

**1.2 15-17 MARRIOTT PARADE, GLEN WAVERLEY
CONSTRUCTION OF A FOUR STOREY APARTMENT BUILDING CONTAINING 11
DWELLINGS AND FIVE (5) TOWNHOUSES OVER A BASEMENT CAR PARK
(TPA/51317)**

EXECUTIVE SUMMARY:

This application proposes to construct a four storey apartment building containing eleven dwellings and five double storey townhouses above a basement car park.

The land was subject to a previous planning application and VCAT determination in 2017. VCAT affirmed Council's decision to refuse an application for a five storey apartment building comprising of 57 apartments. The proposal was primarily refused on the grounds of poor internal amenity and inappropriate design response.

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

Key issues to be considered relate to external amenity impacts including scale, bulk, height, overlooking, overshadowing and internal amenity impacts as well as the potential impact of additional traffic generation on the surrounding road network.

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 \$9.5 Million.

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:	Jeanny Lui
WARD:	Glen Waverley
PROPERTY ADDRESS:	15-17 Marriott Parade, Glen Waverley
EXISTING LAND USE:	Two single storey detached dwellings

PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Thirteen (13)
ZONING:	15 Marriott Parade- General Residential Zone Schedule 7 17 Marriott Parade- Residential Growth Zone Schedule 4
OVERLAY:	No overlays
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15- Built Environment and Heritage Clause 15.01-1S R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16- Housing Clause 16.01-1S R- Integrated Housing Clause 16.01-2S- Location of Residential Development Clause 16.01-2R- Housing Opportunity Areas – Metropolitan Melbourne Clause 16.01-3S & R- Housing Diversity Clause 16.01-4S- Housing Affordability Clause 18.01-1S- Land Use and Transport Planning Clause 18.02-1S & R- Sustainable Personal Transport Clause 18.02-2R– Principal Public Transport Network Clause 18.02-4S- Car Parking	<u>Local Planning Policy Framework</u> Clause 21.04- Residential Development Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy Clause 22.14 – Glen Waverley Major Activity Centre Structure Plan <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.34 – Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development Clause 55- Two or more dwellings on a lot and residential buildings Clause 65- Decision Guidelines

Clause 19.03-3S- Integrated Water Management	
STATUTORY PROCESSING DATE:	11 July 2020
DEVELOPMENT COST:	\$9.5 million

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51317)** for the construction of a four storey apartment building containing 11 dwellings and 5 townhouses over a basement, at 15-17 Marriott Parade, Glen Waverley subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Architeria Architects (Revision P2) dated 6 April 2020 but modified to show:
 - a) Construction materials to comply with the restrictive covenant in Instrument of Transfer No. B924316 affecting 15 Marriott Parade.
 - b) The secluded private open space of TH1 to TH5 increased to be a minimum of 40 square metres with minimum dimension of 5 metres; and the garden bed along the western boundary increased to minimum 2 metres wide to allow for meaningful planting.
 - c) Location of windows on the north elevation amended to correlate with the floor plans, and to include screening details to prevent overlooking the north adjoining properties in accordance with Standard B22 of ResCode.
 - d) Screening details to the top level terrace above TH1 on the west elevation, and top level balcony of Apartment 3.02 on the north elevation to prevent overlooking the adjoining properties in accordance with Standard B22 of ResCode.
 - e) Details of any retaining walls.
 - f) 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) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
 - g) The layout of the development follows the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.

- Ramp Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for *Off - Street Car Parking, AS/NZS 2890.1*.
- h) Bicycle parking facilities generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
- i) Detail of the fire hydrant cupboard, electricity supply, gas and water meter boxes and letter boxes. They should be discreetly located and/or screened/ designed to complement the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.
- j) A Landscape Plan prepared in accordance with Condition 4.
- k) A Waste Management Plan prepared in accordance with Condition 5.
- l) A Sustainable Management Plan prepared in accordance with Condition 6.

Layout not to be Altered

2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscape Plan

4. Concurrent with the endorsement of any plans pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 27 April 2020 (Revision A), Prepared by John Patrick Landscape Architects Pty Ltd except that the plan must show:
 - (a) Amended setbacks/layout of the townhouses as a result of Condition 1.
 - (b) Detail of the proposed concrete paving.
 - (c) Location of external lighting;
 - (d) Location of retaining walls and site services; and

- (e) An in-ground, automatic watering system connected to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Frater Consulting Services, dated 30 January 2020 (Version 1) but revised to the satisfaction of the Responsible Authority:
- a) To state the purpose of the Waste Management Plan as per the Monash Guidelines;
 - b) To revise waste generation calculation to include food waste recycling;
 - c) To include bin storage equipment details within apartments;
 - d) To include gradients of ramp to the basement level;
 - e) To provide for food organics storage and collection;
 - f) To provide bin storage and waste disposal process for occupiers;
 - g) To provide waste collection process and outline responsibilities of the building manager including implementation and induction of waste management to building occupants, and providing signage for the waste room.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

6. Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plan prepared by Frater Consulting Services dated 30 January 2020.

The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

7. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
 - b) Measures to control noise, dust and water and sediment laden runoff;
 - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - f) Cleaning and maintaining surrounding road surfaces;
 - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
 - h) Public Safety and site security;
 - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
 - j) A Traffic Management Plan showing truck routes to and from the site;
 - k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - m) Contact details of key construction site staff;
 - n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.

- o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1:00pm to 5:00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines);
 - No works are permitted on Sundays or Public Holidays.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

8. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Landscaping and Tree Retention

10. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained (including trees on the nature strip) during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.
11. All works (including demolition works) within the dripline of any tree to be retained (including trees on nature strip and adjoining properties) shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.
12. 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.

Removal of Street Tree

13. Works associated with the removal of the existing street tree *Prunus sp.* must not be undertaken without the further consent of the Responsible Authority.

Drainage

14. The site must be drained to the satisfaction of the Responsible Authority.
15. 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.

Other

16. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Time for Starting and Completion

17. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is 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:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. This is not a Building Permit. 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. Council's Horticulture Department must be contacted regarding the removal of the street trees proposed. The trees will be removed by Council at a cost to the Permit holder.
- D. 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.
- E. A public open space contribution may be requested when the development is subdivided.
- F. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- G. One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department 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.
- H. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve.
- I. The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the rear easement of the property via a 900mm x 600mm junction pit to be constructed to Council Standards.
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- J. Detention system requirements for above property as follows:
- Minimum storage = 13.86 m³

- Maximum discharge rate = 20.76 l/s
 - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.
- K. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
- L. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
- M. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to the drainage works commencing.
- N. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- O. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- P. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
- Q. The proposed crossing is to be constructed in accordance with the City of Monash standards.
- R. The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- S. Residents of the approved development will not be entitled to car parking permits for on street car parking.

BACKGROUND:**History**

Planning application TPA/46187 to construct a five storey residential building above a basement car park containing 57 apartment dwellings was refused at Council's meeting of 31 January 2017.

The main grounds of refusal were:

- The proposal is inconsistent with the Residential Development Policy at Clauses 21.04 and 22.05 of the Monash Planning Scheme in that it fails to respect the prevailing built form typology of low scale detached homes and medium density townhouse developments which characterises the street and broader neighbourhood.
- The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to neighbourhood character, building height, landscaping and noise impacts.
- The proposed development will have a detrimental impact on adjoining residential developments to the north, south and west as a result of its overall scale and bulk.
- The proposed development does not provide a good level of internal amenity for future residents.
- The proposal is in breach of the Restrictive Covenant in Instrument of Transfer No. B924316.
- The proposal overall was considered an over-development.

The development was subsequently refused by VCAT on 1 August 2017. A summary of the VCAT decision *Marriott Pty Ltd v Monash CC [2017] VCAT 1169* is as follows:

- Given the size and location of the site, it is an opportunity for residential development of a higher scale within an apartment built form. The area forms part of the activity centre and is expected to intensify in built form.
- The proposed apartments would provide a diversity of housing to cater to a different demographic.
- The proposal provides sub-standard amenity for apartments at the lower ground and ground floors that will result in exceptionally dark apartments with very little access to daylight.
- The building relies too heavily on the uplift of 17 Marriott Parade to the Residential Growth Zone, rather than being a suitable scale for the General Residential Zone as it stands.
- The site has a sensitivity of direct views from the conventional residential properties in Berkley Street within the General Residential Zone. The proposal should present as a two storey development to its western

interface potentially with a setback third level with no view lines of the fourth storey from the west adjoining properties.

- The interface with the western adjoining properties did not pay sufficient regard to the Garden City Character objectives. Whilst the setbacks to the side boundaries may be acceptable, the basement footprint has left a very narrow strip for planting along the side boundaries of the property.
- There is policy justification for built form towards the corner of Marriott Parade and Kingsway to step up to a three to four storey development generally in the form proposed. The proposed design of the building would provide activation to this part of the streetscape.
- The height and scale is generally in line with the Glen Waverley Activity Centre Structure Plan which identifies the land within area K with opportunities for 3-4 storeys.
- The proposed setbacks of most levels of the building are supported. A suitable design response would require a greater setback than 6 metres at third level when viewed from Berkley Court.
- It is reasonable for access to be taken for a residential development within a residential street.
- The traffic impacts of the proposal are not unacceptable since the traffic would arrive and depart via Kingsway, which would be expected to carry high volumes traffic.
- There are concerns about whether the part of the building on the land at 15 Marriott Parade would have complied with the restrictive covenant that confines building materials to brick or brick veneer. This would need to be addressed clearly in any future application.
- The level differences between the central area, walkways and the apartments would need to be resolved more precisely.
- Impacts of overshadowing from the proposal would be confined and acceptable.

This application is a new application following the decision of VCAT, proposed by the same developer.

Changes in Planning Policies

Since the previous application was determined at VCAT in August 2017, changes were applied to the Local Planning Policy Framework and zoning of land in the Monash Planning Scheme. Planning Scheme Amendment C125 Part 1 was gazetted in April 2018 and the subject land No.17 Marriott Parade was rezoned from General Residential Schedule 2 (GRZ2) to Residential Growth Schedule 4 (RGZ4); C125 Part 2 was gazetted in November 2019 and the subject land No.15 Marriott Parade was rezoned from General Residential Schedule 2 (GRZ2) to General Residential Schedule 7 (GRZ7).

The Site and Surrounds

The subject site is located at the south west corner of Marriott Parade and Kingsway diagonally opposite the Ibis Hotel building. It is made up of two separate land titles with a combined site area of 2186 square metres. The site is irregular in shape with direct street abuttal to Marriott Parade along its southern and eastern boundaries, and to Kingsway along a small section of its northern boundary. The land falls gently by approximately 2.5 metres from its north west to south eastern corner.

The site is currently developed with two single storey detached dwellings. Both dwellings date back to the 1960's and sit within established gardens, characterised by exotic species of trees and shrubs which reflect the general age of the neighbourhood.

The site sits at the residential interface to the Glen Waverley Activity Centre. Marriott Parade is a residential street and is characterised by a mix of single and double storey brick veneer homes dating back to the 1960's and displaying the typical characteristics of the broader Glen Waverley dwelling stock. Housing lots are generally between 650 square metres to 750 square metres in size with visible front gardens and on-site car parking provision. The street is characterised by medium width nature strips and consistent street tree planting along its length. Marriott Parade is a no-through road with no access to Myrtle Street at its west end. All access and egress is to Kingsway, with a left turn only restriction onto Kingsway. The Ibis Hotel building is located diagonally opposite the site on the northern side of Kingsway and its six storey scale is fairly prominent when viewed from the subject site and this location within Marriott Parade.

Features of adjoining land is as follows;

North: A dual occupancy development comprising a single storey dwelling at the front and a double storey dwelling at the rear adjoins the site along its north western boundary at 125 Kingsway. A mix of habitable and non-habitable room windows are located along the southern facades facing the subject site.

South: The southern side of Marriott Parade opposite the subject site is residential in nature and comprises single and double storey detached homes typical to the neighbourhood.

East: The eastern side of Marriott Parade is also developed with single and double storey detached homes. High fencings are evident in this part of Marriott Parade.

West: Two residential properties fronting Berkley Court adjoin the site along its western boundary. In both instances, the main area of secluded open space/outdoor entertaining areas sit adjacent to the common fence line.

Title & Covenant Details

The land is described in two separate land titles (No.15 and No.17 Marriott Parade). A restrictive covenant in Instrument of Transfer No. B924316 is registered on the title for No.15 Marriott Parade and obliges the owner of the following.

'....will not erect or cause to be erected on the said land hereby transferred or any part thereof any dwelling or dwellings constructed of other than brick or brick veneer. [sic]'

The permit applicant has confirmed the proposed buildings on No.15 Marriott Parade will be constructed with brick or brick veneer with render finish and will comply with the restrictive covenant. Permit conditions will require this to be notated on the plans for approval should a permit be issued.

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

PROPOSAL:

The proposal is to demolish the existing dwellings and outbuildings on the site and construct a four storey apartment building on. 17 Marriott Parade and five (5) townhouses on. 15 Marriott Parade, above a common basement which is constructed over both allotments.

Features of the proposal are as follows:

- A total of eleven (11) apartments and five (5) townhouse.
- The apartment building comprises the following:

	3 Bedroom	4 Bedroom	Total
Ground level	1	2	3
Level 1	0	3	3
Level 2	0	3	3
Level 3	0	2	2
Total	1	10	11

- Each ground level apartment is provided with a terrace at ground level (or slightly elevated due to the slope of land) within the front setback to Marriott Parade. The terraces range in size from 52 to 123 square metres, accessed from the main living areas of the apartments. Each terraces also provides direct access to Marriott Parade.
- Each upper level apartment is are provided with an irregular shaped curved balcony with an area of 24 to 157 square metres, also accessed from the main living areas of the apartments. All balconies face east to Marriott Parade except the top level balconies which wrap around the building and face north and south.
- The townhouses comprise the following features:

- Each dwelling contains an open plan living, dining and kitchen on ground level;
- Dwelling 1 contains 4 bedrooms on level 1;
- Dwellings 2, 3, 4 & 5 contain 1 bedroom on ground level and 3 bedrooms on level 1;
- Each dwelling contains a ground level secluded private open space area of 33 to 37 square metres, and a front open space of 24.5 to 78 square metres.
- An indoor communal space, kitchen/ toilet and an outdoor terrace is located above the front townhouse (TH1). This is accessed via a separate lift on the ground level near TH1 from the pedestrian lane, and for the exclusive use of the residents of the proposed apartments and townhouses.
- The development is designed to take advantage of its corner site location and double street frontages. The main pedestrian entrance to the apartment building is located on its eastern facade at ground floor level; pedestrian entrance to the townhouses is located on its southern façade through an elevated common entry via a pedestrian lane. The pedestrian lane also acts as a connection between the apartment building and the townhouses.
- One level of basement car parking is proposed accommodating a total of 32 car parking spaces, including 22 car spaces for the apartment and five (5) double garages for the townhouses. Vehicles will access the basement via a ramp entry located centrally on the southern boundary. Bicycle storage facilities for 22 bikes along with storage cages are also located at basement level.
- A contemporary building facade is proposed, characterised by rendered facades and floor to ceiling windows and door modules and glazed balcony balustrades. The building adopts a curved building form and is capped with a flat roof and eaves. Prominent symmetrical architectural features identify the main pedestrian entry to the building.
- Maximum building height of the apartment building is 13.5 metres, maximum height of the two storey townhouses is 7.3 metres and three storey townhouses is 10.1 metres. Proposed site coverage is 1128.9 square metres representing 51.64% of the total site area. Permeability is 28.56%.
- One street tree will be removed on the southern street frontage as a result of the proposed vehicle crossover. All other street trees will be retained.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

It is noteworthy that the subject land parcels are in different residential zones.

No.17 Marriott Parade is located within the Residential Growth Zone Schedule 4 (RGZ4).

No.15 Marriott Parade is within the General Residential Zone Schedule 7 (GRZ7).

The primary difference between the zones relates to the applicable height requirement.

Pursuant to Clause 32.07-2 (RGZ4) and 32.08-2 (GRZ7), the use of the land for a dwelling does not require planning approval.

Pursuant to Clause 32.07-5 (RGZ4) and 32.08-6 (GRZ7), a Permit is required to construct two or more dwellings on a lot.

Pursuant to Clause 32.07-9 (RGZ4), the maximum height of a residential building should not exceed 14.5 metres (No.17 Marriot Parade).

Pursuant to Clause 32.08-10 (GRZ7) the maximum height of a residential building must not exceed 12 metres (No.15Marriott Parade).

It is noted that the maximum overall height of the proposed building is 13.5 metres at No.17 Marriot Parade and 10.1 metres at No.15 Marriot Parade which does not exceed the maximum heights allowed in the respective zone.

A development must be assessed against the provisions of Clause 55 (Rescode).

Particular & General Provisions

Clause 52.06-3 (Car Parking) & Clause 52.34 (Bicycle Facilities)

The proposal is located within the Principal Public Transport Network (PPTN). As the required car parking and bicycle spaces are provided, no Permit is required under this provision.

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

CONSULTATION:

Further Information

Further information was requested of the Permit Applicant on 19 March 2020. In this letter, officers also raised the following preliminary concerns:

- The sense of address of townhouses 2 to 5 is poor.
- The communal space above townhouse 1 is not at a convenient location for all residents.
- The first floor sitting room window of townhouse 5 will overlooking windows of U2/125 Kingsway.

- Balconies of the apartments are minimal in size and length which is not deemed be sufficient for the three to four bedroom apartments.
- The proposed 1.5 metres high front fence exceeds the preferred front fence height in the Residential Growth Zone & General Residential Zone Schedule 7.
- The proposal does not provide adequate landscape opportunities along the northern boundary wrapping around the Kingsway interface. The excessive paving in front of the ground floor apartments will also compromise scope of landscaping within the street frontages.
- It appears that vehicle manoeuvres within the basement is tight particularly vehicles within garages of the townhouses.

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

The Permit Applicant responded to this letter on 5 May 2020 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address some of the concerns raised, but that they do not agree with all of the preliminary concerns such as the communal space above townhouse 1, balconies sizes and front fencing.

The Applicant was verbally advised on 19 June 2020 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 sending notices to the surrounding property owners and occupiers, and three (3) signs displayed on the street frontages of the site.

A total of thirteen (13) objections were received for the application and included the following concerns:

- Height, scale and neighbourhood character;
- Setbacks to boundaries;
- Insufficient car parking provision, Traffic generation and overflow parking;
- Lack of landscaping;
- Compliance of restrictive covenant;
- Overshadowing and reducing daylight of adjoining properties; and
- Overlooking (loss of privacy).

Attachment 4 details the location of objector properties.

Referrals

External Referrals

No external referrals were required.

Internal Referral

Horticultural Services: -

No concerns with removal of the street tree for the proposed vehicle crossing as the tree has some defects and has under 5 years of useful life expectancy (ULE). The amenity value provided by Council's Horticultural Service for the tree removal is \$3,313.14 which the developer must pay for Council to remove the tree.

Other street trees on the naturestrip in front of the subject site will not be adversely affected by the proposed development and should be protected during construction.

Traffic Engineer

No concerns subject to standard conditions to provide details of the ramp grades. Vehicle turning movements within the development are satisfactory.

Drainage Engineer: -

No concerns subject to conditions including a detention system is to be provided for the development and a drainage contribution will not be accepted due to the proposed hard surface coverage exceeding 65%.

Waste Management: -

Council's Waste Management Team requested further detail on plans and within the Waste Management Plan regarding food waste recycling, bin storage inside premises, waste collection arrangements and washing facilities. An amended Waste Management Plan will be required as permit conditions if one was to issue.

DISCUSSION:

Consistency with State and Local Planning Policies

Planning Policy Framework (PPF)

A key element of the Planning Policy Framework is the encouragement of growth in and around Activity Centres. Specifically:

- Clause 11.03-1S (Activity Centres) & 1R (Activity Centres – Metropolitan Melbourne) seek to provide for different types of housing, including forms of higher density housing located within close proximity to public transport and is within walking distance to shopping, working, leisure and community facilities.
- Clause 15.01-2S (Building Design) specifies the urban design principal for residential developments. The objectives seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

- Clause 15.01-4R (Healthy Neighbourhoods- Metropolitan Melbourne) seeks to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- Clause 16.01-2S (Location of Residential Development) seeks to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-2R (Housing Opportunity Areas) seeks to identify areas for housing growth which are located within Major Activity Centres, areas near existing railway stations and areas designated for residential growth.
- Clause 16.01-3S (Housing Diversity) & R (Housing Diversity- Metropolitan Melbourne) seeks to provide for a range of housing types to meet diverse needs and varying densities that offer more choice in housing.

Plan Melbourne 2017-2050, a reference document to the Monash Planning Scheme also encourages these initiatives by encouraging housing growth in and around activity centres. This plan identifies the Glen Waverley Activity Centre (GWAC) as a Major Activity Centre.

The subject site benefits from its location within the Glen Waverley Major Activity Centre, and its interface with the commercial precinct. It is considered to be suitable for a higher density redevelopment as supported by relevant strategic policies.

The proposed development being a mix of a four storey apartment building and two storey townhouses provides a variety of dwelling types..

Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement at Clause 21 identifies the Garden City Character of the municipality as a core value held by the community and recognises competing interests including the need for housing diversity while respecting neighbourhood character, and that the scale of development must be appropriate to the character of the activity centre.

At Clause 21.04 (Residential Development Policy) Council's goals include to locate residential growth within neighbourhood and activity centres which will assist to preserve and enhance garden city character and special character in the balance of the municipality; and provide an appropriate built form transition between activity centres and residential areas through innovative and high quality architectural design, appropriate setbacks and landscaping.

Clause 22.01 (Residential Development and Character Policy) identifies the ten different character types within the Municipality. It refers to Clause 22.14 *Glen Waverley Major Activity Centre Structure Plan (GWSP)* for the character and built form envisaged for both sites.

In terms of neighbourhood character, both properties are within the GWSP *Precinct 7* where its key role is to support the growth of the activity centre by providing a diverse range of housing and an intensification of housing is encouraged. The surrounding area to the west and south is also within Precinct 7 however the diverse range of housing is envisaged as medium density housing such as townhouses and units in the peripheral residential areas.

The proposed development containing a mixture of townhouse and apartment, with heights between two storey to four storey will provide for a variety of housing options within the Glen Waverley Major Activity Centre and satisfies the objectives of the Planning Policy Framework.

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 10 or more dwellings, a Sustainability Management Plan is required to be prepared and submitted. A Sustainability Management Plan was prepared by Frater Consulting Services which included a BESS assessment. The report indicates that the proposal achieves best practice. The plans include the recommendations of this report including the provision of a 2000L rainwater tank for each townhouse and a total of 12,000L underground water tank for the apartments.

Monash Housing Strategy 2014

The Monash Housing Strategy identifies the site as being located within the Glen Waverley Activity Centre (Category 1).

Residential outcomes sought for Category 1 areas are as follows:

“Mixed use and apartment development at a density appropriate to the context of the Activity Centre. Higher density mixed use and apartment developments where identified by Structure Plans or location-specific development controls. Potential for lower density mixed use and lower rise apartment developments in Neighbourhood Centres. On larger sites, in suitable locations, increased density may be appropriate, subject to careful design.”

The objective of this Category is to provide for housing change and diversification appropriate to the site context. The proposal with mixture of apartments and townhouses meets the objectives of this Category to provide increased density and housing diversity.

In relation to future character, development within this category will also be subject to assessment against detailed design standards of relevant structure plans or location-specific development controls. The relevant Structure Plan in this instance is the Glen Waverley Major Activity Centre Structure Plan (GWAC Structure Plan).

Glen Waverley Activity Centre Structure Plan

The Glen Waverley Activity Centre Structure Plan (GWACSP) provides a number of initiatives for more housing within the GWAC commercial area and in the adjoining residential streets. More people living in and around the centre will contribute to active and vibrant streets, and provide greater demand for additional shops, cafes, restaurants and services. The housing objective of the GWACSP is:

‘To provide a range of housing types within the GWAC to cater to all ages and circumstances, and meet expected population growth.’

‘Precinct 7- Residential’

The subject land (No. 15 & 17 Marriott Parade) is located within the boundaries of GWACSP. It is identified as being in ‘Precinct 7: Surrounding Residential’, where, among other things, the GWSP envisages the following.

‘The surrounding residential precinct provides a key role in supporting the growth of the centre by delivering a diverse range of housing that is located in close proximity to shops and services, public transport and open space.’

The objective of Precinct 7 is:

‘To provide for a diversity of housing types within the precinct and strengthen connections to the GWAC commercial area and surrounding open spaces’

Strategies to achieve the objective are:

- *‘Allow for intensification of housing in identified areas’*
- *‘Improve pedestrian and cycle links between the precinct and GWAC commercial area’*

‘Built Form – Area K’

Built form objectives for the Activity Centre have been divided into different built form areas across the centre. In relation to the subject site, No.17 Marriott Parade (corner allotment with frontage to Kingsway) is located within Built Form Area K, whilst No.15 (western most lot fronting Marriott Parade) sits outside of the built form areas and as such, is identified being an area to provide for housing diversity surrounding the GWAC.

Relevant Built Form Area K opportunities applicable to No.17 Marriott Parade are as follows:

- Opportunity for 3 to 4 storeys
- Front setbacks of at least 5 metres and side and rear setbacks in accordance with ResCode.

The GWAC is transforming rapidly and will undergo noticeable change over the coming decade. This has been earmarked to happen under current Local Planning Policy and, more specifically, the GWACSP and associated rezoning of residential land. Higher built form is envisaged for the commercial precinct and the interfacing residential properties such as No.17 Marriott Parade; surrounding residential neighbourhood including No.15 Marriott Parade will provide for a variety of housing types to support the growth of the activity centre. Accordingly

No.17 Marriott Parade is zoned RGZ4 whilst No.15 Marriott Parade is zoned GRZ7, which reflects the difference in built form envisaged in the GWACSP.

Broadly speaking, the proposed development to increase density and provide a diversity of housing types is supported in strategically given the site's zoning, its location within the residential area of the GWAC and at the interface with its commercial precinct. This is also supported in the VCAT decision *Marriott Pty Ltd v Monash CC [2017] VCAT 1169*:

'Given the size and location of the site, I regard it as an opportunity for residential development of a higher scale within an apartment built form. The area forms part of the activity centre and is expected to intensify in built form...clearly the site has excellent access to services and facilities including public transport, and it is a candidate for higher residential densities'.

The following discussion will focus on the more detailed design aspects of the proposal, providing a detailed assessment in terms of its built form and scale, off site amenity impacts and internal amenity.

Neighbourhood Character and Built Form

Local policy suggests that the site is earmarked for higher densities, while balancing character objectives that front setbacks should be well landscaped to support 'garden character' of the area. Walls and fencing within the front setbacks are encouraged to be low or non-existent, allowing views to planting within these spaces. Clause 22.14 (Glen Waverley Major Activity Centre Structure Plan) encourages excellent building design that responds to the characteristics of the site and its context.

There are two components in this proposed development consisting an apartment building within the lot zoned Residential Growth, and five townhouses within the lot zoned General Residential. There are different requirements in terms of landscaping, private open space and front fence heights within the two zones.

Residential Growth Zone – Schedule 4 (RGZ4)

REQUIREMENT	RESPONSE
Minimum front street setback – 5 metres.	Compliance achieved The development proposes a front setback between 5 metres and 6.45 metres fronting Marriott Parade.
Minimum side street setback – 3 metres	Compliance achieved The apartment building is setback a minimum of 5 metres from Marriott Parade

Landscaping - Retention or provision of at least three canopy trees (two located within the front setback) with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.	<p>Compliance achieved</p> <p>There is no existing vegetation on site. The landscape plan shows that the proposal is capable to plant two <i>Acer rubrum</i> 'Fairview Flame' (Red Maple 'Fairview Flame' which has a mature height of 11 metres, and one <i>Magnolia grandiflora</i> (Bull Bay Magnolia) with a mature height of 16 metres within the front setback.</p>
Front fence height – no front fence.	<p>Variation required</p> <p>The development proposes a 1.5 metres high masonry pier and metal fence along the front boundary. This is acceptable given properties in the immediate neighbourhood generally contain front fences of 1.5 metres or higher, and the proposed fence is to be 50% transparent which would allow landscaping within the front setback to be visible from the street. The proposal will achieve an open garden setting as sought in relevant policies.</p>

General Residential Zone – Schedule 7 (GRZ7)

REQUIREMENT	RESPONSE
Minimum front street setback – 5 metres	<p>Compliance achieved</p> <p>The development provides for a front setback of minimum 5 metres fronting Marriott Parade.</p>
Minimum side street setback – 3 metres	Not applicable
Landscaping - Retention or provision of at least two canopy trees with a minimum mature height of 10 metres	<p>Compliance achieved</p> <p>There is no existing vegetation on site. The landscape plan shows that the proposal is capable to plant one <i>Acer rubrum</i> 'Fairview Flame' (Red Maple 'Fairview Flame' with a mature height of 11 metres, and one <i>Magnolia grandiflora</i> (Bull Bay Magnolia) with a mature height of 16 metres within the front setback; and five <i>Pyrus betulaefolia</i> 'Southworth Dancer' (Southworth Dancer Ornamental Pear) within the secluded private open space of the townhouses.</p>
Private open space- An area of 60 square metres with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum width of 5 metres and convenient access from a living room	<p>Variation required</p> <p>Each townhouse is provided with a total private open space of minimum 60 square metres, including a secluded private open space of 35-38 square metres with minimum dimension of 4.5 metres – a slight shortfall of the requirement of 40 square metres of secluded private open space area, and 5 metres in width. This could be addressed via permit conditions as there will not be significant impacts to the proposed design.</p>

Front fence height – 1.2 metres	<p>Variation required</p> <p>The development proposes a 1.5 metre high masonry pier and metal fence along the front boundary. This variation is acceptable given properties in the immediate neighbourhood generally contain front fences of 1.5 metres or higher. The proposed fence is to be 50% transparent which would allow landscaping within the front setback to be visible from the street. The proposal will achieve an open garden setting as sought in relevant policies.</p>
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The proposed development is setback sufficiently from the front boundary to meet the guidance of RGZ4 and GRZ7. The majority of the apartment building is setback over 6 metres from the front boundary which will allow generous landscaping along the street frontage to maintain the garden city character.

The subject site is located on a prominent corner site location on the high side of Marriott Parade and the GWACSP envisages that a portion of the site at No.17 Marriott Parade has the potential to be developed for a larger scale development up to 4 storeys. No.15 Marriott Parade, however is located outside of Built Form Area K of the GWACSP and earmarked for residential development up to 3 storeys with a variety of built forms. The current proposal has been designed in accordance with the strategic direction in terms of the expected building height and scale.

Eastern Interface

The eastern façade of the apartment building has an interface to the properties of Marriott Parade which are also zoned Residential Growth. This façade is approximately 48.7 metres long from north to south. The apartment building is setback 5 to 6.45 metres from the boundary (front setback) with balconies and terraces setback 3.4 metres from the boundary. Planter boxes are provide to the edge of the elevated terrace/ balcony to protect its privacy from the footpath. The basement setback of 3.4 metres is sufficient for planting of 9 canopy trees along this interface to soften the 4 storey built form from the streetscape. Details of the proposed landscaping will discussed further in the report.

Southern Interface

The southern façade has an interface to residential properties in the same zoning where similar development outcomes can be expected. The consolidation of the sites enables this southern portion to provide for a suitable transition in built form from the higher intensive built form within the growth zone. In this regard, the first townhouse (TH1) is connected to the apartment building through a recessed third storey. The third storey element is setback over 8 metres from the western boundary and provides a transition of building height from two storey to four

storeys, from west to east. This is a good design response in regards to transition of building height.

A shared pedestrian walkway on ground level provides for a connection to the two components of the development.

Townhouse 1 has a varied setback due to the street alignment. The majority of the townhouse is setback more than 5m with the wall of the powder room sitting forward. The required setback is achieved. This front setback area of 78 square metres will allow planting of meaningful canopy trees to contribute to the garden city character as well as soften the visual impact of the new buildings.

Western Interface

The western interface is more sensitive and consists of two residential dwellings. These dwellings have frontages to Berkley Court and their secluded private open space abuts the subject land No.15 Marriott Parade. They are zoned General Residential Schedule 7, same as the abutting land at No.15 Marriott Parade.

The proposed five (5) two to three storey townhouses provides for housing intensification and increased density which is sought in the GWACSP. The proposed built form and scale is similar to the existing residential dwellings in the immediate neighbourhood. With the exception of the first townhouse (TH1), the other four townhouses will be built approximately 300mm to 1.5 metres below natural ground level at the western boundary, meaning they will present as less than two storeys to the west adjoining properties.

The townhouses are setback 4.5 metres from the western boundary on the ground level with decking or paving within the majority of this setback area, leaving approximately 1.5 metre of garden bed along the western boundary for landscaping. This 1.5 metre garden bed should be increased to a minimum of 2 metres for meaningful canopy tree planting which will be discussed in the balance of this report.

The upper floor of the townhouses are setback 3.9 metres from the western boundary. The small overhang of the townhouses will provide solar protection to the ground level west facing living room windows and sliding doors, and adds articulation avoiding sheer two storey walls. This façade is also broken up with different materials and colours consisting mid grey and white colour render, bronze metal cladding on upper floors and off white face brick on ground floors.*Northern Interface*

The north adjoining property at 125 Kingsway is developed with two dwellings. The strategic direction for this site identifies an opportunity for larger scale developments up to 4 storeys as it is also located within Built Form Area K in the GWACSP. Accordingly, it is considered comparatively less sensitive within the balance of Marriott Parade and Berkley Court.

The development at 125 Kingsway comprises a single storey dwelling fronting Kingsway and a double storey dwelling at the rear. As a result of north-south slope of the land, these dwellings sit higher than the subject site and their southern facing windows will have direct views into the subject site. The main area of secluded private open space for the front dwelling is located adjacent to the common boundary, and is covered by a large verandah structure, and to the rear of the rear dwelling located towards the north.

The north presentation is broken up into two components consisting the apartment building towards the front, and townhouses towards the rear. A visual break of 5.5 to 6.5 metres is provided between the two components at ground level, with landscaping provided within this area.

The four storey apartment building is setback approximately 6 metres from the front boundary, extending approximately 26.5 metres into the site on this interface. This four storey built form extends approximately half the length of the adjoining single storey dwelling, and is located away from its secluded private open space. The ground floor of the apartments is generally setback 3 metres from the northern boundary. This provides opportunity for some form of screen planting along the full length of the apartment building.

. The proposed two storey townhouse (TH5) is adjacent to the front neighbouring dwelling's secluded private open space and is setback 1.7 to 3.1 metres at ground level and 2 to 4.5 metres at first floor. Due to the slope of the land, the townhouse will present less than two storey in height when viewed from the north adjoining properties. Overall it is considered it will not have an unreasonable visual impact.

The northern façade of the proposed development is considered reasonable given the two components are broken with a generous visual break combined with the setbacks, building heights and landscape opportunities.

Overall the proposal has been designed to present well to the street frontages and respond to the sensitive interfaces to minimise off site impacts. As mentioned in the VCAT decision *Marriott Pty Ltd v Monash CC [2017] VCAT 1169*: '*whilst residents describe this area as a "quiet residential back street", in policy terms and physical interface terms, it still forms part of the activity centre and is expected to intensify in built form terms over time to achieve policy aspirations*'. The proposed scale and built form is consistent with the outcomes envisaged in the GWASP.

Architecture and Facade Detailing

The architecture of the building and facade detailing is modern and appealing, and the inclusion of extended eaves and the flat roof form provides a residential feel to the larger scale building. The recessed upper floor level also reduces the perceived height of the building from footpath level.

The architectural quality was also recognised in the VCAT decision *Marriott Pty Ltd v Monash CC [2017] VCAT 1169* which says '*Overall I found that the architectural*

quality of the façade design in particular is high. Contemporarily building designs are encouraged throughout the planning scheme, especially within activity centres...'. High quality facades and architecture are encouraged throughout all part of the GWAC.

Off site Amenity Impacts

Overlooking

The northern and western boundaries are the most sensitive in terms of overlooking. Along the northern facade, a number of upper floor windows of the apartments and townhouse TH5 will provide opportunity for direct views into the adjoining residential property. None of these windows are proposed to be screened and this does not meet the objective to limit views into existing secluded private open space and habitable room windows. In addition, the proposed 1 metre high balustrade to the balcony of Apartment 3.02 is not sufficient to prevent overlooking with its setback of 3.2 metres from the northern boundary. If a permit were to issue, a condition will be included to ensure all opportunity for direct overlooking to the north are addressed in accordance with the planning scheme requirements.

Along the western facade, upper floor windows of the townhouses are screened with obscure glass to a minimum 1.7 metres above floor level, including the communal room on top of TH1. However details of screening to the outdoor terrace of the communal space is absent. It is unclear how the western boundary of the terrace will be screened to ensure privacy of the neighbouring property is respected, as the adjoining secluded private open space is located immediately west of the common boundary fence. Screening details will be requested by permit condition if one was to issue.

Overshadowing

The project architect has prepared the required shadow plans as required by ResCode. Additional shadows generated by the proposed building will, for the most part fall across the adjacent road reserve due to the orientation of the subject site.

Dwellings adjoining to the west will be subjected to shadowing in the early morning at 9am, however will be free of additional shadow by approximately 10am. A minimum of five hours of sunlight to adjoining properties is achieved and Standard B21 (*Overshadowing Open Space Objective*) requirements are satisfied in this regard.

Private Open Space/balconies

The ground level apartments are provided with ground floor terraces ranging in size from 51 to 98 square metres, located in the front setback to the building. The terrace of Apartment G01 is approximately 800mm above footpath level bounded by a row of planter boxes, whilst terraces of Apartments G02 and G03 are at footpath level. The size of ground level terraces provided for these apartments are

generous and are sufficient to meet the needs of future residents, as well as providing room for canopy tree planting.

The upper level apartments are provided with balconies ranging in size from 16 to 26 square metres on levels 1 and 2; and 101 to 114 square metres for the top level apartments. All balconies are irregular in shape due to the curved design of the building. They are a minimum 2.4 metres in width which are functional and appropriate for apartment living. There are additional narrow areas of balcony excluded from the calculation which increase the internal amenity of the apartments and provide additional visual interest to the building façade.

All balconies are directly accessed from the main living area of the apartments and sited to capture a good level of sunlight and daylight throughout the day.

The townhouses are provided with ground level secluded private open space of approximately 35 square metres with a width of 4.5 metres, located between the dwellings and the western boundary fence. This does not meet the requirement of the GRZ7 which requires a minimum of 40 square metres of secluded private open space with minimum width of 5 metres. Increasing the width and sizes of these secluded private open space areas will further increase scope of landscaping along the western boundary to soften the development; while still providing sufficient decking/ paving area for future residents to satisfy their needs for outdoor recreation. This could be addressed via permit conditions should one be issued.

Additional areas ranging from 25 to 35 square metres of open space area (planter boxes) are provided in front of each townhouse, along the common pedestrian lane to soften the pedestrian walkway, and strengthen the sense of address of each townhouse. Each townhouse has an overall area of 60 to 138 square metres of private open space, meeting the requirement of GRZ7.

Landscaping

The apartment standards in the Monash Planning Scheme require a minimum of 10% area of the site to be dedicated for deep soil planting with a minimum of 1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees (8-12 metres) per 90 square metres of deep soil. This equates to 153.7 square metres for the site.

The proposal provides for 25% of the site providing deep soil planting areas (a total of 554 square metres) which significantly exceeds the requirement. A Landscape Plan has been prepared by John Patrick Landscape Architects which provides for a total of 24 new canopy trees within the development, including 12 trees on the apartment lot with one large and three medium trees along the Marriott Parade frontage, and three medium trees along the northern boundary which will assist in softening the development.

In addition, one large and one medium tree is proposed in front of TH01 along the Marriott Parade frontage, which can reach a height of 16 and 11 metres at maturity. Additional small trees with mature heights of 7 metres are proposed within the secluded private open space of the townhouses. Smaller canopy trees are located in front of the townhouses which are scattered along the central pedestrian lane assisting in softening the pedestrian path in front of the townhouses.

The proposed basement setbacks of 3.0 to 5.2 metres from property boundaries are sufficient to allow deep soil planting.

No proposed works will be constructed within the Tree Protection Zones of the neighbouring trees, hence no neighbouring trees will be adversely affected by the proposed development.

On-site amenity for residents

On-site amenity of the proposed townhouses and apartments is considered reasonable particularly:

- All townhouses have openable clear windows on the ground level, as well as the majority of the bedrooms of TH1 and the master bedrooms of TH2 to TH5. Most bedroom and living rooms of the apartments also contain clear windows facing the street or internally to the pedestrian lane. As a result, the proposed town houses and apartments will achieve good internal amenity.
- All windows of the townhouses and apartments will receive adequate daylight. Solar protections are provided to the north and west facing windows to aid energy efficiency. All habitable rooms have windows directly to an external wall and do not rely on lightwells or saddlebacks.
- Most apartments are dual aspect (except apartments G.02, 1.02 and 2.02) providing for natural ventilation. Over 72% of apartments have two aspects significantly exceeding the *Natural Ventilation* requirement of 40%.
- 4 out of 5 townhouses are provided with a bedroom on the ground level to improve accessibility. A lift is provided to the apartments from the ground level servicing each level. An accessible ramp is provided to the entrance of the apartment building on the east interface which also provides access through to the townhouses.
- All bedrooms of the townhouses are a minimum of 3.0 and 3.7 metres wide and have functional layouts. All apartments are generous in size ranging from 178 to 260 square metres, particularly for three and four storey apartments which also provides for a mixture of dwelling type that is not in abundance in new apartments in and around the activity centre. The storage spaces of between 6.7 and 15.8 square metres within the basement, significantly exceed the requirements of 6 square metres. Bedrooms of the apartments are 3.0 to 4.7 metres wide which satisfy the requirement for functional and variable layouts.

- Each area of secluded private open space for the townhouses is directly accessed from the living area of the dwelling. All outdoor terraces or balconies of the apartments are also directly accessed from the living area. The secluded private open space areas/ terraces and balconies are orientated to the east, west and north which will receive adequate sunlight throughout the day.
- Additional open space area is provided in front of each townhouse along the pedestrian lane to improve the internal amenity. Entry of each townhouse is clearly identified with a 1.5 metres high metal gate next to the planter boxes along the pedestrian lane. TH1 is directly accessed via a pedestrian footpath from Marriott Parade. Entry to the apartment building is also clearly identified with an accessible ramp leading to the building lobby.
- Above TH1 is an indoor communal space, kitchen/ toilet and an outdoor terrace for all residents to use. Officer's initially considered it not a convenient location for all residents. While the location and access has not altered, the overall benefit to the residents of additional open space, its location fronting the street away from neighbours, and the architectural compatibility outweighs this concern. Additionally as it is for residents alone, it is considered appropriate that it remain as proposed.
- The development provides secure car parking, bike storage and storage facilities at basement level. Lift and stair access is provided to each apartment level from the basement. Roller doors are provided to the townhouse garages within the basement, and stair access is provided within each garage with direct access to the respective dwelling. This design response improves the convenience of the proposed car park within basement level and should encourage usage of the car park. Generous storage space of nearly 30 square metres is provided behind the garages for the townhouses.
- All dwellings are designed to meet the relevant regulations of accessibility exceeding the requirement of Standard B41 (*Accessibility Objective*).

Car parking, Traffic and Access

The proposal includes a total of eleven apartments and five townhouses. The car parking requirement is set out in the table below:

Use	Number of Apartments	Car spaces required (Clause 52.06)	Car spaces provided
Three and four bedroom Apartment	11	22 spaces	22 spaces
Four bedroom townhouses	5	10 spaces	10 spaces (5 double garages)
Visitors	16	0 spaces	0 spaces
Total:	16	32 spaces	32 spaces

A total of 32 car parking spaces are proposed on-site within the basement. It is noted that there is no visitor parking requirement for the proposal as the site is located within the Principal Public Transport Network (PPTN). None has been provided.

All car spaces and accessways within the basement have been designed in accordance with the design requirements providing easy ingress/ egress and movement within the basement, and allow vehicles to exit the site in a forwards direction.

A new vehicle crossover will be constructed to provide vehicle access to the basement. The new crossover will be located on the south interface, east of the existing crossover. The two existing crossovers to the site located on the east and south interfaces are to be reinstated with kerb and channel which will in turn increase on-street parking availability.

Waste collection is proposed from within the basement for the apartments. The minimum height clearance of 2.2 metres for the basement is able to accommodate the waste vehicles of 2.08 metres in height.

Council's Traffic Department are satisfied that the road network can accommodate the additional generation of vehicles. They have noted that the predicted traffic generation is relatively low, residential in nature and is expected to have a negligible impact on the local traffic network in terms of the overall traffic in the area. This coincides with the VCAT decision *Marriott Pty Ltd v Monash CC [2017] VCAT 1169* which included the following discussion (as relevant):

I appreciate the concerns of residents that they have a strong preference for vehicular access to be taken from Kingsway rather than Marriott Parade, which is a residential street...I find that the rate of on-site parking called for by the planning scheme would be provided for the development and that this could be sustained as reasonable. I would not have been persuaded that the traffic impacts of the proposal are unacceptable, especially since the traffic would arrive and depart via Kingsway, which would be expected to carry high volumes of traffic within this activity centre, mixed use context. The proposal would not make a perceptible difference to the function of this roadway.

Bicycle Parking

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for the development as follows:

Use	Number of Apartments	Statutory bicycle parking requirement	No. of spaces required	No. of spaces provided
Dwellings	11 apartment dwellings	1 space per 5 dwellings, for dwellings of 4 or more storeys	2 resident spaces	22 spaces (located within basement)

Dwellings (Visitor)	11 apartment dwellings	1 space per 10 dwellings, for dwellings of 4 or more storeys high	2 visitor spaces	22 spaces (located within basement)
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There are no bicycle parking requirements for the townhouses as they are not four storeys or more. The proposal provides for surplus bicycle parking spaces, located within the basement level which maximises planting opportunities along street frontages.

Waste Storage and Disposal

Waste disposal bins are located within the building adjacent to the basement access.

A waste disposal room (bin room) is proposed at the basement level for the apartments and residents will be required to transfer rubbish and recyclables to the bin storage room for on-site collection by a private contractor. Bins for the townhouses will be individually stored within their garages at basement level, and will need to be taken to the nature strip on Marriott Parade for Council collection. A waste management plan has been submitted to support the application.

CONCLUSION:

The proposal provides a suitable response to the desired future character of the area, with the consolidation of two lots. The height and scale of the development is in keeping with the objectives and strategies as outlined in the Residential Growth Zone Schedule 4 and General Residential Zone Schedule 7. The proposal with two diverse built forms is designed appropriately in response to the zoning of each respective lot. The proposal provides adequate setbacks from all boundaries, allowing good opportunities for landscaping throughout the site.

The proposal achieves a high level of compliance with the design requirements in the Schedules of the zones and Clause 55 of the Monash Planning Scheme. Vehicular access and egress to the site is satisfactory, and the proposal has also been designed to minimise offsite amenity impacts.

Overall the proposal will achieve a positive outcome to provide an increased density with a variety of housing choices and high architectural quality as envisaged in the GWACSP. It is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

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.