

**1.1 15 TREVOR COURT, MOUNT WAVERLEY
CONSTRUCTION OF THREE (3) DOUBLE STOREY DWELLINGS
(TPA/48680)**

EXECUTIVE SUMMARY:

This application proposes the construction of three double storey dwellings.

The application was subject to public notification. Thirteen (13) objections to the proposal have been received from residents in the court.

Key issues to be considered relate to neighbourhood character, vegetation removal and landscaping, amenity, car parking and traffic.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 55, consideration against the provisions of Amendment C125 and issues raised by objectors.

This report has been called in for consideration by Council by Cr Patterson

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Moulisa Sahai
WARD:	Mount Waverley
PROPERTY ADDRESS:	15 Trevor Court, Mount Waverley
EXISTING LAND USE:	Single Dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Thirteen (13)
ZONING:	General Residential 2
OVERLAY:	Vegetation Protection Overlay
AMENDMENT C125 (NOT adopted)	General Residential 3
RELEVANT CLAUSES:	
<u>State Planning Policy Framework</u>	<u>Local Planning Policy Framework</u>
Clause 11 Settlement	Clause 21 Municipal Strategic Statement
Clause 11.02 Urban growth	

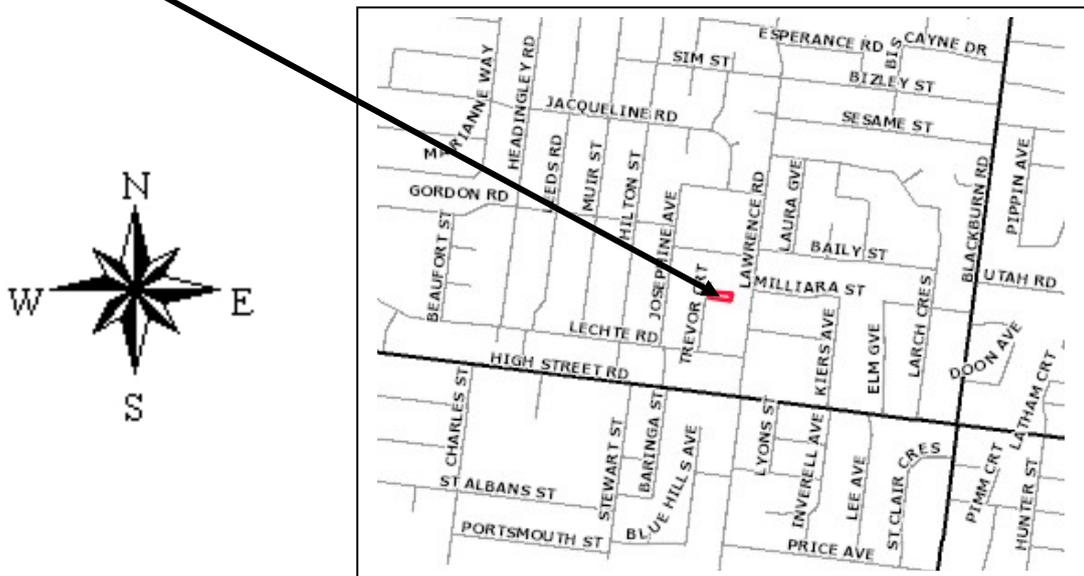
Clause 11.04 Metropolitan Melbourne Clause 14.02-1 Catchment Planning	Clause 21.04 Residential Development Clause 22.01 Residential Development and Character Policy Clause 22.04 Stormwater Management
STATUTORY PROCESSING DATE:	25 June 2018
DEVELOPMENT COST:	\$1 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/48680)** for the construction of three (3) double storey dwellings, at 15 Trevor Court, Mount Waverley subject to the following conditions:

Amended plans

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

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

- a) The northern wall of Bedrooms 2 and 3 of Unit 3 setback an additional 1m from the northern boundary of the site.
- b) The setback of the eastern wall of the Master Bedroom Ensuite wall of Unit 2 increased by 1m without extending the first floor envelope
- c) The east elevation of Unit 3 correctly labelled
- d) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of proposed buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash", and
- e) a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides or where an obstruction exists such as an existing side fence, then one side to the satisfaction of Council so that the vehicle crossing is provided with a clear view of pedestrians on the footpath of the frontage road.

No Alteration or Changes

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Common Boundary Fences

3. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority.

The fence heights must be measured from above the highest point on the subject or adjoining site, within 3 metres of the fence line.

Landscaping

4. Before the commencement of buildings and works, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
- the location of all existing trees and other vegetation to be retained on site
 - provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - the location and details of all fencing
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site, and
 - details of all proposed hard surface materials including pathways, patio or decked areas

When approved the plan will be endorsed and will then form part of the permit.

Tree Protection

5. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.
6. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.
7. Prior to the commencement of any works that are permitted by this permit works for trees to be protected should be completed in accordance with the recommendations of the Arborist Report by Blue Gum.

Landscaping Prior to Occupation

8. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.

Drainage

9. Stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
10. The private on-site drainage system must prevent discharge from each driveway onto the road reserve. The internal drainage system may include either:
 - (a) trench grates (150mm minimum internal width) located within the property; and/or
 - (b) shaping the driveway so that water is collected in a grated pit on the property; and/or
 - (c) another Council approved equivalent
11. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information regarding the design of the on site detention system is provided in the notes section of this permit.
12. The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater drainage must be directed to for collected and free drained via a pipe to the Council pit in the rear easement to Councils Standards (A new pit is to be constructed if a pit does not exist or is not a standard Council pit) Note: - If the point of discharge cannot be located then notify Council's Engineering Division immediately.

Vehicle Crossovers

13. All new vehicle crossings must be a minimum width of 3.0 metres in width and constructed in accordance with Council Standards
14. The existing redundant crossing is to be removed and replaced with nature strip, kerb and channel to the Council Standards.

15. Permits must be obtained from Councils Engineering Services for new or altered vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).

Completion of Buildings and Works

16. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority

Permit Expiry

17. This permit will expire in accordance with Section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:
- (a) The development has not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (4) years from the date of issue.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Permit Notes

- A. Building approval must be obtained prior to the commencement of the above approved works.
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. A drainage contribution of approximately \$7741 will be accepted in lieu of an on site detention system. This amount is valid until 30 June 2018. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.
- D. Stormwater detention requirements may be obtained from the Monash City Council prior to the design of any stormwater detention system.
- E. One copy of the plan for the drainage and civil works must be submitted to and approved by the Councils Engineering Services prior to the

commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

F. Tree planting should be kept clear of the drainage easement.

G. Variation to Planning Permit

Any request for a variation to this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

H. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

I. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.

BACKGROUND:

The Site and Surrounds

The site is located on the eastern side of Trevor Court in the residential area of Mount Waverley. It is an irregular shaped allotment with a frontage of 14.82 metres, and a depth of 53.05 metres, yielding an overall site area of 915 square metres.

In terms of topography, the site has a fall of approximately 2 metres from the north-west corner (front) down to the south- east (rear) corner.

There are a number of medium sized to small trees and shrubs located across the site with the majority of these trees located towards the rear. The subject site has a 1.83m metre wide easement that runs along the eastern (rear) boundary.

The site contains an existing single storey dwelling with a second storey component to the rear of the dwelling with a tiled roof. The site is located within the ‘C’ Character Area in the Monash Urban Character Study. Typically within this Precinct the dominant architectural framework is double-fronted, consistently setback, single storey brick veneer 1950’s/1960’s dwellings, with some two-storey houses constructed mainly of brick.

Trevor Court displays these typical characteristics, however, there is an emerging presence of large two storey dwellings. The surrounding area has well planted and generally well kept front gardens.

The land to the north, south, east and west is zoned General Residential Zone, Schedule 2. Surrounding properties are predominantly single storey with some double storey development and multi-dwelling developments are present within the area. The general area is characterised by low scale, detached buildings, pitched roofs and brick veneer walls, in a landscaped garden setting.

The area is well served by educational facilities with Mount Waverley Secondary School approximately 600 metres to the west. The site is also reasonably well served by public transport and reserves within close proximity.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

History

No previous Planning history is applicable to the site.

PROPOSAL:

Approval is sought to construct three double storey dwellings on the land.

The proposal is summarised as follows:

- A front setback of 7.6 metres.
- A common property driveway is located adjacent to the southern property boundary and provides access to all three garages.
- Unit 1 will front onto Trevor Court whilst Unit 3 is setback between 4.6 metres to 5.8 metres from the rear boundary. Side setbacks vary between 1.1 metres to 5 metres along the northern boundary and a boundary wall for the garage of Unit 3 is present along the southern boundary.
- Each dwelling comprises an open plan living/family/kitchen area on the ground floor. Unit 1 and 3 will contain one bedroom on the ground floor, and three bedrooms on the first floor. Unit 2 will contain 3 bedrooms on the first floor only.
- A double garage is provided to each dwelling.
- A minimum of 75 square metres of open space is provided to each dwelling.
- The building height varies between 7.4 metres to 7.65 metres.
- The total site cover is 41% and the total permeability of the site is 35%.
- 16 trees (Tree No. 3, 4, 7, 8, 9, 10(x2), 11, 12, 13, 14, 15, 16, 17, 18,19) which are less than 10m in height are proposed to be removed. The trees to be removed include 2 native species. The balance are generally exotic species in fair to moderate health.
- Garden Area is proposed at 35%.

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 where a planning permit is required to construct two or more dwellings on a lot.

Overlays

A Vegetation Protection Overlay applies to the site. However a planning permit is not required for the removal of any vegetation, as none of the trees are over 10 metres in height.

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 the standards.

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

Amendment C125

Amendment C125 was adopted by Council on 28 February 2017. The amendment proposes to include the site within the General Residential Zone -Schedule 3.

CONSULTATION:

Further information was requested of the Permit Applicant on 22 February 2018. In this letter, officers also raised the following preliminary concerns:

- Lack of upper storey articulation for Unit 2
- Impact on adjoining vegetation

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 27 March 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised:

“That they had amended the plans to address all concerns with the key changes being the upper storey setbacks for all dwellings and tree protection measures for neighbouring trees.”

The Applicant was verbally advised on 15 June 2018 that this application was coming to the July Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

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

Thirteen (13) objections have been received and are summarised as:

- Impacts of additional development on car parking and traffic issues within the court.
- Precedent of more multi units within Trevor Court.
- Loss of garden city/landscape character/neighbourhood character particularly due to the sites court location.
- Loss of mature trees.
- Loss of property values.
- Noise/ Construction noise.
- Loss of views to Dandenongs.

Attachment 4 details the location of objector properties.

Referrals

Drainage

Council’s Drainage Engineer has no concerns and recommended standard conditions be included.

Traffic

Council’s Traffic Engineer has no concerns and has recommended standard conditions be included.

DISCUSSION:

Consistency with State and Local Planning Policies

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 Residential Development and Character Policy (Clause 21.04) aims for balanced residential development with a variety of housing styles while remaining sympathetic to the existing neighbourhood character.

The 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. It also encourages a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable.

The subject site is located within the Residential Character Precinct 'C' for which the desired future character seeks for built form to be secondary in visual significance to the landscape, with architecture to be buffered from the street by a well planted front garden. In less wooded areas, buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrasts between buildings. Building heights will vary between neighbourhoods. Trees within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character. Front fences are to be low to allow plants in the front garden to be visible. The soft quality of streets derived from nature strips will be protected by ensuring that each lot frontage has only one single crossover.

The proposal is considered consistent with the desired future character in that:

- The proposal has a single crossover in keeping with the neighbourhood context.
- Vehicle parking facilities do not dominate the frontage.
- The front setback of the proposed development is 7.6 metres which meets the minimum requirement of the schedule to the zone and respects the existing setbacks within the street.
- The front setback of the development provides opportunities for landscaping and is sufficient in size for canopy tree planting which will assist in screening the proposed development when viewed from the street.
- The footprint of the upper levels of the proposed dwellings are smaller than the ground floor plans, thus providing for a gradation in height, which helps to soften the change in scale, particularly from the single storey dwelling to the south.
- Although vegetation removal is proposed it is noted that the trees to be removed are predominantly exotic species and are of low to moderate amenity value. There is adequate scope for replanting on the site.
- No front fencing is proposed which will allow the front open space to be visible from the streetscape to maintain the Garden City character of the court.

Assessment under Clause 55 (Rescode)**Neighbourhood Context/Character and built form**

Clause 22.01 suggests that the character of Area C is defined by its well planted visible front gardens, and an eclectic mix of single and double storey homes of varying architectural styles. In this regard, the contemporary facade of the current proposal is considered appropriate for this particular neighbourhood, where a mix of architectural styles is emerging as original homes are redeveloped with larger replacement homes

A number of objections have been received regarding the precedence the proposal will set in the court for multi unit development and that it is not in keeping with the character of the area.

Whilst it could be considered that properties located within courts generally enjoy a higher level of residential amenity due to reduced vehicle movement and vehicles at a lower speed, it does not mean that the development of multi unit developments will not occur.

The objectives of Clause 55 require that new development respect the existing character or contribute to a preferred character. Any proposed development should have reasonable regard to the elements that contribute to the character of the area relative to the size of the subject site, various site constraints and the relationship with other dwellings. Importantly Clause 55 does not prohibit or exclude courts from multi dwelling development.

The development proposes a new single crossover to the southern boundary which will not impact the existing street tree or the pattern of crossovers in the court. The two storey dwellings are of a contemporary design which provide space to front and rear yards with opportunities for landscaping, including canopy vegetation. The design response is considered to appropriately respond to the character of Trevor Court, maintaining the appearance of a single dwelling presenting to the court.

The proposed built form will differ to the existing development in the court, in terms of its density and height. The design response is considered appropriate given the emerging presence of medium density development in the broader area. The progressively recessive and articulated two storey form provides good transition in built form to the adjoining dwellings.

Furthermore, the presentation of Unit 1 to Trevor Court is considered to be suitably articulated to ensure that the dwelling sits comfortably in the streetscape. The combination of pitched roofs, vertical feature windows, a first floor facade setback up to approximately 2.3 metres from the lower storey and a combination of different materials further breaks up this presentation. There is sufficient landscaped areas within the front setback to allow for appropriate canopy tree planting which will overtime soften views to the development from the street.

The first floor footprints are considered appropriate, but could be improved for Unit 2 and Unit 3.

Modifications to Unit 2 and Unit 3 are recommended to ensure a suitable gradation in built form and to minimise the visual bulk on the rear gardens of adjoining properties as follows:

- The setback of the eastern wall of the Master Bedroom Ensuite wall of Unit 2 be increased by 1 metre.
- The northern wall of Bedrooms 2 and 3 of Unit 3 setback an additional 1 metre from the northern boundary.

These changes should be achieved without any other changes to the first floor envelope.

These changes will provide an improvement to the sense of openness when viewed from within the rear gardens of the adjoining dwellings.

The architectural styling of the proposed development including a mix of contemporary materials and the finishes appropriately integrate the development within the diverse surrounding built form.

Overshadowing

New development should be designed to ensure buildings do not significantly overshadow existing secluded private open space.

The overshadowing impact of the proposed development is considered acceptable. Shadows cast from the development at equinox result in some minimal overshadowing of the adjoining property to the south and east however it will not significantly affect the liveability of the adjoining dwellings.

Overlooking

The proposed development generally complies with the overlooking requirements of Clause 55.04-6. Appropriate screening and obscure glazing has been provided to respond to potential overlooking of the adjoining habitable room windows to the north, south and east. It is noted that a number of windows on the northern, southern and eastern elevation do not include fixed obscure glazing. Fence extensions have been proposed along the adjoining fence lines to ensure compliance with the overlooking standards.

It is noted that the eastern elevation for Unit 3 is incorrectly labelled and a condition will be included to correct this error.

Carparking

Car parking is provided by way of a double garage to each dwelling. The number of car spaces and dimensions meet the requirements of the planning scheme.

The application was referred to Council's Traffic Engineers, who had no objection to the proposal subject to standard conditions. Vehicles are able to turn effectively within the site and exit in a forward direction along the driveway which has a width of at least 3 metres.

With regards to traffic concerns of objectors, it is recognised that courts do have a different character for residents and that they often become social areas and at times areas for overflow parking. These factors do not take away from the primary purpose of the street being for access and as such caution must be exercised by all users as part of the typical road safety routine. It is also considered that the proposal would not result in traffic volumes that would exceed the capacity of local streets, including Trevor Court.

Loss of trees

The proposed development will necessitate the removal of small to medium trees from the site.

There are areas within the front setback for the planting of two new canopy trees, as well as new trees in the secluded private open spaces of all three units.

As the trees grow they will contribute to the Garden City Character of the municipality, as well as enhance greening of the street and surrounding properties, and act as a natural visual buffer to the development.

Response to Objections not previously addressed

Loss of views to Dandenongs

The Planning Scheme does not confer a right to a view over adjoining property, as such, it is not a relevant planning consideration. Double storey dwellings in a residential area are permissible and a feature of many areas of Mount Waverley.

Devaluation of property

The decrease or increase in value to land in the surrounding area is not a relevant planning consideration.

Noise

An objection has been raised to the noise impacts generated by the traffic and additional occupants on the site. The degree of noise that is likely to be generated by cars accessing the three garages or occupants is considered to be negligible and reasonable in a residential suburban context.

CONCLUSION:

The proposal is appropriate given the zoning of the land. The design response is generally consistent with the objectives and requirements of the relevant state and local policies. The additional dwellings will cater for the demand for medium density housing within Monash and will achieve urban consolidation objectives.

The design is generally site responsive and will not result in unreasonable amenity impacts on surrounding properties. The proposal should be approved subject to conditions for minor modifications to address concerns about building bulk.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.