5.3  34 GOLF LINKS AVENUE OAKLEIGH VIC 3166 - DEVELOPMENT OF A 3 STOREY BUILDING WITH BASEMENT FOR THE PURPOSE OF 24 APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING

(TPA/38628:CF:HM)

Ward : Oakleigh

Responsible Director: Paul Kearsley

Reason for Council Consideration: Cost of Development

Statutory Processing Date : 12 November 2010

RECOMMENDATION

Council having caused notice of planning application No. 38628 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 34 Golf Links Avenue, Clayton for the development of a three storey building with basement for the purpose of 24 dwellings with associated car parking and landscaping on the following grounds:

1. The proposal is not consistent with the Local Planning Policy Framework at Clauses 22.01 and 22.05 of the Monash Planning Scheme relating to Residential Development and Character and Tree Conservation.

2. The proposal is not consistent with the objectives and standards of Clause 55 of the Monash Planning Scheme, particularly Neighbourhood Character, Car Parking, Energy Efficiency, Safety, Private Open Space, North Facing Windows, Walls on Boundaries, Overlooking, Landscaping, Storage, and Site Services standards.

3. The proposal is considered an over-development.

4. The proposal does not meet the private open space requirements of the Schedule to the Residential 1 Zone of the Monash Planning Scheme.

5. The proposal would result in poor internal amenity for future residents.

6. The proposal would cause a loss of amenity to surrounding land.

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 eastern side of Golf Links Avenue, between School Hall Street and Willgilson Court, Oakleigh.

Locality and Neighbourhood Plans are at Attachment 1.
The land has a frontage of 18.9 metres wide, a maximum depth of 60.96 metres, and a total area of 1338 square metres. The land slopes approximately 1.2 metres from east to west.

There are no encumbrances on the title.

A single-storey brick dwelling with a pitched tiled roof exists on the land. Vehicular access is provided via an existing single crossover from Golf Links Avenue and an associated driveway which runs part-way along the southern boundary of the site. Off-street car parking is currently provided within the driveway area and within a single brick garage with a flat roof. There are several outbuildings to the rear (east) of the existing dwelling. Private open space is primarily located to the rear.

There are a number of medium sized trees within the development, with the majority of trees being located to the rear (east) of the existing dwelling.

Land in the immediate area is developed with predominantly single storey dwellings with pitched roof forms. Whilst there are several examples of multi-dwelling development in the immediate area, double storey dwellings are not particularly prevalent in the area.

The site is located in the ‘B’ Residential Character Area (Clause 22.01) and is “characterised by the dominant and evenly distributed mix of post-war single storey weatherboard and brick houses of a common, functional architectural style. Multi-dwelling developments occur intermittently throughout the Character Type around Oakleigh and Clayton and diminish in frequency away from the commercial centres and collector roads. They are mainly single storey brick and often use materials which contrast with the remainder of the area.

Front gardens are varied in horticultural content and are often well planted. Few obscure the buildings from the street. Most have low fences and walls constructed of brick, wire mesh or timber which enables vegetation to be visible from the street. Other houses have hedges, whilst a minority are open to the street.”

**PROPOSAL**

It is proposed to develop twenty-four (24) dwellings in a three level apartment building, plus basement car parking. The proposed development comprises fifteen (15) two bedroom apartments and nine (9) 1 bedroom apartments. Twenty-eight (28) car parking spaces are proposed; 24 for residents of the development plus 4 visitor car parking spaces.

The building would be setback 7.6 metres from the frontage, with side boundary setbacks ranging from 1 metre to 3.06 metres, and a rear setback between 5.45 metres and 7.46 metres. The overall height above ground would be 9.624 metres.

A contemporary residential architectural style would be employed, comprising the use of flat roof forms, and materials such as metal and fibre cement cladding, timber slat fences and glass balustrades.
The proposal does not necessitate the removal of any significant vegetation from the site, noting that the site is not located within a Vegetation Protection Overlay (VPO1) pursuant to the provisions of the Monash Planning Scheme.

Plans and elevations of the proposal are in Attachment 2.

**POLICY IMPLICATIONS**

The land is zoned Residential 1 Zone. There are no overlays.

A planning permit is required to construct two or more dwellings on a lot pursuant to Clause 32.01-4 of the Monash Planning Scheme.

The application is also subject to the following policies:

- Clauses 11, 15, and 16 of the State Planning Policy Framework relating to Settlement, Built Environment and Heritage, and Housing policies.
- Clause 21.04 of the Monash Strategic Statement relating to Residential Development;
- Clauses 22.01, 22.04 and 22.05 of the Local Planning Policy Framework relating to Residential Development and Character, Stormwater Management and Tree Conservation policies.
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings provisions.

**CONSULTATION**

**Notification**

The application was advertised pursuant to Section 52 of the Planning and Environment Act by a notice displayed on the land and mail to abutting and opposite property owners. A public information session was held on 7 October 2010.

Thirty (30) objections have been received. The grounds of objection are summarised as follows:

- Inappropriate development in terms of bulk, mass, and height.
- Inappropriate development in terms of neighbourhood character.
- Overlooking.
- Overshadowing.
- Noise.
- Inappropriate provision of private open space.
- Adverse traffic related impacts (including on-street car parking difficulties and congestion of the surrounding street network).
- General areas of non-compliance with Council’s Residential Development Guidelines.
• Overdevelopment of the subject site.
• Inadequate on-site car parking provision.
• Lack of storage within the development.
• Inappropriate rubbish / recycling facilities and difficulties regarding rubbish collection.
• Loss of property values.
• Concern about site management during construction.
• Concern about adverse impact on drainage infrastructure.

Referral
There are no statutory referral authorities.

The application was referred to Council’s Drainage Engineers who have no objection to the proposal subject to conditions being included on any permit that may issue. An on-site detention system would be required as the site coverage exceeds 65%.

The application was also referred to Council’s Traffic Engineers who have no objection to the proposed development provided the following issues are resolved:
• The plan indicates 24 resident and 4 visitor parking spaces for 24 apartments. It is considered that an additional visitor space is required on site. On street parking along the street frontage is limited due to the location of vehicle crossings and tree surrounds.
• The proposed crossing affects an existing naturestrip tree surround.
• The gradient on and near access driveways is required to be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car park. This is considered essential due to the traffic volume of around 10,000 vehicles / day and the increased pedestrian activity due to the proximity of the Oakleigh Shopping Centre.

ASSESSMENT

An assessment of the application against the relevant provisions of ResCode (Clause 55) and Council’s “Guidelines for Multi-Storey Development of Three Storeys and Above” is detailed in Attachment 3. The main areas of concern are:

Parking Provision; Access and Traffic

A total of twenty-eight (28) car parking spaces are proposed (24 resident spaces and 4 visitor spaces), whilst a total of forty (40) spaces are required under Council policy. Pursuant to the Monash Planning Scheme (ResCode) standards the proposal would require the provision of 24 resident car parking spaces and 4.8 visitor car parking spaces. Given the above, the proposed development does not meet the car parking requirements of ResCode Standard B16 by 0.8 visitor car parking spaces (or 1 space).
The standard also requires the provision of bicycle parking, noting that a secure area is proposed at basement level that comprises sufficient facilities for the parking of up to 36 bicycles.

It is reiterated that Council’s traffic engineers have also assessed the proposal in relation to access arrangements from the surrounding road network and the submitted plans are not satisfactory. In summary, Council’s traffic engineers did not object to the proposal in relation to these matters, provided that the aforementioned issues are resolved.

Neighbourhood Character; Side and Rear Setbacks; Bulk, Scale and Height

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.

The proposal is considered inconsistent with this vision and the neighbourhood character objectives.

Whilst urban consolidation policy promotes infill development it does not mean that any form of housing is acceptable. The critical point is to consider whether a proposal has satisfactorily responded to the specific circumstances of the land and the site’s context. Two storey forms cannot be excluded per se in residential neighbourhoods but the notion of three storey development in its proposed form in a rear yard which is otherwise essentially adjoined by other backyards is a different matter.

The main consideration is whether a proposal presents an acceptable outcome in terms of the extent to which new development would intrude into an area which has few or no intrusions of the same scale. Visibility alone does not equate with unreasonable visual intrusion. That is when the consideration of setbacks and building form become particularly important to a decision.

Of major concern is the building bulk and mass to the sides. There is no break in the built form of the upper levels (save for a small recessed area of the façade in order to accommodate the basement level ramp below), and the building is essentially 18 metres wide and 46 metres long, with setbacks on the sides ranging from 1 metre at ground floor level, to between 1.8 metres and 3.5 metres, at the upper level. The building proposes little in the way of articulation, and the resultant built form is box-like and excessively bulky. This is exacerbated by maintaining a front setback of only 7.6 metres from Golf Links Avenue at the ground floor, first floor, and second floor levels.

These minimal setbacks (in conjunction with the proposed extent of hard surface coverage) leave no room for meaningful planting to soften the built form, particularly when viewed from the sides and from the street.

Further, it is noted that several of the northern boundary and southern boundary setbacks at the first floor and second floor levels do not comply with the setback requirements of ResCode.
In addition, it is considered that the proposed maximum height of 9.62 metres is inappropriate, particularly given the scale of surrounding development and the context of the site in general.

**Oakleigh Major Activity Centre Draft Structure Plan – 27 April 2010**

It should be noted that the subject site is located outside of the boundaries of the Oakleigh Major Activity Centre. The Oakleigh Major Activity Centre Draft Structure Plan includes strategic directions which, among other things, encourage higher density residential development in specific precinct areas within the Oakleigh Major Activity Centre.

The natural demarcation line of the Oakleigh Major Activity Centre in this specific area is, essentially, the train line which runs north-west to south-east. The subject site is located approximately 590 metres south of the southern-most boundary of the Oakleigh Major Activity Centre.

**Site Coverage; Permeability**

The proposal has a total hard surface coverage of approximately 79%. Clause 55.03 seeks to ensure that the site coverage

> “respects the existing or preferred neighbourhood character and responds to the features of the site”.

It is considered that the extent of coverage is at odds with the site coverage of adjacent properties. Together with the visual bulk of the building, the excessive site coverage will result in a proposal that is an overdevelopment of the site.

**Energy efficiency**

The design of the proposal results in thirteen of the proposed dwellings (Dwelling Nos. G.1, G.2, G.3, G.6, G.7, G.8, 1.1, 1.6, 1.7, 1.8, 2.1, 2.7 and 2.8) having no north facing windows. It is considered that this results in a poor level of internal amenity for future occupants and is a further indication that the proposed development is ill-conceived.

**Dwelling Entry; Safety**

Apartment style development often has difficulty in addressing issues of safety with large areas of common property having limited visibility. The long narrow pedestrian entry path is not fronted by windows providing little passive surveillance.

In addition, the proposed location of the main entry is considered to be inappropriate resulting in a poor sense of address.

**Landscaping**

A landscape plan has been submitted by the permit applicant. Whilst a variety of trees and shrubs are proposed, it is considered that there is insufficient remaining space within the development for suitable canopy tree planting, particularly to the sides of the development and within the secluded private open space areas of ground floor level apartments. This is exacerbated by the extent of hard surface coverage and the proposed extent of the basement level.
The objective of the Tree Conservation Policy at Clause 22.05 is to maintain, enhance and extend the ‘Garden City Character’ through retaining mature trees and encouraging the planting of new canopy trees with spreading crowns. It is considered that the proposal is unable to adequately satisfy this objective.

In addition, Clause 22.05 requires that existing street trees be retained and protected. It is noted that the application plans would necessitate the removal or relocation of a small existing street tree and concrete tree surround. Despite the small size of the tree, it is considered that the proposal has not had sufficient regard to the street tree as required under the policy.

North Facing Windows

The proposed development does not comply with the relevant requirements of ResCode Standard B20 (North Facing Windows). More specifically, at second floor level, the southern-most living room wall of Dwelling 2.2 has a wall height of 8.9 metres and a setback of 3.1 metres from the common boundary. As the wall is opposite two north facing habitable room windows of the adjoining property to the south (at No. 36 Golf Links Avenue) which are within 3 metres of the common boundary, a minimum setback of 3.99 metres is required under the standard. A variation to the standard is not supported.

Walls on Boundaries

The design scheme proposes a wall on the southern boundary of 7.3 metres in length, noting that a permissible wall on boundary length of 22.74 metres is allowed pursuant to the provisions of ResCode Standard B18. However, the average height of the proposed wall on the common boundary with No. 36 Golf Links Avenue is approximately 3.3 metres, which exceeds the maximum allowable average of 3 metres. A variation to the requirements of the standard is not supported.

Further, the objective of ResCode Standard B18 is to

“ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.”

It is considered that the proposed extent of the wall on the boundary does not meet the objectives of the above-mentioned standard.

Overlooking

The proposed design attempts to minimise overlooking through the use of blade walls, window location and by screening all rear and side facing terraces. The latter is an unfortunate design response, resulting in internal amenity issues.

It is noted that the Tribunal has in the past found this to be an unacceptable outcome. The significant amount of screening has been found to increase the impression of building bulk, and when viewed with other internal amenity and open space deficiencies produces an unacceptable planning outcome that is not easily reconciled through conditions on permit.
Notwithstanding the above, it is noted that the proposed screens to upper level terraces are only 1.625 metres in height. Given that the requisite screen height under Standard B22 is 1.7 metres, it is considered that the proposed screen heights are inadequate to prevent overlooking of adjoining properties from the private terraces of the proposed development in accordance with the standard.

**Private open space**

Only two of the ground floor level dwellings (Dwellings G.6 and G.7) have private open space that complies with the Schedule to the Residential Zone 1. The remaining dwellings at ground floor level do not meet the minimum dimensional or area requirements.

At the upper levels, all dwellings are provided with terrace areas of varying dimensions. Whilst all terrace areas exceed 8 square metres in area, it is noted that the minimum width of 1.6 metres has not been met for Dwellings 1.4, 1.5, 1.6, 1.7, 1.8, 2.6 and 2.7. These dwellings have minimum terrace dimensions of approximately 1.5 metres.

It is considered that the unsatisfactory provision of private open space will further reduce the internal amenity of the development.

In addition, the private open space areas of Dwelling G.2 and Dwelling G.3 are located between the dwelling and the street. Clause 22.01-3 of the Monash Planning Scheme states that local character should be enhanced by designing open space areas to reflect the existing neighbourhood character. It is considered that the location of fenced (1.8 metre high timber slat fences are proposed) secluded private open space areas within the frontage of the site is inappropriate and, as importantly, does not reflect the existing or preferred neighbourhood character of the area. Further, it is reiterated that the Schedule to the Residential 1 Zone requires that the secluded private open space of dwellings with access to the ground floor level be provided “...at the side or rear of the dwelling or residential building...”. The location of the private open space areas of the above-mentioned dwellings in the front setback of the proposed development is considered to be inconsistent with the requirements of the Schedule to the Residential 1 Zone of the Monash Planning Scheme in this regard.

**Noise**

The proposed development is a medium density residential development which is unlikely to result in an increase in noise that is not commensurate with the reasonable expectations of living in residentially zoned land in metropolitan Melbourne.

**Storage**

Each dwelling should have access to 6 cubic metres of storage. It is noted that the proposed development does not provide any storage areas for future occupants.

**Waste Facilities**

It is considered that the proposed communal bin storage area at ground floor level is insufficient for the type of development proposed. Further, the proposed location of the bin storage area is considered to be inappropriate.
Council’s Recycling and Disposal Department have provided comments in relation to the proposed development. Notably, it is deemed that the provision of sixteen (16) standard sized bins is inadequate. Council’s Recycling and Disposal Department have suggested that a development of the type proposed would require a minimum of forty-eight (48) 120 litre bins for garbage and recycling.

In addition, Council’s Recycling and Disposal Department consider that placement of 48 bins along the 18.9 metre wide frontage of the site for collection would not be practical, is unsafe and unsightly. Rather, alternative methods of collection would need to be considered (such as collection by contractor). It is noted that a waste management plan was not submitted to Council as part of the planning permit application.

Given the above, it is considered that the proposed development does not comply with the requirements of ResCode Standard B34 (Site Services Objectives).

**Objection Response**

In response to the outstanding grounds of objection the following is considered:

- **Overshadowing.**
  
  Shadow diagrams were submitted with the application documents. Upon assessment, it appears that the proposed development will generally meet the requirements set out at ResCode Standard B21 (Overshadowing Open Space).

- **General non-compliance with Council’s Residential Development Guidelines.**
  
  As mentioned above, the application has been assessed against the relevant provisions of ResCode (Clause 55) and Council’s *Guidelines for Multi-Storey Development of Three Storeys and Above*. Identified areas of non-compliance with the relevant planning policies have been outlined in this report.

- **Loss of property values.**
  
  There are no provisions in the Monash Planning Scheme which relate to loss of property value and, accordingly, it is considered that this matter is not a valid town planning consideration.

- **Concern about site management during construction.**
  
  This issue could be addressed by permit condition if one was to be issued.

- **Concern about adverse impacts on drainage infrastructure.**
  
  It is reiterated that the application was referred to Council’s drainage engineers for detailed assessment and comment. In summary Council’s drainage engineers did not object to the development and did not identify any specific areas of concern.

**CONCLUSION**

The proposal is considered to be an over-development that would impact on the amenity of the surrounding land. It is inconsistent with the relevant policies of the Monash Planning Scheme and should be refused by Council.