EXECUTIVE SUMMARY:

This application proposes the development of a three storey apartment building comprising of 16 dwellings and basement level car parking including a reduction in visitor car parking requirement.

The application was advertised from 26 October to 13 November 2012. Twenty-seven objections were received. The main grounds of objection relate to neighbourhood character, insufficient open space and room for landscaping, loss of amenity, overlooking, overshadowing, traffic and car parking problems, and the impact on health and property due to construction works.

This report assesses the proposal against the provisions of Rescode and the relevant local planning policy framework, and considers the issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of $2.5 Million.

The proposal is considered inconsistent with the relevant provisions of the Scheme and the recommendation is to issue a Refusal to Grant a Planning Permit.

<table>
<thead>
<tr>
<th>RESPONSIBLE DIRECTOR:</th>
<th>PAUL KEARSLEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>WARD:</td>
<td>Glen Waverley</td>
</tr>
<tr>
<td>PROPERTY ADDRESS:</td>
<td>8 Railway Parade North GLEN WAVERLEY</td>
</tr>
<tr>
<td>PRE-APPLICATION MEETING:</td>
<td>YES</td>
</tr>
<tr>
<td>NUMBER OF OBJECTIONS:</td>
<td>Twenty seven (27)</td>
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<tr>
<td>ZONING:</td>
<td>Residential 1</td>
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<td>EXISTING LAND USE:</td>
<td>Single storey dwelling</td>
</tr>
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<td>OVERLAY:</td>
<td>NIL</td>
</tr>
<tr>
<td>RELEVANT CLAUSES:</td>
<td>State Planning Policy Framework</td>
</tr>
<tr>
<td></td>
<td>Local Planning Policy Framework</td>
</tr>
<tr>
<td>Clause 10.01 (Purpose)</td>
<td>Clause 21 (Municipal Strategic Statement)</td>
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<tr>
<td>Clause 10.02 (Goal)</td>
<td>Clause 21.04 (Residential Development)</td>
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<td>Clause 10.04 (Integrated decision making)</td>
<td>Clause 21.08 (Transport and Traffic)</td>
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<tr>
<td>Clause 11 (Settlement)</td>
<td>Clause 22.01 (Residential Development and Character Policy)</td>
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<tr>
<td>Clause 11.04 (Metropolitan Melbourne)</td>
<td>Clause 22.04 (Stormwater Management)</td>
</tr>
<tr>
<td>Clause 14.02-1 (Catchment planning and management)</td>
<td>Clause 22.05 (Tree Conservation Policy)</td>
</tr>
<tr>
<td>Clause 15 (Built environment and heritage)</td>
<td>Clause 32.01-4 (Development of two or more dwellings on a lot)</td>
</tr>
<tr>
<td>Clause 16 (Housing)</td>
<td>Clause 52.06 (Car parking)</td>
</tr>
<tr>
<td>Clause 16.01-2 (Location of residential development)</td>
<td>Clause 52.34 (Bicycle Facilities)</td>
</tr>
<tr>
<td>Clause 16.01-3 (Strategic redevelopment sites)</td>
<td>Clause 55 (Rescode)</td>
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<tr>
<td>Clause 16.01-4 (Housing diversity)</td>
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</tbody>
</table>

**STATUTORY PROCESSING DATE:** 15 December 2012

**DEVELOPMENT COST:** $2.5 Million
RECOMMENDATION:

Council resolves to issue a Refusal to grant a Permit under the Monash Planning Scheme to the land described as 8 Railway Parade North Glen Waverley, TPA/40620 for the development of a three storey apartment building comprising of 16 dwellings and basement level car parking including a reduction in visitor car parking requirement, subject to the following grounds:

1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy, and Tree Conservation Policy at Clauses 21.04, 22.01 and 22.05 of the Monash Planning Scheme.

2. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighbourhood Character, Building Height, Energy Efficiency, Landscaping, Access, Parking Location, Daylight to New Windows, Private Open Space, Solar Access to Open Space, Design Detail and Site Services.

3. The proposal does not provide for adequate car parking and access in accordance with Clause 52.06 of the Monash Planning Scheme.

4. The proposal is out of character with the existing development in the area in particular with regard to mass, bulk and scale.

5. The proposal would have a poor level of internal amenity for future residents.

6. The proposal would have a detrimental impact on the amenity of surrounding land.

BACKGROUND:

The Site and Surrounds

The subject land is located on the southern side of Railway Parade North in Glen Waverley, approximately 75 metres south of its intersection with O’Sullivan Road.

The land is irregular in shape having a 14 metre wide frontage to Railway Parade North, depth of 41.5 metres along the eastern boundary, depth of 52.2 metres along the western boundary and width of 39.5 metres along the rear southern boundary. The site has an overall area of approximately 1052 square meters.

The land has a gradual fall of approximately 1.4 metres from north to south.

A 2.4 metre wide drainage and sewerage easement encumbers the southern boundary.

Surrounding land to the north, east and west is residential in nature. The land is located within Residential Character Type ‘C’. The elements that contribute to character are the variety of architectural styles including single and double storey
dwellings, consistent building setbacks, well-planted front gardens with large trees and shrubs within lots, and low fences, walls or open soft frontages.

PERMIT TRIGGERS

Zoning
The subject site is located within a Residential 1 Zone under the provisions of the Monash Planning Scheme.

A planning permit is required to construct two or more dwellings on a lot in accordance with Clause 32.01-4 of the Scheme.

Particular Provisions
Clause 52.06: Car parking
Prior to a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved by the responsible authority.

Clause 52.34: Bicycle Facilities
A new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

Clause 55: Two or more dwellings on a lot and residential buildings
A development must meet all of the objectives of this clause and should meet all of the standards.

PROPOSAL:
The proposal seeks to construct a three storey apartment building, containing 16 dwellings, with one level of basement car parking including a reduction in visitor car parking requirement.

The details of the proposal are as follows:
- Seven dwellings at ground level each containing two bedrooms;
- Seven dwellings at first floor level each containing one bedroom, living areas and ;
- Two dwellings at second floor level containing two bedrooms;
- Ground floor private open space areas ranging in size from 25 square metres – 101 square metres;
- Private open space areas to upper level dwellings in the form of balconies ranging in size from 7.85 square metres – 46.25 square metres;
- Basement car parking for 16 vehicles;
- Minimum setback of 7.6 metres to Railway Parade North;
- The architectural styling of the development will comprise of a mix contemporary and traditional elements including face brickwork, rendering, parapet features, flat and pitched roof forms;
CONSULTATION:

Public Notice

The application was advertised in accordance with section 52 of the Planning and Environment Act 1987 by way of 30 letters sent to the surrounding property owners/occupiers, and a sign displayed on the site.

27 objections were received including a petition with 174 signatures. The grounds of objection are summarised as:

- Excessive visual bulks and massing;
- Impact on adjacent property from construction works, including structural, health and lifestyle impacts;
- Overshadowing;
- Overlooking and loss of privacy;
- Overdevelopment of the land;
- Insufficient area proposed for open space and landscaping;
- Scale and design of building inconsistent with the character of the area;
- Negative impact on car parking and traffic in adjacent streets;
- Insufficient on-site car parking proposed;
- Increased noise;
- Reduction of property values;
- Proposal is not family friendly like surrounding residential area;
- Loss of amenity.

Referrals

Council’s Drainage Engineers have no objection to the proposal subject to conditions being included on any permit that may be issued.

Council’s Traffic Engineers have identified a number of design deficiencies with the layout and gradient of the access ramps, and the layout and dimensions of the car parking spaces. The proposed development does not provide for visitor and bicycle parking in accordance with the planning scheme requirement.

DISCUSSION:

Consistency with State and Local Planning Policies

Whilst increasing residential density development is sought by state and local policies it is considered the proposal is generally inconsistent with the local planning policy framework in respect of its impact on neighbourhood character.

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.
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 proposal is not consistent with some of the specific Policy Objectives including Built Form and Scale of Development, Private Open Space and Landscaping.

One of the objectives of the Tree Conservation Policy at Clause 22.05 is to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.

Assessment Under Clause 55 (Rescode)

Neighbourhood Character and Built Form

Standard B1 requires that 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.

In addition, 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 Desired Future Character Statement for the ‘B’ Character area envisages:

“The neighbourhood character of this area will develop within a pleasant leafy framework of well-planted front gardens and large canopy trees.”

“Architecture, including new buildings and extensions, will, in the majority of cases, be secondary in visual significance to the landscape of the Character Type from the street. However, in neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.”

“Setbacks will be generous and consistent within individual streets.”

“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.”

“The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting. Neighbourhoods that are influenced by the naturalistic landscape of the creek valleys or on highpoints and ridges will have a predominance of native trees in both the public and private realm. Trees within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character.”

“Streets which have a majority of gardens currently lacking fences will continue to do so. Walls and fences in other streets will be low to allow plants in the front garden to be visible from the street. Colours and materials will be sympathetic to the architecture of the house.”

“The soft quality of streets derived from the nature strips will be protected by ensuring that each lot frontage has only one single crossover. Landscape elements such as remnant indigenous vegetation and the large old coniferous wind-rows will be retained until horticulturally unstable.”

The proposed three storey apartment building is inconsistent with this vision.

The surrounding development comprises predominantly modest detached dwellings, interspersed with a number of double-storey medium density housing developments. The newer development is generally sympathetic to the older housing stock, with some dwellings containing the first floor within pitched roofs, and others with smaller first floor footprints, all detached at the upper level.

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 somewhat un-homogeneous with its surroundings being visually dominant in its presentation and comprising of multiple architectural styling elements inconsistent with the traditional residential form of the surrounding area. Essentially the scale of such a large proposal is out of context with the surrounding built form. The apartment style of the development is not typical of the character of the surrounds which comprises of mostly detached single and double storey dwellings. Surrounding dwellings have a good sense of address and street aspect, in keeping with the suburban nature and form of the neighbourhood. The proposal lacks a suitable sense of address and appropriate dwelling orientation to the street, poorly complimenting the surrounding built form.

It is considered that a design response for the site could better integrate new residential development with the more appropriate regard for the existing and preferred character of the area. A less visually dominant, modest, more traditional development with dwellings having a more individual sense of address and landscaped front setbacks would better integrate any development on the land with the character of the surrounding area.
On site amenity and facilities
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 to the south and east facing secluded private open spaces substantially overshadowed throughout the majority of the day. The orientation of bedroom windows to the communal central corridor fails to provide appropriate or reasonable solar access, resulting in poor internal amenity outcomes for future residents. The reliance on of internal light courts to ground floor habitable room windows within the development designed to less than minimum dimensions, results in overshadowing of the light courts throughout the day and poor and very limited solar access to these spaces.

Car Parking and Access
The proposal does not provide the requisite number of car parking spaces pursuant to Clause 52.06 as detailed in the following table.

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Apartments</th>
<th>Clause 52.06 Requirement</th>
<th>Car spaces provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Bedroom Apartments</td>
<td>7</td>
<td>1 space / one and two bedroom dwelling</td>
<td>7</td>
</tr>
<tr>
<td>Two Bedroom Apartments</td>
<td>9</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Visitor Parking</td>
<td>16</td>
<td>1 space for every 5 dwellings</td>
<td>0</td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td>19 car spaces</td>
<td></td>
</tr>
<tr>
<td>Total Provided</td>
<td></td>
<td>16 car spaces</td>
<td></td>
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</table>

The application seeks a reduction in the visitor car parking requirement (3 car spaces). Council is of the view that the proposed reduction of the entire visitor parking requirement is not appropriate given the site locality. The majority of proposed dwellings comprising of 2 bedrooms are likely to result multiple occupants having and increased demand for parking. Council’s position is that multi-dwelling development should provide for adequate on-site provision of car parking in accordance with the planning scheme requirement to minimise the impact of new development on existing on-street car parking.

Council’s Traffic Engineers have also raised number of design deficiencies in the layout of the car parking and access ramps preventing safe, manageable and convenient vehicular access. These include:

- Non compliant ramp gradients;
- Insufficient car space widths;
- Non-compliant column locations;
- Inconvenient access to car space 16
It is considered that failure to provide appropriately design car parking and accessways is likely to result in residents and visitors not utilising the on-site car parking and resorting to the street.

**Private Open Space**
Council’s variation to Standard B28 of Clause 55 as specified within the Schedule to the Residential 1 Zone (Clause 32.01) requires a dwelling to have private open space consisting of:

“An area of 75 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 5 metres and convenient access from a living room.”

Typically, for apartment buildings on ground level, an area of 40 square metres with a minimum width of 5 metres is required. With the exception of Unit 5, none of the ground level dwellings provide for sufficient secluded private open space areas. The irregular shape and narrow width of the proposed secluded private open space areas results in the spaces being somewhat dysfunctional having regard to useability and limiting the potential for canopy tree planting taking into consideration mature height and spread of vegetation.

Balconies have been provided to first and second floor dwellings. Balconies are heavily reliant on screening to prevent overlooking of the adjoining properties and within the development resulting in poor internal amenity outcomes.

**Overlooking**
The development raises some concern with regard to the adjoining properties. Some additional screening is required to prevent overlooking of adjoining properties in response to objector concerns and to achieve compliance with overlooking requirements.

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.

**Landscaping**
Opportunities for meaningful landscaping and canopy tree provision along the perimiter of the development are constrained by the close proximity of the development to the adjacent boundaries. The front setback of the development is dominated by the basement access ramp which given the relatively narrow frontage results minimal landscaping areas forward of the proposal.

**Site Services**
A small 8.4m² bin storage area is proposed within the basement to the rear of the lift well. The size of the space is considered insufficient for the scale of the development, and the location inappropriate having regard to access requirements and equipment (e.g. bin lifter/trolley) necessary for collection.
The provision of electrical and gas meters within the front setback of the development is not considered appropriate. For a development of this scale, utility meters should be subtly incorporated into the design response. Details of required water meters and fire services have not been provided.

**Objections not previously addressed**

- Impact on adjacent property from construction works, including structural, health and lifestyle impacts – conditions can be placed on any permit that issues in respect of environmental matters and construction operations, whilst structural issues will be dealt with at the building permit stage.
- Overshadowing – the proposal complies with the relevant Standards of Rescode and will not cause significant overshadowing.
- Overdevelopment of the land – the proposal is considered to be an over-development due to the excessive bulk and mass of the building and poor internal amenity outcomes resulting from an inappropriate design response.
- Increased noise – this cannot be established.
- Reduction of property values – this is not a relevant planning consideration.
- Proposal is not family friendly like surrounding residential area – the proposal is providing a diverse form of housing sought by state and local planning policies.
- Loss of amenity – it is considered the proposal will have a negative impact on visual amenity.

**CONCLUSION:**

Whilst the proposal would satisfy the increased density objectives of the Monash Planning Scheme, it is considered it does so at the expense of the competing character policies within the Scheme, as well as a number of fundamental and critical areas of Rescode.

The design response is considered to be inappropriate having regard to the excessive built form, landscape limitations, poor internal amenity outcomes and substandard parking layout.

Council should refuse the application accordingly.