

**1.4 501-515 POLICE ROAD, MULGRAVE
CONSTRUCTION OF 26 DWELLINGS AND REMOVAL OF NATIVE VEGETATION AND
REDUCTION IN THE VISITOR CAR PARKING REQUIREMENT
(TPA/50232)**

EXECUTIVE SUMMARY:

This application proposes 26 dwellings arranged around a private access road, a reduction in the visitor car parking requirement and the removal of several trees.

The application was subject to public notification. Forty-two (42) objections to the proposal have been received.

Key issues to be considered relate to neighbourhood character, loss of vegetation, traffic and car parking design and landscaping opportunities

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 objectors.

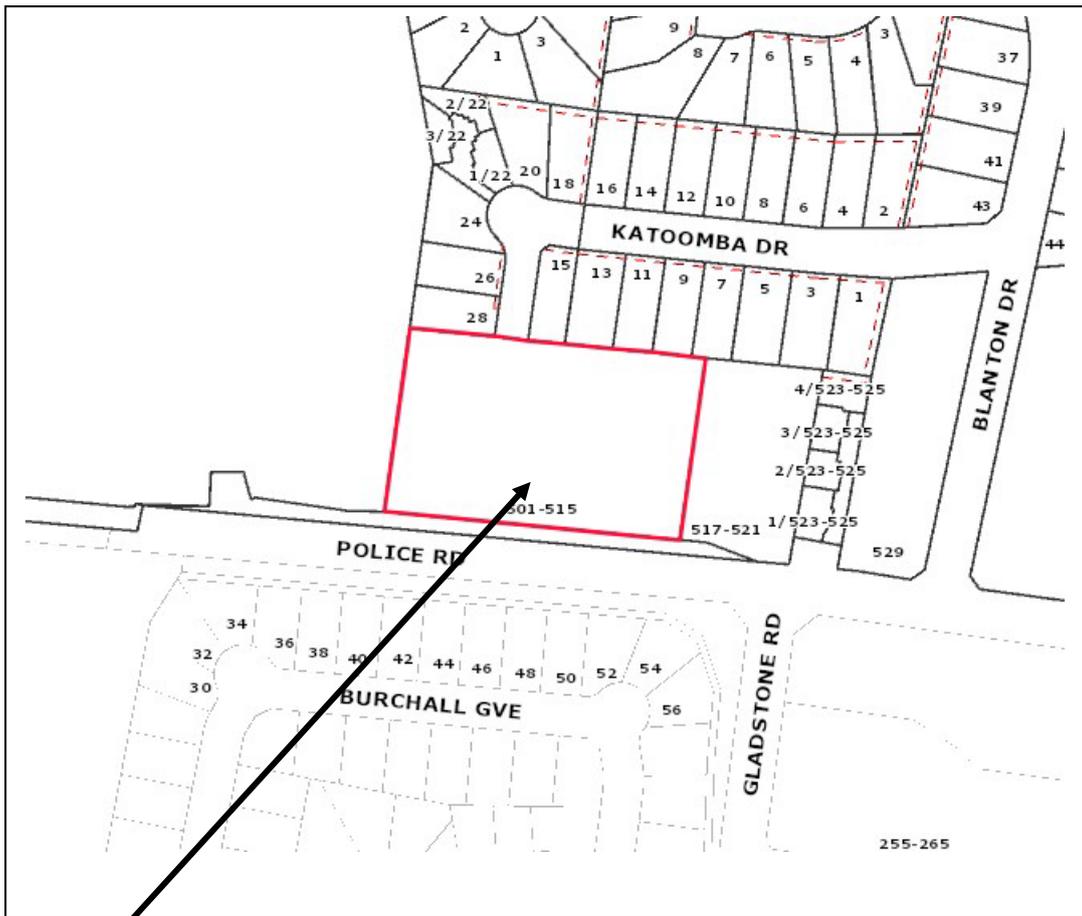
The reason for presenting this report to Council is the proposed development cost of \$4.8 Million.

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

RESPONSIBLE ACTING DIRECTOR:	Natasha Swan
RESPONSIBLE ACTING MANAGER:	Fiona Johnstone
RESPONSIBLE PLANNER:	Rowena Brennan
WARD:	Mulgrave
PROPERTY ADDRESS:	501-515 Police Road, Mulgrave
EXISTING LAND USE:	Residential (one dwelling)
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Forty-two (42)
AMENDMENT C125	New Policy
ZONING:	Neighbourhood Residential Zone, Schedule 4 Abuts Road Zone Category 1 (Police Road)
OVERLAY:	Not applicable

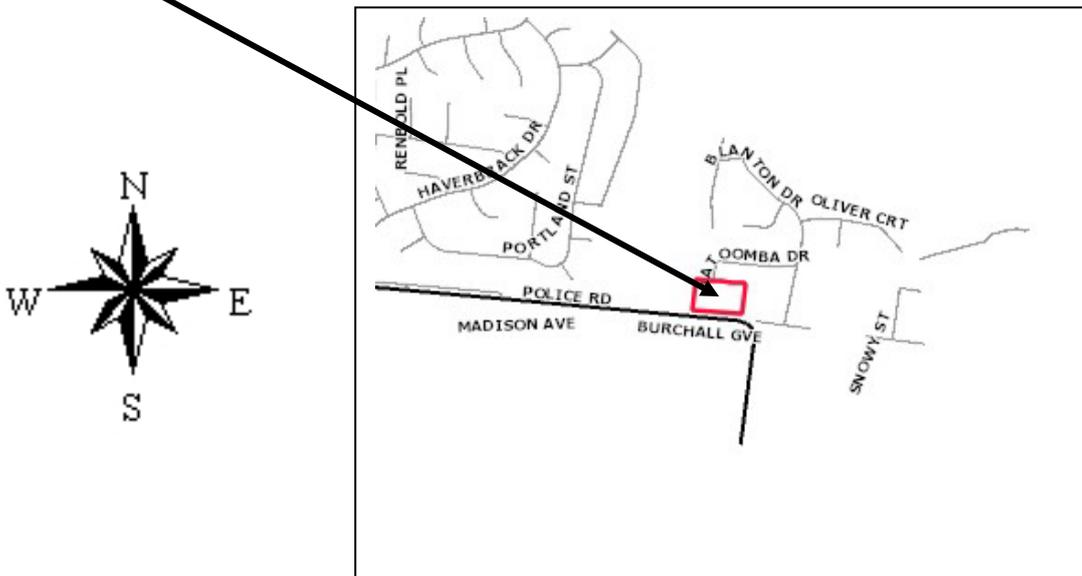
<p>RELEVANT CLAUSES:</p> <p><u>Planning Policy Framework</u></p> <p>Clause 11.01-1R – Settlement – Metropolitan Melbourne</p> <p>Clause 11.02-1S – Supply of Urban Land</p> <p>Clause 12.01-2S – Native Vegetation Management</p> <p>Clause 15.01-1S & R – Urban Design</p> <p>Clause 15.01-2S – Building Design</p> <p>Clause 15.01-4S & R – Healthy Neighbourhoods</p> <p>Clause 15.01-5S – Neighbourhood Character</p> <p>Clause 15.02-1S – Energy and Resource Efficiency</p> <p>Clause 16.01-1S & R – Integrated Housing</p> <p>Clause 16.01-2S – Location of Residential Development</p> <p>Clause 16.01-2S & R – Housing Opportunity Areas</p> <p>Clause 16.01-3S & R – Housing Diversity</p> <p>Clause 16.01-4S – Housing Affordability</p> <p>Clause 18.02-4S – Car Parking</p>	<p><u>Local Planning Policy Framework</u></p> <p>Clause 21.01 – Introduction</p> <p>Clause 21.04 – Residential Development</p> <p>Clause 21.13 – Sustainability and Environment</p> <p>Clause 22.01 – Residential Development and Character Policy</p> <p>Clause 22.04 – Stormwater Management Policy</p> <p>Clause 22.05 – Tree Conservation Policy</p> <p>Clause 22.13 – Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.17 – Native Vegetation</p> <p>Clause 52.29 – Land Adjacent to a Road Zone, Category 1</p> <p>Clause 55 – Two or More Dwellings on a Lot</p>
<p>STATUTORY PROCESSING DATE:</p>	<p>29 September 2019</p>
<p>DEVELOPMENT COST:</p>	<p>\$4.8 million</p>

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/50232)** for the construction of 26 dwellings and associated buildings and works; removal of native vegetation; reduction in the visitor car parking requirement; and alteration of access to a Road Zone, Category 1 at 501-515 Police Road, Mulgrave subject to the following grounds:

1. The proposal is inconsistent with the planning policy framework of the Monash Planning Scheme including Clause 21.04-3 'Residential Development', Clause 22.01 'Residential Development and Character Policy' and Clause 22.05 'Tree Conservation Policy'.
2. The proposal is inconsistent with the objectives and requirements of Schedule 4 of the Neighbourhood Residential Zone.
3. The proposal does not adequately satisfy the objectives and design standards of Clause 55 with regard to Neighbourhood Character, Landscaping, Site Layout and Private Open Space.
4. The proposal is an overdevelopment of the site.
5. The proposed development will result in an adverse impact on the amenity of adjoining properties.
6. The proposal will have an adverse impact on the Dandenong Creek escarpment due to loss of vegetation and an inadequate landscape response.

BACKGROUND:**The Site and Surrounds**

The subject site is located on the north side of Police Road in Mulgrave, approximately 60 metres east of the off-ramp from the Eastlink Tollway. The site is essentially rectangular in shape with a frontage to Police Road of 122.77 metres, an average depth of 76.5 metres and a total site area of 9379 square metres (sqm). The site falls 11.5 metres from west to east. There is a sharp drop from the southern property boundary down to the street level at Police Road of between 2 and 3 metres.

The site contains a single storey dwelling and associated outbuildings, located close to the western end. There is also an abandoned tennis court located to the south-east. Access to the site is from a crossover leading to a partially concealed driveway from Police Road, close to the western boundary.

There is a range of established planting on the site, including 48 trees. Many of the trees are located around the perimeter of the site, with a number also located centrally.

Properties surrounding the subject site to the north, east and south are zoned and used for residential purposes. To the west is the Eastlink Tollway and buffering parklands. The built form of the surrounding area can be more specifically described as follows:

North

Properties abutting the northern boundary are predominantly double-storey brick dwellings which front onto Katoomba Drive and which have rear gardens abutting the subject site. The side boundary of one of these properties abuts the north-western corner, however this property is undeveloped.

Katoomba Drive is a dead-end road which terminates at the northern property boundary of the subject site. The roadway itself narrows down for the portion which runs north-south, compared to the majority of the road which runs east-west and which connects to Blanton Drive.

East

Abutting the eastern boundary is a large residential property which contains the main house close to the northern boundary, as well as two smaller dwellings close to the Police Road frontage. The site contains a mix of established vegetation and outbuildings. Access to the site is via a single crossover adjacent to its eastern boundary. Further east are single storey dwellings, medical office buildings and the Mulgrave Private Hospital.

South

On the south side of Police Road, opposite the subject site, are the rear gardens of dwellings which front onto Burchall Grove, Dandenong North (located in the City of Greater Dandenong).

West

The site is separated from the Eastlink Tollway by a wide landscaped parkland, including established vegetation and a meandering bike path

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

PROPOSAL:

The application proposes to develop the site with 26 free-standing dwellings situated around a private access road in a “C” shape. Access to the site is proposed from Katoomba Drive. More specifically, the proposal has the following features:

- Six single storey and 20 double storey dwellings each containing three or four bedrooms.

- Each dwelling provided with either a double garage or a single garage with a second space in tandem.
- Dwellings to be constructed using a mix of brick and render finishes and either colourbond or tile roofs at 35 degree pitch.
- Front setbacks for the dwellings from the internal road of between 3 metres and 3.95 metres.
- Varied setbacks from the property boundary to the rear of dwellings – generally between 1 metre to 5 metres, with buildings proposed to be built to the boundary, in part, on two occasions (Units 4 and 16).
- Site coverage of 42.87%
- Permeable surfaces comprising 35.65%
- Garden Area comprising 35.31 %
- Proposed lot sizes of between 297.14 sqm to 319.65, with the majority of sites being approximately 300 sqm.
- Total private open space for each dwelling ranging from 75.08 to 128.88 sqm.
- A road way width of 5.5 metres (kerb to kerb), with court bowls at changes of direction and dead-ends.
- Two visitor car spaces located close to the Katoomba Drive entry.
- Bin collection for each dwelling to be located in the front setback area of the dwellings.
- Removal of all vegetation from the site.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The subject site is located within the Neighbourhood Residential Zone (Schedule 4) under the provisions of the Monash Planning Scheme. Pursuant to the provisions of this zone:

- A permit is required to construct two or more dwellings on a lot (Clause 32.09-6).
- A mandatory minimum garden area of 35% is required (Clause 32.09-4).
- A maximum building height for a dwelling of 9 metres (and no more than 2 storeys).
- A minimum lot size for subdivision of 300 square metres (Schedule 4)

The site also abuts a Road Zone Category 1.

Overlay Control

The site is not subject to any overlay controls.

Particular Provisions

Clause 52.06: Car Parking

Prior to a new building being occupied the required parking spaces must be provided on the land or as approved by the responsible authority. A permit is required to reduce the number of car parking space required under Clause 52.06-5.

Clause 52.17: Native Vegetation

A permit is required to remove, destroy or lop native vegetation as the subject site is greater than 0.4 hectares. Any permit granted under this clause must include conditions requiring that the biodiversity impacts of the removal, destruction or lopping of the native vegetation be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation 2017*.

Clause 52.29: Land adjacent to a Road Zone, Category 1

A permit is required to create or alter access to a Road Zone, Category 1. The existing crossover onto Police Road is proposed to be removed as a result of this application.

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

CONSULTATION:

A pre-application meeting was held in December 2018, at which time many of the matters raised in the subsequent further information request were discussed.

Further information was requested of the Permit Applicant on 16 April 2019. In this letter, officers also raised the following preliminary concerns:

- Road design:
 - Court bowl dimensions appear to be insufficient to cater for larger vehicles or for vehicles reversing out of driveways and then turning around.
 - Parking opposite the driveways shown in the south-eastern corner of the site result in a narrowing of the street and will not be supported.
 - Street parking needs to be provided through out, rather than just in visitor bays at the entry. These will need to be indented bays, so as to avoid narrowing of the street (see previous dot point).
 - Internal footpaths are required on at least one side of the street.
- A bin storage area at entry to the site is not supported. Bins are to be stored at each dwelling.

- A five metre setback is required from the northern and eastern property boundaries, as per the NRZ4 requirements.
- The side boundary fence flush with the internal road way for Units 10 and 11 is a poor design resolution and is not supported.
- Justification needs to be provided for a reduction in the proposed front setback of dwellings to less than 7.6 metres, given that this is a requirements of NRZ4.
- Greater separation between the dwellings along the western edge of the site is required to provide views to the parklands beyond.
- The design as a whole should aspire to retain significant vegetation, in keeping with objectives of the NRZ4.

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

The Permit Applicant responded to this letter on 31 July 2019 by providing the requested information. The applicant also made minor amendments to the plans, including:-

- reduction in the number of visitor car parking spaces;
- re-orientation of units 10 and 11 to address the side road in this location; and
- altered bin storage locations.

Overall the changes were minor in nature and did not substantially address the preliminary officer concerns.

The Applicant was verbally advised on 14 August 2019 that this application was coming to the September 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 refusal, and an outline of the reasons has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987*. Two (2) large signs were displayed on the site during the notification period.

Forty-two (42) objections to the proposal have been received.

The objections received (many of which are of a pro-forma type) to the application included the following concerns:

- Increase in traffic and resultant traffic congestion in surrounding streets and Katoomba Drive in particular, as well as the Police Road/Gladstone Road intersection.
- Overspill/shortfall of visitor parking
- There should be an entrance onto Police Road
- Additional service vehicles (in the form of private waste collectors) will add to the traffic congestion.
- Impact on the surrounding area during construction.
- Loss of potential for access road connection to 517-521 Police Road.
- Narrowness and slope of the proposed connection point to Katoomba Drive.
- Over 700m for the development to the nearest bus stop.

Attachment 4 details the location of objector properties.

Referrals

The application was referred to VicRoads (being a determining referral authority) given that the existing crossover onto Police Road is proposed to be removed, and which is deemed to be an alteration to the access from a designated main road. VicRoads advised that it does not object to the proposal and requires the inclusion of one condition on any permit issued.

Council's Traffic Engineer made the following comments:

- *"The section of Katoomba Drive north of the development access is approximately 6.1m in width with unrestricted parking on both sides. It is expected that parking restrictions will need to be introduced to at least one side to ensure that vehicle access to the development is not impeded.*
- *It is considered that there is sufficient space on the internal streets to accommodate additional visitor parking on one side.*
- *Vehicles from Unit 4 and the northern space of Unit 5 may have difficulty exiting in a forward direction.*
- *The driveway ramp grades are not clear [for each individual dwelling, due to the slope of the site] and consequently it is suggested that a ramp grade permit condition be required as above.*
- *The traffic report identifies public transport services operate on Gladstone Road approximately 250 metres from the site. However the walking distance from the site to the nearest bus stop is approximately 680 metres as pedestrians are required to travel via Katoomba Drive, Blanton Drive and Police Road. It is recommended that a pedestrian link from the site to the existing footpath on the north side of Police Road in front of the site be provided in order to improve accessibility to public transport, sustainable transport (Eastlink Trail) and local services in the wider neighbourhood.*

- *It is considered appropriate to provide a footpath on one side of the internal streets to facilitate pedestrian access to Katoomba Drive and Police Road for vulnerable residents, such as parents with prams, children and the elderly, all of which are likely to be part of this residential community.*
- *The traffic report indicates the private waste vehicle swept path. There is concern that the swept paths are heavily reliant on the driveways of Unit 7 and Unit 16 and there is no guarantee that these will be clear of parked vehicles. Waste vehicles will find it very difficult to exit forwards if these areas are occupied, and may need to reverse a considerable distance which is a safety concern. The traffic report indicates that specific turn around areas will be signed or linemarked “No Stopping” to the satisfaction of Council, however as enforcement of this is unlikely, the design of the court bowl to accommodate waste vehicle manoeuvres is considered more appropriate. It is also suggested that the design consider the potential to accommodate Council waste vehicles as this is likely to provide access to a variety of waste services into the future.*
- *The predicted traffic generation of 13-17 vehicles/peak hour is low and is expected to have a negligible impact on the local traffic network.”*

Council’s Drainage Engineer has recommended standard drainage conditions.

Council’s Waste Management Team reviewed the submitted Waste Management Plan (WMP). Design concerns have been raised, including vehicle manoeuvrability and provisions of insufficient areas for waste storage. Recommendations regarding modifications to the WMP have been provided.

DISCUSSION:

State Policy

Clause 11.02-1S of the Monash Planning Scheme sets clear strategies for settlement in Metropolitan Melbourne as identified under Plan Melbourne 2017-2050. Strategies include:

*“Planning for urban growth should consider (amongst other things): ...
Neighbourhood character and landscape considerations. ...”*

In relation to Native Vegetation management, Clause 12.01-2S has as the Strategy the following:

“Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

- *Avoid the removal, destruction or lopping of native vegetation.*

- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.”*

In relation to Building Design, Clause 15.01-2S of the Scheme states the objective as:

“To achieve building design outcomes that contribute positively to the local context and enhance the public realm.”

And the objective of Clause 15.01-5S Neighbourhood Character is:

“To recognise, support and protect neighbourhood character, cultural identity, and sense of place.”

Clause 16.01 of the Scheme relates specifically to residential development, where integrated housing, housing diversity and housing affordability are supported.

Integrated housing strategies at Clause 16.01-1S include:

“Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.”

The Location of Residential Development objective at Clause 16.01-2S seeks:

“To locate new housing in designated locations that offer good access to jobs, services and transport.”

A range of housing types to meet diverse needs are sought by the Housing Diversity Clause 16.01-3S. The Strategy at Clause 16.01-3R seeks to:

“Create mixed-use neighbourhoods at varying densities that offer more choice in housing.”

The objective for Car Parking at Clause 18.02-4S seeks:

“To ensure an adequate supply of car parking that is appropriately designed and located.”

The use of the subject site for a multi-unit residential development is well supported by urban consolidation and housing strategies within the Planning Policy Framework of the Monash Planning Scheme. The site provides an excellent opportunity to increase the housing stock and diversity in the municipality.

However the proposed removal of all vegetation from the site in order to accommodate the proposal, is at odds with the Native vegetation management

guidelines which first seek to avoid removal, then to minimise the impact and only finally allow for off-sets to compensate the loss. The proposed design shows no attempt to keep any of the established vegetation which is at odds with this Strategy.

Local Policy

The Municipal Strategic Statement at Clause 21 of the Scheme identifies the Garden City Character of the municipality as a core value held by the community and Council and is a significant and important consideration in all land use and development decisions.

Relevant objectives for Residential Development, contained at Clause 21.04-3, include:

- *“To encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.*
- *To encourage high standards of architectural design, including the incorporation of environmentally sustainable design principles in buildings and landscaping associated with residential development that takes into account environmental constraints.*
- *To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.”*

The “Residential Development and Character Policy” at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the Area. Existing semi-mature and mature canopy trees are to be retained wherever possible.

Objectives of the “Tree Conservation Policy” at Clause 22.05 seek to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement. The retention of mature trees, as well as encouraging the planting of new canopy trees with spreading crowns, is promoted.

The proposal only meets some of the objectives contained within the local planning policy framework.

The spacing of the development, as an effect of the number of dwellings proposed, results in a very tight layout that has a number of consequences to the detriment of the development. Specifically, the lack of footpaths and reliance on minimal front setbacks, well below the 7.6m expectation, results in an intensity of development and severely reduces the opportunity to retain any existing vegetation. This is at odds with Council’s Garden City Character objectives and is a

missed opportunity on such a large site. Modifications to the design to seek to retain some of the significant planting, together with a more spacious development to enable more opportunities for new canopy tree planting, would result in a more site responsive development that supports Council's Garden City ideals.

Monash Housing Strategy

The Monash Housing Strategy has been developed to review Council's current housing strategies based on an assessment of key State and Local Strategies and research from all tiers of Government and other research bodies.

The Housing Strategy identifies that a key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability.

Under this Strategy the subject site is identified as being within both Category 6 – Dandenong Creek Escarpment and Category 8 – Garden City Suburbs.

The Objective for Category 6 is:

"Provision of opportunities for modest housing growth and diversification with emphasis on preserving and enhancing Monash's Garden City Character. Design emphasis is to be placed on the protection of neighbourhood character, landscape and native vegetation across the western slopes of the Dandenong Creek Valley."

With the residential outcome being:

"Conventional lower density detached housing and unit development.

On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of substantial landscaped setbacks."

The strategic aim for substantial landscaping and retention of mature trees is also reflected in the Category 8 objective and outcomes which seeks to enhance the Garden City Character of the municipality with generous open spaces, tall canopy trees and substantial landscaped setbacks.

The proposal is considered to be inconsistent with the intention of the Strategy in that none of the existing vegetation on site, including significant trees, are proposed to be retained as a result of this development. Furthermore, the reliance on minimal building setbacks reduces opportunities for new canopy planting, both along the site boundaries and throughout the site, which would enhance the Dandenong Creek escarpment.

Neighbourhood Residential Zone - Schedule 4

The objectives of Schedule 4 of the Neighbourhood Residential Zone are:

- *"To ensure new development maintains the important view lines to the Dandenong Ranges, along the streets and between buildings.*

- *To ensure development is defined by its spacious and generous garden settings, tall canopy trees and consistent built form and setbacks.*
- *To encourage open gardens to the street, and the planting and retention of significant trees”*

The proposal is inconsistent with the second and third objectives, and this is further demonstrated by a combination of minimal or non-compliance with the variations contained in the Schedule to the zone.

Specifically, the Clause 55 (ResCode) variations are designed to support the objectives of the zone to ensure a spacious development form that allows for generous garden areas. The minimal front setbacks (of between 3.0-3.95m) are significantly less than the 7.6m required. This is a symptom of overdevelopment of a site which is seeking to squeeze too many dwellings into the property. Whilst some reduction may be appropriate, the minimal setbacks result in a reduced area being available for the planting of canopy vegetation. Furthermore, a 5m rear boundary setback is not achieved for dwellings adjacent to all boundaries. Whilst some variation is acceptable for the southern and western boundaries which front public vegetated areas, the northern and eastern boundaries abut existing residential properties and contain minimal setbacks, including some walls which are built to the boundary. This precludes opportunities for significant planting in these areas. Five metre separations are also not proposed between the dwellings in the central portion of the proposed development. Some consideration should be given to achieving such setbacks in this area in order to better accommodate landscaping.

Schedule 4 also contains a minimum lot size for subdivision of 300 square metres. It is noted that four of the proposed sites fall short of this requirement (by between 0.6-2.86sqm), and 13 are between 300-302 sqm. These lot sizes are indicative of a development proposal that is not only non-compliant in part, but which is seeking to build to the bare minimum standards and thus having a consequential impact on the ability to meet the objectives of the zone.

For the reasons already described above, the loss of vegetation and minimal areas to provide new canopy vegetation is also inconsistent with the zone objectives.

Neighbourhood Character and Built Form

New development must be designed to ensure that it respects existing neighbourhood character, contributes to the preferred character and responds to the features of the site. The height and setbacks of buildings must also respect existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

The subject site is considered to be suitable for a residential development, however the design resolution proposes an intensity of development that is the result of designing to minimum standards. The consequences of the minimal (and in some case non-compliant) lot sizes, reduction in setback requirements and clear

felling of the site of all vegetation, reduces the ability of this infill development to provide a positive interface with the adjoining residential properties and to make a positive contribution to the Dandenong Creek escarpment environment.

Design Detail

The architectural style of the proposed housing is considered to be appropriate, with the use of pitched roofs and a combination of brick and render walls to differentiate the dwellings. The proposed mix of both and single and double storey will provide a range of housing opportunities. The stepping down of the built form of the proposed dwellings, following the contours of the land, helps to reduce perceptions of visual bulk.

The recessing of all garages approximately 2-3 metres behind the front facade of the majority of dwellings throughout the site is also a positive design feature as it minimises the garages dominance in the streetscape. This element should be encouraged in any future redesign of this site.

Landscaping

A landscape concept plan was submitted in support of the application. The plan suggests a mix of medium height (5-8m) trees to be provided throughout the development in both secluded private open spaces and front setbacks.

Whilst the supply of new trees throughout the site is necessary, the loss of established canopy vegetation, some of which are significantly taller, will result in a development that is dominated by built form instead of a development that is characterised by a strong landscape character with tall trees and open gardens consistent with the policy framework and zone objectives of the Monash Planning Scheme.

Further, the plan has limited detail in terms of retaining walls likely to be required to deal with the land slope. These wall will further reduce landscaping opportunities.

The submitted arborist report identifies existing trees both on the subject site and neighbouring properties. Of the 41 trees located on the subject site, the arborist considers that 37 have a low retention value and 4 have a moderate to high retention value. Two neighbouring trees, which must be retained and protected, result in the arborist recommending that the plans be modified to ensure these trees are not adversely affected.

Further, five large trees and two small trees on the site are identified in a separate Native Vegetation removal report. This report is in response to the requirements of Clause 52.17 which specifies that the removal of native vegetation requires an 'offset' to be achieved by mandatory permit conditions should a permit be granted for their removal.

Compliance with Clause 55 (ResCode) not previously discussed

The proposal meets the technical requirements of many of the Clause 55 (ResCode) standards. However, technical compliance with standards does not necessarily result in a good design outcome, for the reasons already described in this report. Furthermore, some of the areas of non-compliance have already been addressed in the report above. However the following additional areas of non-compliance are also worth noting:

- Windows have generally been located to prevent overlooking internally within the development and also to neighbouring properties. There are, however a number of instances where overlooking can occur to the existing properties to the north and east. Suitable permit conditions could be employed to address these areas should a permit be issued.
- One of the dwellings is provided with less than the minimum required 75 sqm of private open space. The submitted plans assert that the correct minimum areas have been provided, but close checking reveals that narrow sideways have been counted towards this total for Unit 5 and that the actual useable area (with a minimum width of 3 metres) is less than 75sqm.
- With regard to connectivity, it is noted that Council's traffic engineer highlighted that the nearest bus stop is on Gladstone Road – approximately 680m from the only entry to the site from Katoomba Drive. This is more than the 400m maximum encouraged. A pedestrian access path from the subject site connecting directly to Police Road would ensure greater pedestrian and bicycle connectivity with the surrounding area. Its design would need to provide safety of users, and therefore its width and length are important elements.

Car Parking, traffic and access

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Three or four bedroom dwelling	26	(2 spaces/ three bedroom	52	52
Visitor Parking		1 space for every 5 dwellings	5	2
Total	26		57	54

Whilst only two designated visitor spaces are shown on the plans, Council's traffic engineer has confirmed that there is sufficient road width and room within the development for visitor vehicles to park on one side of the road, and therefore can

be accommodated successfully on site. The proposed carriageway width of 5.5m accords with the minimum accessway width that allows for parking on the carriageway on one side for a minor street providing local residential access in accordance with Clause 56.06 requirements.

The sole proposed vehicular access to the site from Katoomba Drive is considered to be appropriate. The fact that Katoomba Drive was designed to terminate at the northern property boundary of the subject site confirms that this was always intended to be an access point to the site. Access from Police Road is not desirable for the site as a whole, primarily due to the steep nature of the interface at this boundary and also being a main road with higher speed and volume of traffic.

Council's traffic engineer has confirmed that the predicted traffic generation of the development is low and is expected to have a negligible impact on the local traffic network.

Concerns raised by the traffic engineer (detailed earlier in this report) relate to the design detail of the proposed layout, with specific concerns regarding some restricted points of manoeuvrability and the lack of provision of footpaths within the development to facilitate pedestrian access. These concerns add weight to the overall officer view that the proposal is seeking to fit too many dwellings on the subject site, thus designing to minimum standards and resulting in a less than ideal result for future occupants.

Waste Management

A Waste Management Plan was submitted with the application as part of the supporting documentation. Private collection of waste is proposed for the development. Council's Waste Service's department have raised some concerns, including vehicle manoeuvrability and provisions of insufficient areas for waste storage. Recommendations regarding modifications to the WMP have been provided. Again, this reflects that the proposal is seeking too much on the site.

Construction Management

A Construction Management Plan including details of staging construction works and construction vehicle access traffic management detail would be a permit condition requirement, should a permit be recommended. Construction Management Plan requirements seek to minimise amenity impact of the proposed development on the surrounding area.

Objections not previously addressed

- Possibility of connection to 517-521 Police Road should this site be developed.

This is not a feature of the proposal. Future development of 517-521 Police Road will be considered on its merits and access will be from the existing Police Road frontage as its sole road abuttal. Officers note that there is nothing preventing the two landowners seeking a shared proposal for access.

- Impact on surrounding area during construction
Whilst this is not a relevant planning consideration, a Construction Management Plan would be required by permit condition should a permit be recommended for approval for this site.
- Narrowness and slope of the proposed connection point to Katoomba Drive
Council's Traffic Engineer has assessed the proposed access arrangements and is satisfied that the proposed entry is appropriate, subject to parking restrictions being included on at least one side of Katoomba Drive in the section just north of the development site.

CONCLUSION:

Although the subject site is a good opportunity for urban consolidation, the submitted development form is inconsistent with the objectives of the zone and the neighbourhood character, particularly in relation to the Garden City character.

The design layout limits opportunities for a suitable landscaped response that will support the policy objectives for the Dandenong Creek escarpment. The loss of all vegetation, is also not supported.

The meagre landscape response, minimal lot sizes, reduced setbacks, tight vehicle manoeuvrability and poor walkability are all indicative of the proposal being an overdevelopment.

A significant site of this size should be a good opportunity for a superior application than can readily achieve a quality development, but instead the proposal seeks to maximise yield resulting in a poor quality development that is not responsive to the neighbourhood character.

It is recommended that Council refuse this application.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.