, Townhouses 02, 03, 06, 07, 10, 13, 14, 17, 18 and 49-51 do not achieve compliance with Rescode requirements for private open space.

All balcony/terraces are directly accessed from the master bedroom of the townhouses which is not considered convenient or ideal.

On-site amenity for residents

On-site circulation is considered reasonable, in particular;

- A couple of lifts are provided at the centre of the development near Townhouses 20 and 52 extending from the upper and lower basements through to main entry level at ground floor for easy access.
- Good pedestrian access throughout the site to the dwellings.

Of concern is:

- The large number of tandem car spaces provided in the basement and the inconvenience this causes to residents given distance to townhouse to move vehicles around.
- Internal overlooking to the secluded private open spaces between Townhouses 36-66.
- Internal overshadowing is poor to the secluded private open spaces of Townhouses 36-66.
- Lack of natural light due to orientation of dwellings and missed opportunity for windows on northern walls.

Objections not previously addressed

Increased traffic congestion and parking/ One entry/exit point at Jells Road is not practical and is a safety hazard

These matters were considered by VicRoads and Council's Traffic Engineer who had no objection to the proposal, subject to modifications.

Increased noise and air pollution

Residential noise and air pollution is not a planning consideration and is governed by the Environment Protection Authority Victoria. Given the

proposal is a residential development located within a residential area, the noise from future residents is not expected to result in adverse amenity impacts to adjoining properties.

Devaluation of properties

Economic ground is not a planning consideration that can be substantiated.

CONCLUSION:

It is considered that the subject site can accommodate for a more intense form of residential development and this is supported by the applicable DDO5 controls applying to the site. These are sensitive on and off site matters that need careful consideration in achieving a more suitable development.

The concept of developing the site with townhouses is supported in principle and consistent with the need to provide housing growth throughout the municipality particularly in locations offering good access to services and transport.

However, the proposal has failed in terms of built form, design detail, integration with the street, private open space, internal amenity, removal of vegetation, design of car parking and compliance with DDO5.

The application in its current form is not supported.

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.