4.2 843 HIGH STREET ROAD, GLEN WAVERLEY
THE CONSTRUCTION OF SEVEN THREE-STOREY DWELLINGS AND THE REMOVAL OF ONE, 10-METRE HIGH TREE IN A VEGETATION PROTECTION OVERLAY
(TPA/43304)

EXECUTIVE SUMMARY:

This application proposes the construction of seven (7) three storey dwellings in a townhouse configuration and associated car parking.

The application was subject to public notification. Four (4) objections to the application were received, including a 14-signature petition.

Key issues to be considered relate to proposed form, visual bulk and neighbourhood character.

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 the objectors.

The reason for presenting this report to Council is the proposed development cost of $1.9 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

<p>| RESPONSIBLE DIRECTOR: | Peter Panagakos |
| RESPONSIBLE MANAGER: | Angela Hughes |
| RESPONSIBLE PLANNER: | Kris Broszczyk |
| WARD: | Glen Waverley |
| PROPERTY ADDRESS: | 843 High Street Road, Glen Waverley |
| PRE-APPLICATION MEETING: | Yes |
| NUMBER OF OBJECTIONS: | Four (4) including a petition (14 signatures) |
| ZONING: | General Residential Zone 2 (GRZ2) |
| EXISTING LAND USE: | Detached single storey dwelling |
| OVERLAY: | Vegetation Protection Overlay 1 |
| RELEVANT CLAUSES: | State Planning Policy Framework Clause 11 Settlement |
| | Local Planning Policy Framework Clause 21 Municipal Strategic |</p>
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**Particular Provisions**
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot and residential buildings
- Clause 65 Decision Guidelines

**STATUTORY PROCESSING DATE:** 1 December 2014

**DEVELOPMENT COST:** $1.9 million
LOCALITY PLAN

SUBJECT SITE

NEIGHBOURHOOD PLAN

843 High Street Road, Glen Waverley - The Construction of Seven Three-Storey Dwellings And The Removal of One, 10-Metre High Tree In A Vegetation Protection Overlay
RECOMMENDATION:

That Council resolves to issue a **Refusal to Grant a Planning Permit (TPA/43304)** for the construction of seven three-storey dwellings at 843 High Street Road, Glen Waverley subject to the following grounds:

1. The proposal is not consistent with the residential development and character policy of Clause 22.01-3 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 in terms of neighbourhood character, building height, landscaping and dwelling entries.

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

4. The proposal is visually dominant in terms of built form on the streetscape and surrounding area and does not reflect the current streetscape character.

BACKGROUND:

**History**

According to Council records, no previous planning applications have been made to develop or use the subject site.

**The Site and Surrounds**

The land is a residential lot located on the northern side of High Street Road, approximately 80 metres east of Hammence Street in the residential area of Glen Waverley.

The land is a rectangular shaped lot with a frontage of 18.29 metres and depth of 49.10 metres. Site area is 898 square metres. A drainage and sewerage easement 1.8 metres wide runs along and within the rear boundary.

The land has a fall of approximately 2.2 metres from the front south west corner to the rear north east corner.

The property is improved with a single storey weatherboard dwelling located centrally on the site. Access to the site is via a single crossover on High Street Road. The site is bounded by paling fences to the side and rear boundaries of varying heights between 1.6 to 1.9 metres and a front timber paling fence of 1.8
metres. The site is well vegetated with mature trees and shrubs of varying heights between 5 and 10 metres.

The site is subject to Covenant 2265985 which prohibits quarrying operations and the removal of stone, earth, clay, gravel or sand from the lot, except for the purpose of excavating for the foundations of any building to be erected. The covenant also prohibits the use of the land for the manufacture or winning of bricks, tiles or pottery ware.

The immediate surrounding properties are developed with both single and double storey detached dwellings as well as some multi-unit developments containing three dwellings.

The site is well serviced by public transport with numerous bus stops and routes along High Street Road. The Glen Shopping Centre is located approximately 300 metres to the west. Glen Waverley Primary School on the south east corner of Springvale and High Street Roads is located 50 metres to the south west of the site.

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 dwelling and associated outbuildings on the site (no permit required) and construct seven (7) three-storey dwellings.

The dwellings will be sited in a tandem / townhouse configuration with Dwelling 1 fronting High Street Road. Entries to the remaining dwellings will be via a walkway on the eastern side of the site.

The proposed front setback from High Street Road is 7.75 metres. The building is to be offset 2.47 metres from the eastern boundary and 4.2 metres from the northern boundary.

The existing sealed crossover located adjacent to the south west corner of the site is to provide access to a shared driveway running along and within the western boundary of the site which will provide access to the garages. One (1) visitor space is provided at the rear of the site.

All existing vegetation is proposed to be removed.

The layouts of the proposed dwellings is summarised as follows:

**Ground Floor**

- Combined study / entry area
- Garage (single and double)
First Floor
- Open plan living/dining and kitchen area
- Bathroom
- One (1) bedroom on the first floor of dwellings 1, 2, 6 & 7.
- Balconies to the eastern elevation with a width of 1.9 metres and areas of between 9 and 11 square metres.

Second Floor
- Two (2) bedrooms (for all dwellings)
- Bathrooms

The building would have a maximum height of 9.2 metres above ground. It would be of a contemporary architectural style, with a flat Colorbond roof, and finished in a mixture of brick, rendered foam, painted cement sheet and timber cladding.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning
The land is situated in the General Residential Zone (Schedule 2) under the provisions of the Monash Planning Scheme.

Pursuant to Clause 32.08-4 a planning permit is required to construct two or more dwellings on a lot.

The land abuts High Street Road which is in a Road Zone Category 1.

Overlays
The land is subject to Vegetation Protection Overlay (Schedule 1) under the provisions of the Monash Planning Scheme.

Pursuant to Clause 42.02-2 and the schedule to the overlay a planning permit is required to remove or destroy any vegetation that has a trunk circumference greater than 500mm (160mm diameter) at 1200mm above ground level and is higher than 10 metres.

Based on a land survey submitted by the Applicant there are no trees higher than 10 metres on the site and therefore no planning permit is required for tree removal on this site.

Particular Provisions
Clause 52.06: Car Parking
Prior to a new building being occupied the required car parking spaces must be provided on the land or as approved by the Responsible Authority.
Clause 55: Two or more dwellings on a lot and residential buildings (ResCode)
A development must meet all of the objectives of this clause and should meet all of the standards.

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

**CONSULTATION:**

**Public Notice**
The application was advertised satisfactorily in accordance with section 52 of the *Planning and Environment Act 1987* by way of sending letters to the surrounding property owners and occupiers, and one sign displayed at the frontage.

Four (4) objections to the proposal have been received including one petition with 14 signatures. Issues raised in the objections and petition can be summarised as follows:
- Overlooking
- Noise/security
- Visitor parking
- Neighbourhood character
- Increased traffic
- Overshadowing

Attachment 4 details the location of objector properties.

**Referrals**
As the existing vehicle crossover is being used and not being altered in any way referral to Vic Roads is not required.

The application was referred internally to Council’s Drainage Engineer who had no objection to the proposal provided a number of standard conditions are imposed on any permit issued.

**DISCUSSION:**

**Consistency with State and Local Planning Policies**
Increased residential density and dwelling diversity is an objective of State and Local planning policies in the Monash Planning Scheme.

The Garden City Character of the municipality is identified in Clause 21 of the Municipal Strategic Statement 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.
Council’s goal is to balance residential development within the city by providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character in accordance with Clause 21.04 (Residential Development Policy) of the Monash Planning Scheme.

Council’s Residential Development and Character Policy 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.

Neighbourhood Character and Design Detail
The site is located within the Residential Character Type “C” area specified under the Monash Urban Character Study. Elements that contribute to this character include a variety of architectural styles including two storey houses especially in northern neighbourhoods, consistent building setbacks, well-planted front gardens with large trees and shrubs within lots, low fences, walls or open / soft frontages.

The Desired Future Character Statement for the “C” Character area is expressed as follows:

"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 character of existing public open spaces within the Character Type, particularly those naturalistic corridors such as Damper Creek and Valley Reserve, will be protected by ensuring that buildings directly adjacent to such areas are set back and buffered with planting that complements that within the public open space.”

The built form, scale and character of existing residential development within the immediate area is predominantly single storey with some double storey dwellings, mainly consisting of single dwellings per lot with some multi-unit development comprising two to three dwellings per lot.

The development of seven (7) three storey dwellings in an uncharacteristic form which is not considered to be respectful of the existing neighbourhood character or the desired character of the area for the following reasons:

Built Form
The proposed dwellings will be three storey with a maximum building height of 9.2 metres from natural ground level. The height and extent of three (3) storeys is not reflective of the existing streetscape which is a mainly single-storey with some two-storey dwellings evident.

Residential development outside of the principle activity centre should generally be low rise with a gradual change in building height. The site is outside the Glen Waverley Activity Centre and it is not considered that a gradual change in building height has been provided between the existing dwellings on either side which are single and double storey.

First and second floors have not been sufficiently recessed with only an increase of 0.1 metres between the respective storeys to the front elevation. First and second floors to the western driveway are setback less than the ground floor from the boundary resulting in an overhang of built form over the shared driveway.

The external facade is proposed to be clad in varying materials however the lack of graduated elevations and flat roof creates a ‘box-like’ appearance of the building from the street and surrounding properties which is not reflective of the existing residential built form of the area being of single and double storey dwellings generally with setbacks between the ground and first floors and with pitched roofs.
The dwellings will be configured in a townhouse layout presenting to the street and adjoining properties as a single building. This combined with the high intensity of the development of seven dwellings results in a lack of sufficient landscaping areas on the site particularly adjacent to the side and rear boundaries and creates an excessive bulky mass when viewed from the streetscape and surrounding area.

The principle of multi-dwelling development in this locality is considered appropriate. However, the built form and intensity of development as proposed is considered a poor design response to the neighbourhood context and results in excessive bulky dominance of the street which is contrary to the existing and preferred residential built forms within the surrounding streetscape and area.

**Landscaping**

Clause 22.01-2 of the Monash Planning Scheme recognises the important contribution that landscaping makes to the Garden City Character of Monash.

The subject site contains a number of mature trees of between 5 and 10 metres in height, however none of the trees require a planning permit to be removed. Despite this, it is considered that the trees and vegetation on this site contribute to the garden character of this area, and that the wholesale removal of vegetation from this site is not appropriate.

Furthermore, the proposed development does not take into account the desired future character policy at Clause 22.01 which seeks well planted gardens to be encouraged with additional tree planting as the extent of built form, hard surface areas such as driveways and paving areas, and the existing easement restricts the area that may be used for landscaping provides.

**Monash Housing Strategy**

The Monash Housing Strategy was adopted by Council on 28 October 2014 and is yet to be incorporated into the Monash Planning Scheme. Notwithstanding this, the strategy is a seriously entertained document and should be considered as part of any planning application for new residential development.

The subject site is located in Category 8 – Garden City Suburbs. Land within the Category 8 area is considered to be suitable for incremental (residential) change with the prevailing objective of the strategy to provide for ‘modest housing growth’ with an emphasis on preserving and enhancing the Garden City character of the municipality. The Strategy states that new residential development in this area will comprise conventional housing, units and townhouses which reflect the existing scale and neighbourhood character of the area.

Within this context, the proposed development is inconsistent with the Housing Strategy by virtue of the size, scale and bulk of the proposed development, which
proposes significant change to the size, siting and architectural features of existing dwellings in this area. The proposed development also seeks to remove all vegetation from the site and provides very limited opportunity for re-planting and landscaping of the site, especially canopy trees, which are a predominant character of this area.

**Assessment under Clause 55 (Rescode)**
An analysis of the application against the requirements of Clause 55 of the Planning Scheme has been undertaken.

**Building Height – Standard B7**
The aim of the objective is to ensure that the height of buildings respects the existing or preferred neighbourhood character.

The standard requires that the *maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.*

*Changes of building height between existing buildings and new buildings should be graduated.*

The overall building height of the development is 9.2 metres, however the slope of the land is less than 2.5 degrees and therefore the overall building height exceeds the standard. While the proposed height of the building is discretionary and can be assessed, the proposed height is not considered appropriate in this neighbourhood context given that the predominate height of the area is between one and two storeys.

Existing residential development adjoining the site to the west is single storey and to the east is double storey. Levels between the proposed three storey dwellings have not been sufficiently recessed compounding the lack of graduated change in building height, having regard to the form of existing dwellings on adjoining lots.

**Landscaping – Standard B13**
Clause 55.03-8 (Rescode) provides the following objectives for the provision of landscaping:

- “To encourage development that respects the landscape character of the neighbourhood.
- To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
- To provide appropriate landscaping.
- To encourage the retention of mature vegetation on the site”.

The proposal fails to regard the existing and desired future character of the area by proposing the removal of all mature vegetation from the site. The proposal
also fails to provide areas on site capable of achieving meaningful and appropriate landscaping which would contribute to on-site amenity, the surrounding neighbourhood and the Garden City Character of Monash and assist in reducing the overall bulk and mass of the development.

A landscape plan has not been submitted with the application.

Overlooking – Standard B22
Obscure glazing has been provided to all first and second floor habitable room windows and balconies with potential overlooking. However screening has not been provided from the first and second floor habitable room windows to the rear elevation. This issue could be addressed by permit condition if the application was to be supported.

If a condition was to be included on any permit that issued for this development the design of the proposed dwellings would necessitate that all habitable windows except for the ground floor study space and first floor living room windows would require screening. The east-facing first floor balconies adjacent to the living rooms would also require screening. The extent of screening required is likely to reduce the internal amenity of these proposed dwellings and would also increase the bulk of the building, in that the screening would further reduce the limited articulation provided to the side and rear elevations of the proposed building.

Dwelling Entry – Standard B26
The objective aims to provide each dwelling or residential building with its own sense of identity.

The standard specifies that: Entries to dwellings and residential buildings should:
- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry

Access to the dwellings is proposed via a shared walkway 2.1 metres wide along the eastern boundary of the site. With the exception of dwelling 1 which faces the front of the site, entries to each of the dwellings face the side (east) boundary are recessed and have no canopy or identifying feature as a dwelling entry aside from a front door.

The entries are not easily identifiable from the street and have not been provided with shelters. It is considered that neither the Standard nor the Objective in respect of Dwelling entries are satisfied.

Storage – Standard B30
Although shown as a notation under the development summary a storage area of 6 cubic metres has not been shown on the plans.
Objections not previously addressed

- **Noise/security** - Residential noise associated with any multi-unit development is considered reasonable within an urban setting. Security of adjoining premises is not a planning consideration.

- **Visitor parking** – One visitor space has been provided on site which complies with the car parking requirements under Clause 52.06, which requires the one visitor car parking space be provided per 5 dwellings.

- **Increased traffic** – The proposal would result in an increase in the number of vehicles accessing and egressing the site by virtue of the proposed increase in the density of the site. Notwithstanding this, the provision of car parking spaces within the proposed development complies with Clause 52.06 of the Monash Planning Scheme.

**CONCLUSION:**

The proposed development is considered unsatisfactory having regard to the relevant requirements of the Monash Planning Scheme including the State Planning Policy Framework, Local Planning Policy Framework including the Municipal Strategic Statement and Residential Development and Character Policy, along with the requirements of Clause 55.

The proposal will present as an unduly dominant feature in the streetscape and surrounding area. The form of the proposed building presents as bulky and excessive. The proposal represents an overdevelopment of the site.

Further, the proposed layout does not create sufficient opportunities for planting to ‘soften’ uncharacteristic form from adjacent properties. The minimal planting opportunities reflect poorly the ‘Garden City’ emphasis of local planning policies and the objectives of the vegetation protection overlay.

The form of the proposed building is not considered respectful of existing neighbourhood character having regard to mass, bulk and scale considerations. Nor does proposed form contribute to the preferred neighbourhood character.

It is recommended that the application should be refused.
LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (November 2012).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.