

**1.5 2 CURTIS AVENUE, MOUNT WAVERLEY
CONSTRUCTION OF THREE (3) DOUBLE STOREY DWELLINGS
(TPA/49295)**

EXECUTIVE SUMMARY:

The original application was for the construction of four (4) double storey dwellings. Following the initial consultation and advertising process the applicant was advised that the proposal would not be supported. The applicant amended the application to construct three (3) double storey dwellings only. It is this application that is currently under consideration.

The application was subject to public notification. Twenty eight (28) objections to the proposal have been received.

Key issues to be considered relate to building bulk and massing, landscaping opportunities, private open space, amenity impacts and car parking.

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 adopted Amendment C125 and issues raised by objectors.

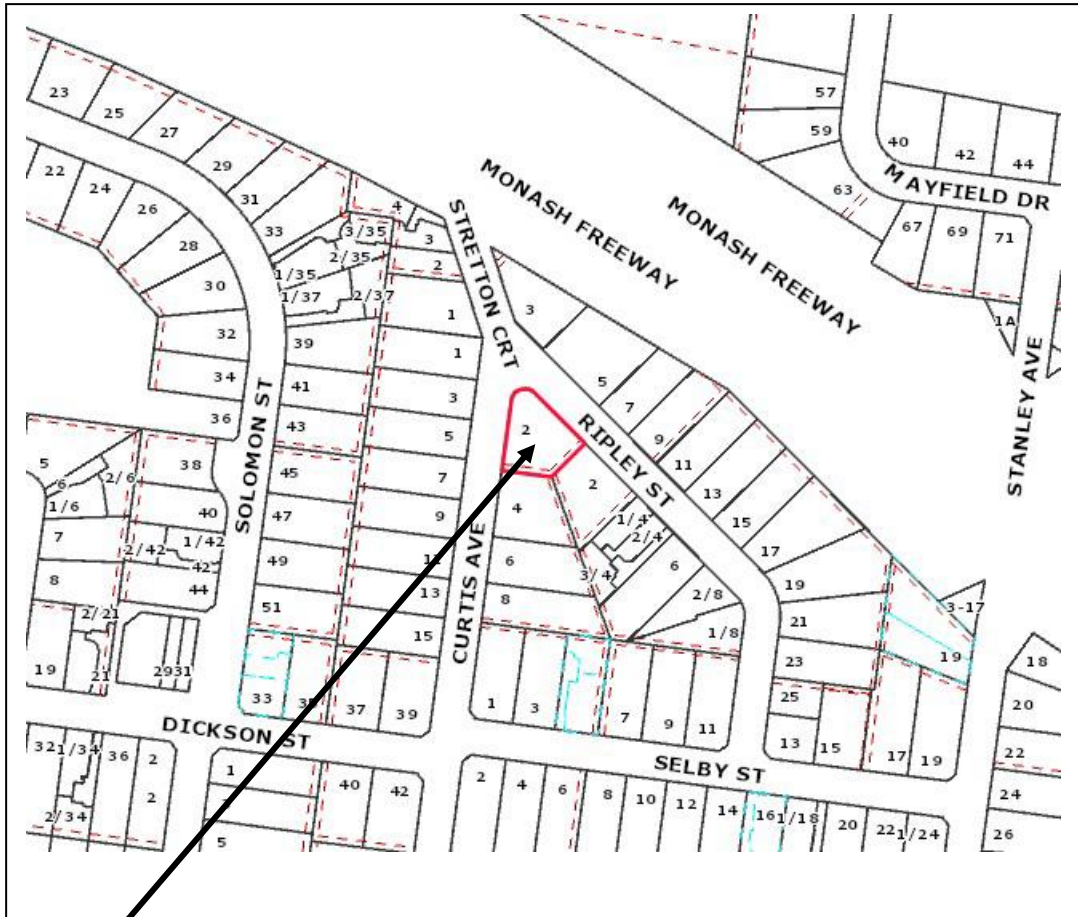
This application has been called in to Council by Cr Fergeus, Cr Patterson and Cr James.

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: | Craig Smith |
| WARD: | Oakleigh |
| PROPERTY ADDRESS: | 2 Curtis Avenue, Mount Waverley |
| EXISTING LAND USE: | Dwelling |
| PRE-APPLICATION MEETING: | No |
| NUMBER OF OBJECTIONS: | Twenty eight (28) |
| ZONING: | General Residential Zone 2 |
| OVERLAY: | None |
| AMENDMENT C125 (adopted) | General Residential Zone 3 |

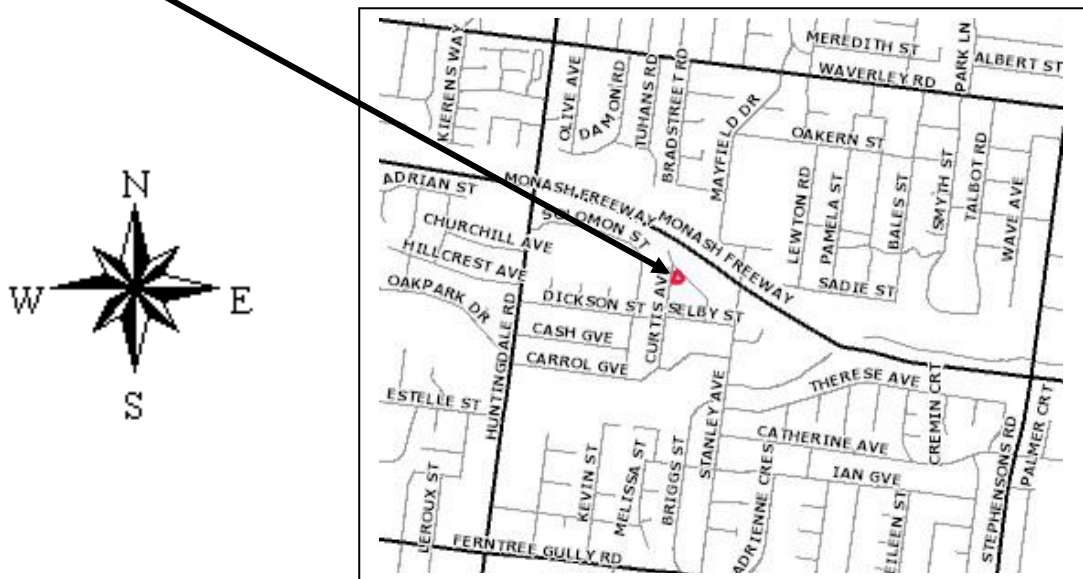
| | |
|---|---|
| <p>RELEVANT CLAUSES:</p> <p><u>State Planning Policy Framework</u></p> <p>Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing</p> <p><u>Local Planning Policy Framework</u></p> <p>Clause 21.02 Key Influences Clause 21.03 A Vision for Monash Clause 21.04 Residential Development Clause 22.01 Residential Development and Character Policy Clause 22.05 Tree Conservation Policy</p> | <p><u>Particular Provisions</u></p> <p>Clause 52.06 Car Parking Clause 55 Two of more dwellings on a lot and residential buildings</p> <p><u>General Provisions</u></p> <p>Clause 65 Decision Guidelines</p> |
| <p>STATUTORY PROCESSING DATE:</p> | <p>9 March 2019</p> |
| <p>DEVELOPMENT COST:</p> | <p>\$880,000</p> |

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49295)** for the construction of three (3) double storey dwellings, at 2 Curtis Avenue, Mount Waverley subject to the following conditions:

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 secluded open space area for Dwelling 2 provided with a minimum rectangle of 8m x 5m and a minimum 7.6 metre setback from the Ripley Street title boundary to the satisfaction of the Responsible Authority.
 - b) The Dwelling 2 entry re-orientated towards Ripley Street and the front wall staggered without (except for the front porch) encroaching into the 7.6 metre front setback to the satisfaction of the Responsible Authority.
 - c) The garage for Dwelling 2 extended 1 metre to the east and the area is to be used to satisfy the storage requirements for the dwelling.
 - d) The upper storey of Dwelling 2 is to be redesigned as a consequence of the ground floor amendments. The upper storey shall comprise a maximum of 3 bedrooms (one with ensuite) and separate bathroom area only, to the satisfaction of the Responsible Authority.
 - e) The upper storey must be setback to provide articulation and visual interest from the ground floor to the satisfaction of the Responsible Authority.
 - f) The fence around the secluded open space of Dwelling 2 is to be no more than 2 metres above ground level and be of an exposed post and rail construction to the satisfaction of the Responsible Authority.
 - g) Tree protection measures in accordance with the amended arborist report by All Trees Consulting Services lodged 21 March 2019 to protect neighbour's Trees 4, 5, 6 and 7.
 - h) Notations on the elevation plans to state first floor obscure glazing with not more than 25% transparency. (In addition to the notations already shown)
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. 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:-
 - a) provision of eight (8) canopy trees with spreading crowns comprising four in the front setback to Ripley Street, one located in each of the secluded private space areas and one located within the Dwelling 1 front setback to Curtis Avenue.
 - b) planting to soften the appearance of hard surface areas such as driveways and other paved areas.
 - c) 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.
 - d) the location and details of all fencing.
 - e) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - f) 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.
4. 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 then maintained to the satisfaction of the Responsible Authority.
5. Neighbour's Trees 4, 5, 6 and 7 must be protected in accordance with the endorsed plans and must not be damaged during construction.
6. The nature strip trees must be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works and maintained to the satisfaction of the Responsible Authority until the issue of Certificate of Occupancy.
7. All common boundary fences internal to the site are to be a minimum of 2 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.
8. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) transport of materials, goods or commodities to or from the land;

- b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
9. The construction works associated with the permitted development must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7:00am to 6pm;
 - Saturday – 9am to 1pm;
 - Saturday – 1pm to 5pm (only activities associated with the erection of buildings that does not exceed EPA Guidelines);
- unless otherwise approved in writing by the Responsible Authority.
10. The existing redundant crossing at Ripley Street is to be removed and replaced with kerb and channel. The footpath and naturestrip is to be reinstated to the satisfaction of the responsible authority.
11. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from all driveways onto the footpath. Such a system may include either:
- a) a trench grate (150 mm 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.
12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
13. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development is not started before 2 years from the date of issue.
 - The development is not completed before 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.

NOTES:

1. Building Permit approval must be obtained prior to the commencement of the above approved works.
2. 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.
3. 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.
4. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip of 1 Selby Street via a 225 mm pipe and a 900 mm x 600 mm junction pit to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).
5. A drainage contribution of approximately \$4786 will be accepted in lieu of a detention system. This amount is valid until 30 June 2020. 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.
6. Stormwater detention requirements may be obtained from the Monash City Council prior to the design of any stormwater detention system.
7. Building Over Easement approval is required for the Unit 1 garage and driveway and Unit 4 garage and driveway. Approval will be given subject to:
 - Yarra Valley Water approval being obtained;
 - The use of easement agreement being signed by Council.
8. The proposed vehicle crossing is to be constructed in accordance with the Monash City Council standards.

BACKGROUND:**History**

There are no planning permits issued to the land.

The Site and Surrounds

The site is located on the south corner of Curtis Avenue and Ripley Street, 108 metres north of Selby Street. It has an area of 815 square metres and is diamond in shape with street boundaries of 29.8 metres and 29 metres and side boundaries of 21.3 metres and 19.6 metres. It has a moderate fall from north to south by approximately 1.1 metres. The site contains a single dwelling and three small trees. There is an existing high paling fence along most of the Curtis Avenue front boundary. There is currently one vehicle crossing to Ripley Street at the north of the frontage. There is a 2.44 metre wide drainage and sewerage easement along the southern boundaries. No Council drainage assets are shown within the easement.

The surrounding land comprises the following:

- **North** – Predominately single storey dwellings constructed in the late 1960s of brick veneer with pitched tiled roofs. There are some examples of double storey dwelling and a multi-dwelling development (more recently constructed). The Monash Freeway is located 45 metres to the north-east.
- **South** – Predominately single storey dwellings constructed in the late 1960s of brick veneer with pitched tiled roofs. There are some examples of double storey dwellings and two multi-dwelling developments (more recently constructed).
- **East** – Single storey dwellings primarily constructed in the late 1960s of brick veneer with pitched tiled roofs.
- **West** – Single storey dwellings primarily constructed in the late 1960s of brick veneer with pitched tiled roofs.

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

PROPOSAL:

This application proposes the construction of three double storey dwellings. The key features of the proposal are summarised as follows:

- Dwelling 1 and 2 front Curtis Avenue and Dwelling 3 fronts Ripley Street.
- Vehicle access is provided via single driveways with direct street access to single garages and tandem spaces on the private driveways.
- Each dwelling is provided with secluded private open space at ground level, located to the side or rear of the dwelling.
- Each dwelling is double storey with a pitched tiled roof and rendered wall finish and weatherboard cladding.

- Dwelling 1 and 2 has a living room, dining room and kitchen at the ground floor and three bedrooms at the first floor.
- Dwelling 3 has a living room, dining room, kitchen and bedroom at the ground floor and three bedrooms at the first floor.
- The proposal provides a 7.6 metre setback along the entire length of the Ripley Street frontage. Street setbacks to Curtis Avenue are 3 metres to Dwelling 1 and 2 metres to Dwelling 2.
- The three small trees on site are proposed to be removed.
- The existing street tree on Curtis Avenue is proposed to be retained.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

The land is zoned General Residential Zone 2 and is not affected by any overlays.

A planning permit is required for the following:

- General Residential Zone 2 – construct two or more dwellings on a lot.

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

CONSULTATION:

Public Notice – 1st Round

The original application for four (4) double storey dwellings 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 signs displayed to the Curtis Avenue and Ripley Street frontages of the site.

Objections received for the applications included the following:

- Number of units and density.
- Proximity to shops and services.
- Building scale, bulk and massing.
- Insufficient landscaping opportunities.
- Non-compliance with garden area requirement.
- Removal of trees on site, street trees and impacts to neighbours' trees.
- Front setback should be to Curtis Avenue.
- Side setbacks and walls on boundaries.
- Overlooking and overshadowing.
- Car parking, vehicle access and traffic congestion.
- Drainage, flooding risk and permeability.
- Solar access to secluded private open space.

- Poor solar access to habitable room windows.
- Rooftop solar panel could be impacted if installed in the future.
- Would like Council to purchase the site as a park.
- Common property is a poor planning outcome.
- Units could be left vacant if purchased by investors.
- Flammable cladding could be used.
- Potential for poor quality construction.
- Overcrowding will prejudice opportunity to develop my land in the future.
- Disruption, safety and damage to property during construction.
- Devaluation of property.

The application was amended after advertising to reduce the number of dwellings from four to three and address concerns raised by planning officers. The application was readvertised to owner/occupiers. No further objections were received and no objections were withdrawn in response to the amendment and the concerns raised by objectors are maintained.

Attachment 4 details the location of objector properties.

Internal Referrals

The application was referred to the following internal departments:

- Traffic – No issues raised subject to standard conditions relating to vehicle access.
- Drainage – No issues raised subject to conditions relating to stormwater drainage. This includes the requirement for an approved drainage plan and the owner obtaining build over consent for construction of the garages and driveways over the Council's drainage easement.
- Horticultural Services – There must be no excavation within 3.59 metres of the *Eucalyptus nicholii* nature strip tree located in Curtis Avenue (closest to Ripley Street) and tree protection fencing is required during construction.

DISCUSSION:

Consistency with State and Local Planning Policies

Clause 11 Settlement and Clause 16 Housing of the Monash Planning Scheme seeks to increase housing supply and diversity and improve the access to services and public transport. The proposal makes a positive contribution to the supply and diversity of housing in the municipality and does so within reasonable proximity to services and public transport. Services and public transport include:

- Mount Waverley Heights Primary School (110 metres)
- Scotchman's Creek Reserve (290 metres)
- Huntingdale Road bus network (450 metres)
- Mount Waverley Technology Precinct (1.1 km)
- Pinewood Shopping Village (1.6 km)

- Mount Waverley Neighbourhood Centre, including train station (1.7 km)
- Oakleigh Activity Centre, including train station (1.9 km)
- Huntingdale Neighbourhood Centre, including train station (2.2 km)

Clause 15 Built Environment and Heritage seeks to create a distinctive and liveable city with quality design and amenity. Clause 22.01 Residential Development and Character Policy seeks to achieve architectural and urban design outcomes that positively contribute to neighbourhood character. The scale of the proposal is sympathetic to the character of the area and it provides adequate amenity for occupants for the reasons discussed below.

Clause 22.05 Tree Conservation Policy seeks to promote the retention of mature trees and encourage the planting of new canopy trees to maintain and enhance the garden city character. Clause 22.01 Residential Development and Character Policy seeks to build upon the important contribution that landscaping makes to the garden city character. No significant trees are proposed to be removed and generous landscaping opportunities are provided to maintain the garden city character of the area, including opportunity for canopy tree planting,

Monash Housing Strategy 2014

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.

The need for the City of Monash to adopt a proactive role to address housing issues has been imperative and the Monash Housing Strategy forms part of that role. Under this strategy the site falls within Category 8 - 'Garden City Suburbs' where the residential outcome is for:

"Predominantly conventional detached houses, units and townhouses reflecting the existing scale and neighbourhood character. On larger lots, in suitable locations, lower to medium scale apartment developments may be appropriate, subject to careful design and the provision of substantial landscaped setbacks."

The proposal is considered to be consistent with the objectives of the strategy as it respects the preferred residential outcome in terms of the style of development, the double storey scale and the provision of a generous landscaped frontage to one street, appropriate to the surrounding residential area.

Amendment C125 to the Monash Planning Scheme

Under proposed Amendment C125 (Part 2) to the Monash Planning Scheme the land would be zoned General Residential Zone - Schedule 3 (GRZ3). The objectives of the proposed zone include:

- *“To ensure development is consistent with the desired future character statement for the area as set out in Clause 22.01-4.*
- *To ensure that development enhances the existing garden city character.*
- *To ensure development has generous and consistent setbacks and respects the height, scale and massing of existing dwellings in the neighbourhood.”*

The new zone would also include specific changes to several Clause 55 standards. These include a reduction to the building site coverage from 60% to 50%, an increase in permeable area from 20% to 30%, a rear setback of 5 metres, canopy tree planting and location of external storage units.

The proposal meets the requirements of the proposed zone in relation to site coverage (34%), permeable area (58%) and canopy tree planting (8 canopy trees proposed). However, the policy does not specify how the 5 metre rear setback should be applied to corner sites. Given the irregular, diamond shaped lot, with two street frontages, and extent of existing built form on abutting properties the proposed rear setbacks are considered acceptable. It is not practical or feasible in all circumstances to simply provide a 5 metre “rear” setback and this property is one such example.

The intent of the policy is met considering significant landscaping opportunities are provided, the siting of the existing dwelling, the absence of a significant open space vista to protect and setbacks sufficient to mitigate amenity impacts to adjoining properties. Consideration must also be given to the current zone (General Residential Zone 2) which currently has no such requirement.

Height and Garden Area

The proposal meets the maximum building height requirement of 11 metres and 3 storeys at 7.5 metres and two storeys. The proposal meets the Garden Area Requirements of the General Residential Zone. The site has an area of 815 square metres requiring 286 square metres (35%) of garden area. In total 454 square metres is provided (55%) exceeding the minimum requirement.

RESCODE ASSESSMENT

Neighbourhood Character

Building bulk and massing is sympathetic to the character of the area. The heights of the dwellings (double storey/7.5 metres) are in keeping with the scale of building in the area and are not visually obtrusive. The size of the ground floor footprints are modest (34% site coverage). The first floor footprints are modest in proportion to the site and are sufficiently articulated.

There is sufficient separation between buildings at the ground floor with Dwelling 3 fully detached from the other dwellings and the recessed garages of Dwelling 1 and 2 providing a meaningful break in wall lines. It is not considered necessary to have all three dwellings fully detached at the ground floor to respect the existing character of the area. There is sufficient separation between the Dwelling 1, 2 and

3 first floors ranging from 2.3 metres to 8.3 metres. Overall, the built form maintains the detached character of the area.

Walls are sufficiently articulated and recessed to visually break up building lines.

The relevant standard for corner sites requires a minimum 7.6 metre setback to the front street. If a dwelling is fronting the side street the minimum requirement is 3 metres and if siding the side street the requirement is 2 metres. The proposed front setback of 7.6 metres to Ripley Street is considered appropriate as it complies with the standard, mitigates the visual impact to the street and provides significant landscaping opportunities.

Dwellings 1 and 2 front Curtis Avenue (the side street) requiring a minimum setback of 3 metres. The front setback of Dwelling 2 does not currently satisfy this requirement as it is proposed to be setback at 2 metres. However as a side boundary setback it would be compliant.

Therefore, it is recommended modifications to Dwelling 2 be undertaken to improve its presence within the neighbourhood. Specifically Dwelling 2 should be reorientated to face Ripley Street with a staggered façade not extending into the 7.6 metre setback, accordingly the secluded open space for the dwelling can be provided in a larger area to the west of the Dwelling with a northerly orientation.

By reorientating this dwelling to face Ripley Street, the 2 metre side boundary setback would become compliant.

Amendments to the ground floor and first floor of Dwelling 2 can be satisfactorily achieved through conditions in the event that a permit is to issue.

The proposal is deemed appropriate within the context of the existing neighbourhood character.

Side setbacks to adjoining properties (2.4 – 2.5 metres at ground and first floors other than the garages) exceed the minimum requirements of the relevant standard and are sufficient to mitigate visual bulk to adjoining properties. Walls on boundaries are limited to garages and of appropriate location, length and height. Garage walls on boundaries are characteristic of the area.

The garages are located behind the front line of the dwellings and do not dominate the streetscape. The dwellings have a good sense of address, easily identifiable entries and sufficient fenestration. High front fencing is not proposed, maintaining site integration with the street. Secluded private open space is located to the rear of Dwelling 1 and to the side of Dwelling 2 and 3 in accordance with planning policy.

Housing form and external materials of pitched tiled roofs, rendered wall finish and weatherboard cladding are in keeping with the character of the area.

Vegetation and Landscaping

There are no significant trees on the site. The three small trees on site to be removed are of low retention value.

Trees on adjoining properties will not be impacted by the proposal subject to conditions adopting the tree protection measures recommended in the arborist report. The neighbour's trees to be protected are Trees 4, 5, 6 and 7 as numbered in the arborist report. The tree protection measures are as follows:

- The proposed new driveway must be laid at the existing grade and the root system of the trees must remain intact.
- The construction of the driveway must be of a porous type to allow water flow into the TPZ area.
- The footing holes for the piers must be dug by hand for the first 600 mm, if any roots are located within the footing holes with a diameter greater than 30mm they must be retained. The design must allow for the repositioning of these holes if required.
- All ground levels within the TPZ of the trees must remain at the present grade.
- All works within the Tree Protection Zone must be supervised by a suitably qualified and experienced Arborist.
- No services are to be placed within the TPZ of the trees.

The nature strip tree would not be impacted subject to a condition requiring tree protection fencing during construction.

Sufficient space is available for landscaping to maintain the garden city character, including opportunity for canopy tree planting. This includes significant landscaping opportunities along entire length of the Ripley Street frontage and the secluded private open space areas.

Amenity

The degree of overshadowing to the secluded private open space of adjoining lots is reasonable as overshadowing beyond shadows cast by the existing boundary fences are negligible and the neighbours' secluded private open space areas large enough to maintain ample solar access throughout the day.

Overlooking to the secluded private open space and habitable room windows of adjoining lots is minimised through the use of obscure glazing and window sill heights to 1.8 metres above finished floor levels. Specifically, the Dwelling 1 first floor south windows and Dwelling 3 first floor south-east windows face the secluded private open space of 2 Ripley Street and 4 Curtis Avenue but are treated to prevent overlooking. No habitable room windows on adjoining properties would be overlooked.

Site Coverage and Permeability

The site coverage is 34% which exceeds the requisite 60% (GRZ2). The permeable area is 58% which exceeds the requisite 20% (GRZ2).

On site amenity and internal amenity

The layout of the development provides reasonable solar access to living areas. The internal spaces of the dwellings are functional and provide reasonable internal amenity.

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 more bedroom dwelling | 3 | 2 spaces per 3+ bedrooms | 6 | 6 |
| Total | | | 6 | 6 |

Car spaces are provided by way of single garages and tandem car spaces located within each driveway. No visitor parking is required under the planning scheme.

The width of the driveways are satisfactory at 3 metres and driveway gradients are appropriate as they are reasonably flat.

The development of three dwellings would not produce traffic volumes that would exceed the capacity of the street and surrounding road network.

Private Open Space

The development makes the following provision for private open space:

| Dwelling | Private open space m ² | Secluded private open space m ² (SPOS) |
|----------|-----------------------------------|---|
| 1 | 76 | 54 |
| 2 | 187 | 40 |
| 3 | 208 | 47 |

All private open space exceeds the minimum requirements of 75 square metres. The amenity of the secluded private open space is acceptable as it meets the minimum width of 5 metres, has reasonable solar access, has direct access from the living areas and is located to the side or rear of the dwellings.

Issues in objections not previously addressed in development assessment

Number of units, density and overcrowding – No density controls apply to the land. The planning system provides objectives and standards through Clause 55 until which when met provide for appropriate development outcomes.

Rooftop solar panel could be impacted if installed in the future – Whilst the impact to existing solar panels must be considered, Council is unable to consider solar panels that could potentially be installed in the future.

Drainage, flooding risk and permeability – The application was referred Council's Drainage Engineers who had no concerns subject to standard drainage conditions. This includes the requirement for an approved drainage plan. Construction of the garage over the easement was considered and will not prejudice Council's rights over the drainage easement subject to build over consent being obtained. The permeability provided exceeds the minimum requirements of the planning scheme.

Would like Council to purchase the site as a park – The land is privately owned and zoned for residential development. The land is not of an appropriate size or location for acquisition as open space.

Common property is a poor planning outcome – It is unlikely that any common property would be required for future subdivision as no common areas or common driveways are proposed.

Potential for poor quality construction – The variety of building materials are similar to those in the surrounding area.

Flammable cladding could be used - This will be considered at the building permit stage.

Disruption, safety and damage to property during construction - This is managed through the building permit process.

Devaluation of property – This is not a relevant planning consideration.

Units could be left vacant if purchased by investors – This is not a planning consideration however, a new vacant land tax has been created through the State Revenue Office (SRO), to discourage vacant residential properties in response to this issue.

Aboriginal Cultural Heritage

The site is located not located within an area of cultural heritage sensitivity. A Cultural Heritage Management Plan was therefore not required.

CONCLUSION:

Monash Planning Scheme, including the State and Local Planning Policy Framework and Clause 55. The proposal is sympathetic to the character of the area in terms of building bulk and massing, provides sufficient landscaping opportunities, private open space and car parking and will not unreasonably reduce the amenity of surrounding lots.

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.