EXECUTIVE SUMMARY:

It is proposed to construct a three level apartment building comprising 26 dwellings plus basement car park.

The application was advertised and six objections were received. The primary grounds include the building being uncharacteristic of its surrounds, traffic and car parking issues, overlooking and overshadowing and general amenity.

This report addresses the compliance or otherwise with the requirements of the Monash Planning Scheme including neighbourhood character, overshadowing and overlooking, tree removal, car parking and the grounds of objection.

The reason for presenting this report to Council is the estimated cost of the development.

The recommendation is to issue a Notice of Decision to Grant a Planning Permit (subject to appropriate conditions).

<table>
<thead>
<tr>
<th>RESPONSIBLE DIRECTOR:</th>
<th>PAUL KEARSLEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>WARD:</td>
<td>Mount Waverley</td>
</tr>
<tr>
<td>PROPERTY ADDRESS:</td>
<td>303-305 Huntingdale Road  CHADSTONE</td>
</tr>
<tr>
<td>PRE-APPLICATION MEETING:</td>
<td>YES</td>
</tr>
<tr>
<td>NUMBER OF OBJECTIONS:</td>
<td>Six (6)</td>
</tr>
<tr>
<td>ZONING:</td>
<td>Residential 1 Zone</td>
</tr>
<tr>
<td>EXISTING LAND USE:</td>
<td>Two dwellings</td>
</tr>
<tr>
<td>OVERLAY:</td>
<td>NIL</td>
</tr>
<tr>
<td>RELEVANT CLAUSES:</td>
<td></td>
</tr>
<tr>
<td>State Planning Policy Framework</td>
<td>Local Planning Policy Framework</td>
</tr>
<tr>
<td>Clause 11.02 (Urban growth)</td>
<td>Clause 21 (Municipal strategic statement)</td>
</tr>
<tr>
<td>Clause 15.01 (Urban environment)</td>
<td>Clause 21.04 (Residential development)</td>
</tr>
<tr>
<td>Clause 16.01 (Residential development)</td>
<td>Clause 22.01 (Residential development and character policy)</td>
</tr>
<tr>
<td></td>
<td>Clause 22.04 (Stormwater management policy)</td>
</tr>
<tr>
<td></td>
<td>Clause 22.05 (Tree conservation policy)</td>
</tr>
<tr>
<td></td>
<td>Clause 32.01 (Residential 1 Zone)</td>
</tr>
<tr>
<td>Clause 52.06 (Car parking)</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td></td>
</tr>
<tr>
<td>Clause 55 (Two or more dwellings on a lot and residential buildings)</td>
<td></td>
</tr>
<tr>
<td>Clause 65 (Decision Guidelines)</td>
<td></td>
</tr>
<tr>
<td>STATUTORY PROCESSING DATE: 3 December 2012</td>
<td></td>
</tr>
<tr>
<td>DEVELOPMENT COST: $6,500,000</td>
<td></td>
</tr>
</tbody>
</table>
RECOMMENDATION:

Council resolves to issue a Notice of Decision to grant a Permit under the Monash Planning Scheme to the land described as 303-305 Huntingdale Road Chadstone, to develop the land by constructing a three level building comprising 26 dwellings plus basement car parking, subject to the following conditions;

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) the location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council’s “Guide to Electricity Supply Meter Boxes in Monash”;

b) the location of gas and water meters;

c) At least 5 visitor car spaces in the basement in addition to the 26 occupier spaces to the satisfaction of the Responsible Authority;

d) the redundant crossing in Huntingdale Road replaced with kerb and channel;

e) Vehicle access to the aisle between the south-east corner of the basement ramp and car space 28 prevented by the use of bollards;

f) A minimum 2.1 metre clearance between a car space and the storage area above;

g) The fences inside the ground floor light courts removed;

h) Ventilation of the waste bin storage area, a bin washing facility and demonstrable capacity to satisfactorily store refuse and recycling bins;

i) Fixed screens on the west facing ground floor living room window of dwelling 8 to a height of 1.7 metres above finished floor level;

j) Fixed screens on the first floor south facing balconies to a height of 1.7 metres above finished floor level;

k) Fixed screens on the south facing ground floor living room windows of dwellings 6 and 7 to a height of 1.7 metres above finished floor level;

l) Reference to the specific trees including street trees for which protection measures are required in accordance with the arborist report from “Constructive Arboriculture” dated March 2012.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

   The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

   The nominated point of discharge is the south-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the 225mm Council drain in the rear easement via a 900 mm x 600 mm junction pit to be constructed to Council Standards.

   If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

4. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

5. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.

   Note: A drainage contribution may be accepted in lieu of the installation of the detention system.

6. 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.

   Parking areas and access lanes must be kept available for these purposes at all times.

7. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and
maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.

8. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

9. Prior to the commencement of works on the site the owner shall prepare a Traffic Management Plan for the development showing the method of pedestrian and traffic diversion to be used during construction.

10. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
   a) The method of collection of garbage and recyclables for uses;
   b) Designation of methods of collection including the need to provide for private services or utilisation of council services;
   c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
   d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
   e) Litter management.

A copy of this plan must be submitted to Council.

11. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
   a) measures to control noise, dust and water runoff;
   b) prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
   c) the location of where building materials are to be kept during construction;
   d) site security;
   e) maintenance of safe movements of vehicles to and from the site during the construction phase;
   f) on-site parking of vehicles associated with construction of the development;
g) wash down areas for trucks and vehicles associated with construction activities;

h) cleaning and maintaining surrounding road surfaces;

i) a requirement that construction works must only be carried out during the following hours:
   - Monday to Friday (inclusive) – 7.00am to 6.00pm;
   - Saturday – 9.00am to 1.00pm;
   - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

12. 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.

13. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

14. 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:
   - the location of all existing trees and other vegetation to be retained on site
   - provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
   - 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.
15. 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.

NOTES-

1. The drainage contribution applicable at the date of this permit is $14,017. This amount is valid until 30 June 2012. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.

2. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

3. Any new connection into a Council easement drain requires the approval of the Council’s Engineering Division prior to the works commencing. Three 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.

4. 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 9518-3690). The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.

5. Detention system requirements for the property are as follows:
   • Minimum storage = 11 cubic metres
   • Maximum discharge rate = 16.28 litres per second
   • Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

6. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.

7. The dwellings in this development will not be eligible for residential parking permits.

Expiry of permit:
In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire 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 three months afterwards.

**BACKGROUND:**

**History**
According to Council records there have been no previous applications to develop either of the subject lots.

**The Site and Surrounds**
The land subject of the application comprises two lots with a total area of 1900 square metres and is situated on the south-west corner of Huntingdale Road and Burton Street, Chadstone. A single storey brick veneer dwelling occupies each lot. There are several mature trees on both lots.

Land adjoining to the west is occupied by a single level maternal and child health centre. Adjoining to the south is a single storey brick veneer dwelling. To the north on the opposite side of Burton Street is a complex of five single storey dwellings. On the east side of Huntingdale Road close to the land is a mix of single and double storey dwellings.

**PROPOSAL:**
It is proposed to construct a three level apartment building comprising 26 dwellings and a basement car park. The proposal has the following features:

- A total building height of 10.4 metres;
- A 7.6 metre setback to Huntingdale Road and a setback of between 4 and 5 metres from Burton Street;
- Five one (1) bedroom dwellings and twenty-one two (2) bedroom dwellings;
- A basement car park with access from Burton Street comprising 30 car spaces, a lift, storage, bicycle racks and an area for private bin collection;
- A 95 square metre communal open space area in north-west corner of the land;
- Secluded open space areas attached to ground level dwellings varying in size between 25 and 46 square metres;
- Construction from a combination of face brick and render finish;
- A 1.2 metre high rendered brick fence around the perimeter of the land.

**CONSULTATION:**

**Public Notice**
The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by erecting two notices on the land and by sending individual
notices to 18 adjoining and surrounding property owners and/or occupiers. Six objections have been received the grounds of which are summarised as follows:

- Neighbourhood character;
- Land is distant from an activity centre;
- Excessive building height;
- Inadequate building setback;
- Increased traffic and demand for car parking in Burton Street;
- Inadequate on-site car parking;
- Excessive hard surface coverage;
- Inadequate provision for storage and waste management;
- Overshadowing;
- Overlooking and loss of privacy;
- Impact on services;
- Proposal would set an undesirable precedent;
- Loss of property value;
- Loss of outlook;
- Loss of trees;
- Increased noise during and after construction;
- Soil erosion from basement car park.

The matters are addressed below.

Public information session
A public information session was held on 24 October 2012 at the Batesford Hub. Six residents attended and they expressed concerns about car parking, overlooking, overshadowing, retention of timber paling boundary fences, the height of the building and loss of property value.

Referrals
There is no requirement to refer the application externally.

Council’s Traffic Engineer makes the following comments:

- Vehicle access to the aisle between the south-east corner of the basement ramp and car space 28 is to be prevented by the use of bollards;
- The bin storage area appears insufficient in size to accommodate both refuse and recycling bins;
- Five rather than four visitor car spaces should be provided.

DISCUSSION:

Consistency with State and Local Planning Policies
Clause 16.01 of the Monash Planning Scheme seeks to encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.

Although the land is not close to an activity centre its Huntingdale Road location is advantageous because of its proximity to Jordanville train station and local employment opportunities. Various recreational opportunities are also close at hand with Jordan Reserve adjoining to the west.

It is important that higher density development is capable of integrating with surrounding residential forms. In the vicinity of the land single level dwellings dominate but there are examples of higher density development nearby including a three storey 40 dwelling development nearing completion at 315-319 Huntingdale Road, Chadstone.

**Neighbourhood character.**
Clause 22.01 of the Monash Planning Scheme divides the municipality into seven neighbourhood character types referenced A-G. The land is in character area “C” where it is envisaged that:

> “Building heights will vary between neighbourhoods. Those neighbourhoods where the diverse topography and well developed mature tree canopy provide a framework within which redevelopment can occur will have a larger proportion of two storey houses. In the lower, less wooded areas, buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrasts between buildings.”

Its corner location would give the proposal a separation from other dwellings that would lessen its impact in streetscape terms. In addition the proposal features a well articulated first floor level with visible ground level roof forms and recessed balconies and the uppermost level recessed to the point where it would only be visible when viewed from a distance.

Although all existing trees would be removed the varied building setbacks would afford the opportunity for quality replacement planting.

**Overshadowing and overlooking.**
The potential for overshadowing has been assessed and the proposal was found to comply with the requirements of Rescode.

The objector at 307 Huntingdale Road is concerned about possible overlooking from three south facing ground level living rooms, three south facing first level balconies, one south facing first level kitchen and one west facing ground level living room.

Rescode requires a habitable room window or balcony to be located to avoid direct views into the secluded private open space of an existing dwelling within 9 metres of the window or balcony. Only the west facing ground level living room window would allow views into the secluded open space of the objector’s property. This could be
addressed by screening those windows to a height of 1.7 metres above finished floor level.

A habitable room window or balcony with a direct view into a habitable room window of an existing dwelling within 9 metres should be treated by offsetting the window, raising the sill height or using obscure glazing or fixed external screens. Fixed external screens would be necessary on the three south facing balconies to prevent views into two habitable room windows of the objector’s property. Screening would be necessary to prevent views from two of the three ground level south facing living room windows.

Tree removal.
The land is not subject to a Vegetation Protection Overlay, however Rescode require consideration of impact on existing vegetation. The applicant has submitted an arborist report identifying trees on each lot, the Huntingdale Road and Burton Street nature strips and on adjoining land as part of the application. In total 45 trees are identified 36 of which are situated on the two lots. Of those 36 trees the structure/health of none is better than fair with the exception of two Deodar Cedar trees. Measures are recommended to ensure the continued health of street trees and those on adjoining land.

Car parking and traffic.
Clause 52.06 of the Monash Planning Scheme sets out the following car parking requirements for the proposal:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Monash Planning Scheme requirement</th>
<th>Car spaces required</th>
<th>Car spaces provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 1 bedroom</td>
<td>One space per dwelling</td>
<td>5 spaces</td>
<td>5 spaces</td>
</tr>
<tr>
<td>21 x 2 bedroom</td>
<td>One space per dwelling</td>
<td>21 spaces</td>
<td>21 spaces</td>
</tr>
<tr>
<td></td>
<td>One visitor car space per five dwellings</td>
<td>5 spaces</td>
<td>4 spaces</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>31 spaces</strong></td>
<td><strong>30 spaces.</strong></td>
</tr>
</tbody>
</table>

The proposal is deficient by one car space. The applicant argues that 30 car spaces is satisfactory having regard to parking availability in Burton Street, the proximity of the land to Jordanville train station and the passing Huntingdale Road bus line. It should be noted, however, that car parking in Burton Street is “permit only” on Saturday afternoon between 12noon and 6pm owing to the parking demand associated with Jordan Reserve which is adjacent to the site.

It is considered that the majority of visitors to the proposed apartments would be on a weekend and they are most likely to arrive by car. As such it is considered that an additional car space should be provided. If Council is inclined to support the proposal then this could be made a condition of permit.
Grounds of objection not previously addressed.

- The building is 10.4 metres high which is comparable to the nearly completed apartment complex at 305-309 Huntingdale Road, Chadstone. On that basis the height of the proposal is not considered excessive.

- The boundary setback of the building complies with Rescode.

- Approval of the proposed development would cause vehicle movements in Burton Street to increase because that is where the entrance is situated. But it is not anticipated that the increase will negatively affect other road users.

- Hard surface coverage has been assessed at 63% of the total land area which is modest compared to multi dwelling developments with car parking at grade.

- Each dwelling is allocated 6 cubic metres of storage space in accordance with Rescode. A waste management plan could be required by condition of permit.

- The proposal is capable of being serviced.

- All applications must be dealt with on their individual merits so it cannot be said that the proposal would set an undesirable precedent.

- Potential loss of property value is not a relevant planning consideration nor is loss of an existing outlook.

- Tree removal is addressed above.

- A condition could be included in any permit requiring a construction management plan to be submitted prior to commencement of construction and this would, in part, control noise during construction. Noise from occupiers following construction is not expected to be excessive.

- As part of the application for building permit a report is required from a structural engineer and this report would have to address potential soil erosion.

CONCLUSION:

Land surrounding the site is occupied mainly by single and double storey detached dwellings. However a three level development currently under construction at 315-319 Huntingdale Road, Chadstone indicates that it is possible for a higher density development to co-exist among low density forms.

In order to ensure that the development does not dominate its surroundings the applicant proposes a well recessed upper level that would only be visible when viewed some distance away from the development. In addition the first level has been designed so as not to result in excessive bulk at street level.

Adequate occupant and visitor car parking would be provided. The basement car park would also contain storage and waste collection facilities.

The overshadowing requirements of Rescode are satisfied.
The overlooking requirements of Rescode, as they relate to neighbouring secluded open space, are also satisfied. However suitable screening is required to ensure there is no overlooking from windows and balconies of the development into existing habitable room windows.

It is considered that the proposal would be a positive addition to this section of Huntingdale Road and, on that basis, it is recommended that Council support the proposal.