5.3 11 AVONDALE GROVE MOUNT Waverley - DEVELOPMENT OF A DOUBLE STOREY APARTMENT BUILDING (8 DWELLINGS) WITH BASEMENT CAR PARK

(TPA/39690:JH:HM)
Ward: Mount Waverley
Responsible Director: Paul Kearsley
Reason for Council Consideration: Cost of development
Cost of Development: $1.8 Million
Statutory Processing Date: 28 October 2011
Pre-Application Meeting: Yes

RECOMMENDATION

Council having caused notice of planning application No. 39690 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to refuse the application for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 11 Avondale Grove Mount Waverley, for the purpose of the development of a double storey apartment building (8 dwellings) with basement car park on the following grounds:

1. The proposal is not consistent with Council’s Residential Development and Character Policy being Clause 22.01 of the Monash Planning Scheme.

2. The proposal does not satisfy the private open space requirement specified by the schedule to the Residential 1 Zone being Clause 32.01 of the Monash Planning Scheme.

3. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to neighbourhood character, residential policy, private open space, design detail, building height and overlooking.

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

5. The proposed development is not appropriate for the locality in regards to its adverse impact on the streetscape and general neighbourhood character.

6. The proposal is an overdevelopment and inappropriate design response of the site.

and directs that the Applicant and each objector be given a notice of the Council’s decision to refuse the permit.
**BACKGROUND**

The subject land is located on the north-eastern corner of the intersection of Avondale Grove and Wirth Street in Mount Waverley. The land is irregular in shape having 46.42 metre wide frontage to Avondale Grove, 7.56 metre wide frontage to Wirth Street, 52.36 metre depth along the north-east boundary, 43.17 metre wide depth along north-west boundary, making for a total site area of approximately 973.09 square metres. The land has a slight fall of approximately 1.0 metre from south to north.

A single storey brick residence along with associated outbuildings currently occupies the land. Scattered vegetation of varied significance is located surrounding the dwelling and throughout the property.

Surrounding land use and development is predominantly residential in nature comprising of a mix of single and double storey brick dwellings of a mostly traditional form. A significant number of properties have been developed with new dwellings including many multi-dwelling developments.

**PROPOSAL**

An application has been received by Council to allow for the development of a double storey apartment building (8 dwellings) with basement car park.

The proposed apartment development is summarised as:

**Basement Level**
- Semi-basement access via a crossover and ramp located adjacent to the north-western boundary;
- Provision of 1 car parking space per dwelling (8 car spaces), 2 visitor car parking spaces, providing for a total of 10 on site car parking spaces;
- Bicycle parking;
- 6 m$^3$ storage unit per dwelling;
- Bin storage area;

**Ground Floor**
- 2 x 1 bedroom dwellings;
- 2 x 2 bedroom dwellings;
- 30.6m$^2$-89.12m$^2$ of secluded private open space to each dwelling;

**First Floor**
- 4 x 2 bedroom dwellings;
- 13.4m$^2$ – 8m$^2$ of secluded private open space (balcony) to each dwelling;

The architectural form of the building will have a mix of contemporary and traditional design elements. Materials and finishes will include face brickwork, rendering, timber cladding elements with a mix of flat and pitched roof form.

The facade of the development is setback a minimum of 7.03 metres to Avondale Grove.
**POLICY IMPLICATIONS**

**Zoning and Overlays**
The land is zoned Residential 1 Zone under the provisions of the Monash Planning Scheme. The land is not subject to any overlay controls.

The purpose of the Residential 1 Zone is to:

- “To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.”
- “To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.”
- “To encourage residential development that respects the neighbourhood character.”

Pursuant to the requirements of Clause 32.01-4 of the Monash Planning Scheme a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

**State Planning Policy Framework**
The State Planning Policy Framework are relevant in consideration of this application:

- Clause 10.01 - Purpose
- Clause 10.02 - Goal
- Clause 10.04 - Integrated decision making
- Clause 11 - Settlement
- Clause 11.04 - Metropolitan Melbourne
- Clause 14.02-1 - Catchment planning and management
- Clause 15 - Built environment and heritage
- Clause 16 - Housing
- Clause.16.01-2  - Location of residential development
- Clause 16.01-3  - Strategic redevelopment sites
- Clause 16.01-4  - Housing diversity

**Local Planning Policy Framework**
Clause 21: Municipal Strategic Statement
The Garden City Character of the municipality is identified in the Municipal Strategic Statement as a core value held by the community and Council as a significant and important consideration in all land use and development decisions.

Clause 21.02-6 specifically draws attention to:

“Neighbourhood character is an important element of the residential areas within the City of Monash. Competing interests of the need for housing diversity and maintenance of existing neighbourhood character require careful planning to ensure that development outcomes are of a high quality design standard and are sympathetic to the preferred neighbourhood character and streetscape. An important element contributing to neighbourhood character in most areas is the Garden City Character, which describes the tree-lined and vegetated aspect of the municipality.”
Clause 21.04: Residential Development

“The City of Monash is experiencing a change in the housing structure and dwelling requirements of its population, with a noticeable shift towards increased density forms of housing, generally characterised by multi-unit dwellings.”

“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.”

Clause 22.01: Residential Development and Character Policy

This policy is intended 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 subject land is located within Residential Character Type “C”.

“The dominant architectural framework is the double-fronted consistently setback, single storey brick veneer 1950’s/1960’s dwellings with some weatherboards dispersed throughout the area. Within this framework are some two-storey houses constructed mainly of darker red and brown brick. These larger houses are concentrated in the higher, and more topographically diverse, neighbourhoods. They tend to be more visually dominant from the street than the more modest older houses, but still have substantial front gardens.”

“Many properties do not have front walls or fences, particularly in the northernmost neighbourhoods, leaving the garden open to the street. Otherwise, fences and walls are low timber or brick of approximately 900mm, allowing low shrubs in the front gardens to be visible from the street and giving clear views to the buildings.”

“Front gardens within the Character Type exhibit a wide horticultural diversity and are generally well planted and maintained. In many cases they obscure the architecture. In the higher and more topographically diverse neighbourhoods many properties have large trees and shrubs both in the front and rear gardens. The character of areas adjacent to the creek valleys and the Riversdale Golf Club have been extensively influenced by the proximity of the dense native vegetation, steeply sloping topography and the sounds of native fauna.”

The desired future character statement seeks:

“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.”

**CONSULTATION**

**Notification**

Notice of the Application was give pursuant to the requirements of Section 52 of the Planning and Environment Act.

Sixty-seven (67) objections were received to the proposal. The concerns raised within the objections are summarised as:

- Neighbourhood character;
- Scale and built form;
- Side and rear setbacks;
- Overshadowing;
- Overlooking;
- Landscaping;
- Adequacy of infrastructure;
- Parking provision;
- Increased traffic congestion;
- Community demographics;
- Appropriateness within Residential 1 Zone;
- Use of premises for student accommodation;
- Noise;
- Private open space provision;
- Construction management;
- Excavation
- Loss of property values;
- Precedent;
- Overdevelopment;
External Referral
No external or statutory referrals are applicable to this application.

Internal Referral
Council’s Drainage and Traffic Engineers have no objection to the neighbourhood proposal subject to conditions being included on any permit that may issued.

ASSESSMENT
Neighborhood Character & Design Detail
The design of new development should have regard to the existing neighbourhood character, contribute to the preferred neighbourhood character and be responsive to the features of the site and surrounding area.

Objectors expressed concern with regard to the impact of the proposed development on the neighbourhood character of the surrounding area.

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 which is exacerbated by the wide street frontage further dominating the streetscape. 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. Use of more varied materials and finishes sympathetic to the character of the surrounding area would better complement the neighbouring residential form.

Scale and Built Form
The Monash Planning Scheme does not specify any quantitative density requirements for multi-dwelling and multi-storey residential developments. Development should be site responsive in design with relevant regard to the applicable objectives, standards, decision guidelines, and residential policy of the Scheme.

The height of buildings should be respect the existing or preferred neighbourhood character.
Objectors expressed concern with regard to the height, scale, and visual bulk impacts of the proposed development.

The visual impact and bulk of proposal to all facades is visually overwhelming. The size and scale of the proposal is an inappropriate design response and interface to the streetscape and adjoining properties. The proposal lacks meaningful first floor articulation to provide for a suitable transition in height. The fall of the land and semi basement design element further exacerbates the height of the development and perception of bulk.

The blank façade treatment further lacks visual interest and further exacerbates the bulk and dominance of the building. A more gradated design response would result in a more appropriate and sympathetic transition between the surrounding residential from and the subject site. Greater façade articulation and utilization of materials and finishes in keeping with the form of the surrounding area would further improve height transition and integration with the surrounding built form. Increased setback of the façade would allow for more meaningful and substantial canopy tree planting along the boundaries to soften the impact of the proposal.

**Side and Rear Setbacks**

The proposal complies with setback requirements of Clause 55.04-1 to minimum standards, with some eaves and parapets encroaching into setbacks.

The design response compliance with minimum setback requirements results in the proposal having a significant visual impact on surrounding properties and the streetscape as discussed above.

**Overshadowing**

With regard to overshadowing the standard Clause 55.04-5 seeks to ensure buildings do not significantly overshadow existing secluded private open space.

The proposed development complies with overshadowing requirements of Clause 55.04-04. Of concern is internal overshadowing of secluded private open space areas and limited solar amenity to some ground-floor habitable room windows.

**Overlooking**

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other;
- Have sill heights of at least 1.7 metres above floor level;
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level;
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.
The proposed development generally complies with the overlooking requirements of Clause 55.04-6. Some additional screening is required to prevent overlooking of adjoining properties.

**Private Open Space**

Council’s 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;
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.

The proposal provides for private open space as follows:

<table>
<thead>
<tr>
<th>Dwelling</th>
<th>Total Private Open Space (including SPOS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling 1 (ground floor)</td>
<td>192.87m²</td>
</tr>
<tr>
<td>Dwelling 2 (ground floor)</td>
<td>38.8m²</td>
</tr>
<tr>
<td>Dwelling 3 (ground floor)</td>
<td>118m²</td>
</tr>
<tr>
<td>Dwelling 4 (ground floor)</td>
<td>90.01m²</td>
</tr>
<tr>
<td>Dwelling 5 (first floor)</td>
<td>8m²</td>
</tr>
<tr>
<td>Dwelling 6 (first floor)</td>
<td>8m²</td>
</tr>
<tr>
<td>Dwelling 7 (first floor)</td>
<td>13.4m²</td>
</tr>
<tr>
<td>Dwelling 8 (first floor)</td>
<td>8m²</td>
</tr>
</tbody>
</table>

As indicated above the proposal does not provide for adequate private open space provision. With the exception of Dwelling 4, ground floor dwellings do not provide for 35m² of secluded private open space areas with a minimum dimension of 5m. Within the context of the surrounding area this is considered a poor design outcome and inappropriate design response.

**Car Parking and Traffic Management**

Objectors expressed considerable concern with regard to the traffic impact generated by the proposal and inadequacy of the proposed onsite provision of car parking.

The table below details the provision of car parking proposed within the context of the requirements of Clause 55.03-11:

<table>
<thead>
<tr>
<th>No. of Dwellings</th>
<th>Clause 55.03-11 Requirement</th>
<th>Car Parking Provided</th>
<th>Car Parking required pursuant to Clause 55.03-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom dwellings</td>
<td>1 per dwelling</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Two bedroom dwellings</td>
<td>6</td>
<td>1 per dwelling</td>
<td>6</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---</td>
<td>----------------</td>
<td>---</td>
</tr>
<tr>
<td>Three bedroom</td>
<td>1</td>
<td>2 per dwelling</td>
<td>1</td>
</tr>
<tr>
<td>dwellings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visitor</td>
<td>8</td>
<td>1 per 5 dwellings</td>
<td>2</td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td></td>
<td>10.6</td>
</tr>
<tr>
<td>Total Provided</td>
<td></td>
<td></td>
<td>10</td>
</tr>
</tbody>
</table>

The proposal is thus deficient 0.6 visitor car spaces. It is worth noting that VCAT typically requires provision of 1 visitor car space per 5 dwellings, not or part thereof.

**Adequacy of Infrastructure**

Objectors raised concern with ability of existing infrastructure to cope with increased demand on services such as stormwater drainage.

Council’s drainage division have advised that underground drainage is available to the subject land and requested the inclusion of conditions and drainage works including the provision of a stormwater detention system.

**Waste Management**

A waste management plan will be required by permit condition. Given the scale of the development and the number of bins required for on street Council waste collection a requirement can be placed on the permit to require private collection of waste. Adequate space is provided within the basement for waste collection.

**Landscaping**

Objectors raised issue with the lack of potential landscaping opportunities.

Council’s Residential Development and Character Policy seeks to enhance the Garden City Character of the municipality by preserving existing vegetation and providing new vegetation and landscape treatments sympathetic to the existing landscape character.

The proposal provides scope for substantial planting opportunities within the front setback of the site and towards the northernmost corner of the property. The plans submitted with the application provide indicative landscaping details in these areas. Of some concern is the limited potential for substantial planting opportunities adjacent to the eastern and western facades (side boundaries). A landscape plan, including provision of canopy trees and species detail could be a requirement of any permit issued.

**Community Demographics**

Objections raised issue with the ongoing change in community demographics as a result of the housing form and style proposed. Objectors consider the Mount Waverley area as a primarily “family orientated” and “suburban”, with the proposal being somewhat more akin to a “inner city” and “being of higher density” form.
Council’s Municipal Strategic Statement (Clause 21.01) recognises the changing demographics of the municipality including an ageing population, stable population size, lesser share of lone person households, a greater proportion of couples without children, more mature families, and less young families than the Melbourne average.

With regard to dwellings and households Clause 21.01 refers to:

“Monash caters mostly for traditional family households with two parents and children. 80% of households live in a separate house compared to 74% for the metropolitan area”

Clause 21.04-1 envisages:

“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”

Essentially the planning scheme seeks suitable residential development outcomes having appropriate regard for the neighbourhood character of the surrounding area. As discussed throughout the assessment, the proposal is generally inconsistent with the form, scale and general neighbourhood character of the surrounding area.

Appropriateness within Residential 1 Zone

Objectors raised issue with the appropriateness of the proposal having regard the Residential 1 Zoning of the land. Residential development (including apartments) and use of premises as dwellings is consistent with the purpose of the Residential 1 Zone. Relevant decision guidelines for multi-dwelling development require appropriate regard for built form, neighbourhood character and relevant policy as discussed throughout this assessment.

Concern was also expressed regarding the potential for the development to be occupied by students. The application does not seek application for use as designated or purpose built student accommodation. Council has limited control over future occupancy of dwellings (such as use as shared housing) provided that occupants comply with any applicable permit requirements and the provisions of the Monash Planning Scheme.

Noise

Noise impacts generated by the proposal have been raised by objectors.

Noise generated for the development is likely to be negligible and coherent with the residential amenity of the surrounds. Noise emissions from the dwellings would have to be compliant with applicable EPA and applicable environment health requirement regarding residential noise emissions.

Construction Management

Construction impacts including excavation damage have been raised as concerns by objectors.

A construction management plan can be required to minimize and manage the construction impacts on surrounding properties. Excavation impacts are dealt with by
the appointed Building Surveyor with regard to compliance under the Building Regulations.

Loss of Property Values
The impact of new development on surrounding property values is not a relevant consideration in assessment of applications under the provisions of the Monash Planning Scheme.

CONCLUSION
The design response is unacceptable in that it does not suitably address the adjoining properties and is inconsistent with the general neighbourhood character of the surrounding area. The proposal is considered to be inappropriate and would adversely impact on the amenity of the surrounding land. It is inconsistent with the relevant policies and requirements of the Monash Planning Scheme and should be refused accordingly.