# 7.1.3 TPA/55974 - 9A COOMBS AVENUE OAKLEIGH SOUTH - CONSTRUCTION OF TWENTY-TWO (22) DWELLINGS

Responsible Manager:	Mariela Llopart, Acting Manager City Planning
Responsible Director:	Peter Panagakos, Director City Development

#### **EXECUTIVE SUMMARY**

This application proposes the development of twenty-two (22), two and three storey dwellings.

The application was subject to public notification and eight (8) objections to the proposal have been received.

Key issues to be considered relate to neighborhood character and landscaping, internal amenity for future residents, large vehicle access and the potential impact of the development on the amenity of neighbouring properties.

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

The reason for presenting this report to Council is the proposed development cost of \$4 Million.

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

RESPONSIBLE PLANNER:	Celia Davey
WARD:	Banksia
PROPERTY ADDRESS:	9A Coombs Avenue Oakleigh South
NUMBER OF OBJECTIONS:	Eight (8)
ZONING:	General Residential Zone (Schedule 3)
OVERLAY:	None
EXISTING LAND USE:	Nine (9) single storey units
RELEVANT POLICY:	Municipal Planning Strategy
	Clause 02.01 – Context
	Clause 02.02 – Vision
	Clause 02.03 – Strategic Directions
	Clause 02.04 – Strategic Framework Plans
	Planning Policy Framework

use 19.03-3S – Integrated Water Management use 19.03-3L – Stormwater Management ticular Provisions use 52.06 – Car Parking use 53.18 – Stormwater Management in Urban relopment use 55 – Two or more dwellings on a lot and residential dings use 65 – Decision Guidelines December 2024 Willion
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use 19.03-3L – Stormwater Management
use 19.03-3S – Integrated Water Management
use 19 – Infrastructure
use 16.01-1L-01 – Housing Supply – Monash use 16.01-2S – Housing Affordability
use 16.01-1R – Housing Supply – Metropolitan Melbourne
use 16.01-15 – Housing Supply
use 16 – Housing
use 15.03-2S – Aboriginal Cultural Heritage
racter
use 15.01-5L – Monash Preferred Neighbourhood
use 15.01-5S – Neighbourhood Character
use 15.01-4R – Healthy Neighbourhoods – Metropolitan Bourne
use 15.01-4S Healthy Neighbourhoods
elopment
use 15.01-2L-02 – Environmentally Sustainable
use 15.01-2S – Building Design
use 15.01-1L-02 – Tree Conservation for a Garden City
use 15.01R – Urban Design – Metropolitan Melbourne
use 15.01-1S – Urban Design
use 15 – Built Environment and Heritage
taminated Land
use 13.04-1S – Contaminated and Potentially
use 11.02-15 — Supply of Urban Land
use 11 – Settlement use 11.01-1S & 1R - Settlement

#### LOCALITY PLAN



# & NEIGHBOURHOOD PLAN



# **RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/55974) for the construction of twenty-two (22) dwellings at 9A Coombs Avenue OAKLEIGH SOUTH 3167 subject to the following grounds:

1. The proposal is inconsistent with the objectives of Clause 55 and Clause 15.01 (Built Environment) of the Monash Planning Scheme regarding neighbourhood character,

- landscaping, site layout and building massing, detailed design, amenity impacts and onsite amenity and facilities.
- 2. The proposed front fence does not comply with the requirements of the General Residential Zone, Schedule 3 and neighbourhood character policy at Clause 15.01-5L.
- 3. The proposal is inconsistent with the Neighbourhood Character Objectives of Schedule 3 to General Residential Zone at Clause 32.08.
- 4. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the General Residential Zone, Schedule 3, and 15.01 of the Monash Planning Scheme.
- 5. The proposal will negatively impact the health and longevity of the Flowering Gum tree on 9 Coombs Avenue.
- 6. The proposed removal of the nature strip tree is not supported as it significantly contributes to the character of the street.
- 7. The proposal is not site responsive and an overdevelopment of the site.
- 8. The proposal does not provide adequate access for large vehicles.
- 9. The proposal does not provide for functional vehicle movement and adequately designed car parking.
- 10. The proposal will provide a poor level of internal amenity for future residents and fails to meet standards B27 (daylight to new windows) and B28 (private open space) of Clause 55.05.
- 11. The proposal will have a detrimental effect on the amenity of adjoining properties with respect to building bulk and overlooking.

# **COUNCIL PLAN STRATEGIC OBJECTIVES**

#### **Sustainable City**

Ensure an economically, socially, and environmentally sustainable municipality. Investigate and progress planning rules for tree and vegetation controls.

#### **Inclusive Services**

Advocate and partner to deliver social and affordable housing in Monash.

# **Enhanced Places**

Improving open spaces, bushland and street trees, including prioritising biodiversity and community engagement.

Pursue a planning framework that meets Monash needs.

# **BACKGROUND**

#### History

City of Oakleigh Planning Permit 427 was issued on 16 February 1971 for the construction of seven single storey flats at the rear of two existing flats and a tennis court. This land was formerly part of

9 Coombs Avenue containing a dwelling and plant nursery. No further permits have been sought for this site.

# **Site and Surrounds**

The land is located on the south side of Coombs Avenue, approximately 52 metres west of Scotsburn Avenue, Oakleigh South. The irregularly shaped site has a frontage of 26.21 metres, a length of 115.51 metres and a total area of 3,381 square metres. There is a slope of approximately 4.23 metres from the south-west corner to the north-east. No easements affect the land.

There are 9 single storey brick dwellings on the land, each on a separate title. Unit 3 has a tennis court located within its lot. Each lot is affected by a restrictive covenant which prevents the use of the land for any noxious trade or business. There are no significant trees located on the property.

There are two existing vehicle crossings, one located either side of the site frontage. A power pole is located adjacent to the crossing on the eastern side and an 8 metre high White Cedar tree is located centrally within the nature strip in front of the site.

The immediate surrounding area can be described as follows:

#### North

Double storey dwellings constructed in the early 2000's on the former Oakleigh Depot land face the site along Coombs Avenue. The majority of these properties have fences with open front gardens and few trees.

#### **East**

A single storey dwelling is located at 11 Coombs Avenue. It has a high picket fence and well planted front garden and canopy tree. The garage and other outbuildings abut the common boundary with the site. Solar panels are located on the north side of the roof.

Mainly single storey dwellings fronting Scotsburn Avenue back onto the site, comprising a number of multi-unit developments constructed close to the common boundary. Unit 2/7 Scotsburn is a double storey dwelling. No. 11-13 Scotsburn Avenue is developed with a single storey dwelling with a large open backyard adjacent to the site.

#### South

Double storey dwellings within the Amara Estate (formerly the Clayton West Primary School site in Alvina Street) back onto the site. The secluded open space of these dwellings is located adjacent to the common boundary.

# West

A plant nursery is developed on the southern (rear) portion of 9 Coombs Avenue. Covered greenhouses and shade structures are located near to the common boundary.

The northern portion of the site is currently vacant. The land has been gifted to Council for the purpose to create an area of public open space. The southern portion is also intended to be gifted to Council for this purpose in the future. A mature 12 metre high Flowering Gum within the front setback of the site abuts the western boundary of the subject site.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 1).

#### **PROPOSAL**

It is proposed to demolish the existing nine single storey units and construct twenty two (22) dwellings on the land.

The dwellings will be sited either side of a central driveway, contained within four separate blocks. Fourteen (14) of the dwellings will have a height of three-stories, with the remaining eight being two storey in height.

With the exception of the two dwellings facing Coombs Avenue, the layout of the development is designed for 'reverse living' with kitchens and living rooms located at first floor level. These dwellings are provided with balconies adjoining the living rooms, with limited open space at ground level. The secluded open space for the two Coombs Avenue facing dwellings is proposed within the front landscape setback of the site.

To facilitate the development, it is proposed to remove Council's mature White Cedar street tree located centrally within the front setback of the site.

The proposal can be summarised in detail as follows:

Maximum Overall Height	8.3 metres
Number of Storeys	Three (3)
Number of Dwellings	22 (4 x two bedroom dwellings and 18 x three bedroom dwellings)
Site Coverage	50.5%
Permeability	29.7%
Garden Area	35%
Private Open Space	20 dwellings with balconies exceeding 10m2 in area, 2 dwellings with ground level space 60m2 minimum area
Communal Open Space	Three areas of outdoor communal open space are proposed, comprising of a barbeque area and contemplation garden within the center of the site and produce garden on the south side of the development.
Vehicle Access	Double width crossing
Car Parking	44 spaces, comprising 40 spaces for residents and 4 visitor spaces
Bicycle Spaces	Nil
Front Fence	High front fencing is proposed, ranging from 1.84 metres up to 3 metres in height due to the slope of the land, setback 1.5 metres from the front boundary.
Materials	Grey brick and dark grey render, white vertical cladding and black metal window and door frames
Tree Removal / Landscaping	There are no significant trees on site, and the proposal proposes to remove all vegetation

Waste Storage	Waste / bin storage is located within a communal area, located
	central to the site.

The minimum building setbacks are detailed as follows:

	North	East	South	West
Ground Floor	7.8 metres	2.0 metres	5.0 metres	Zero lot line
Level 1	7.5 metres	2.6 metres	5.0 metres	0.9 metres
Level 2	25.5 metres	6.3 metres	5.0 metres	1.0 metre

Attachment 2 details plans forming part of the application.

#### **PERMIT TRIGGERS**

### **Zoning**

The subject site is located within the General Residential Zone, Schedule 3. Pursuant to Clause 32.08-7 of the Monash Planning Scheme, a Planning Permit is required to construct two or more dwellings on a lot.

Clause 32.08-11 prescribes a maximum mandatory building height of 11 metres, and no more than 3 storeys at any point. The proposed maximum height is 8.3 metres above natural ground level which meets this requirement.

Clause 32.08-4 prescribes a mandatory garden area requirement of 35%. The proposal meets this requirement.

#### **Overlay**

The subject site is not affected by any overlay.

### **Particular and General Provisions**

#### Clause 52.06 Car parking

Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

The proposal satisfies the statutory car parking requirement for 4 two-bedroom and 18 three-bedroom dwellings, with 44 spaces provided including 4 visitor parking spaces.

#### Clause 55 (ResCode)

Provisions within Clause 55 (Two or more dwellings on a lot and residential buildings) apply to this application. The provisions of this clause contain objectives, standards and decision guidelines.

# Closed Landfill Buffer

The subject site is within the identified buffer of a post closure landfill, the former Huntingdale Tip, now more commonly known as the Talbot Quarry site. If the application were to be supported, permit conditions would need to be applied requiring the preparation of a Landfill Gas Risk Assessment Report. Such a report is to be prepared by a suitably qualified environmental consultant and undertaken in accordance with the *Environment Protection Act 2017* and associated regulations and all relevant EPA guidelines including EPA Publication 1642.

# Cultural Heritage Management Plan (CHMP)

The site is located within an area identified as having cultural heritage sensitivity.

A Due Diligence Report was =carried out by Anita Barker and Anna Kent in October 2024. The assessment concluded that a Cultural Heritage Management Plan (CHMP) will not be required for the proposed works because the site has been subject to significant ground disturbance as defined under Regulation 5 of the Aboriginal Heritage Regulations.

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

#### **CONSULTATION**

Further information was requested of the Permit Applicant on 31 May 2024. The letter raised a number of design deficiencies, mainly in respect of character, tree retention and landscaping, internal amenity and impact on neighbouring properties. Officers advised the Applicant that should these concerns not be addressed, this application was unlikely to be supported.

The permit applicant responded on 4 September 2024 by providing most of the requested information, but without amendment to the plans to address officer concerns. The Sustainability Management Plan remains outstanding and would be a condition of approval should a permit issue.

The Applicant was advised that this application is being considered at the November Council meeting, and a letter was sent with the details of the meeting. The Applicant has been advised that this application is recommended for refusal, and an outline of the grounds has been explained.

### **Public Notice**

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

Eight (8) objections have been received. The grounds of objection included the following concerns:

- Increased traffic congestion and car parking in streets, impacting on an already busy narrow street which accommodates a PTV bus route.
- Proximity to intersection and road safety concerns.
- Affecting health and well-being through the construction period, and because of increased population density.

- Over-development of the site.
- Three stories are uncharacteristic in the street.
- Insufficient infrastructure to accommodate increasing densities, including public transport, utilities and schools.
- Waste collection issues, including responsibility for management.
- Inadequate light and ventilation in new dwellings.
- Potential damage and inconvenience for neighbouring properties during construction.
- Approval will set a precedent.
- Overshadowing from three storey development may impact on growing conditions, production rates and profitability of adjoining plant nursery.
- Loss of privacy.
- Height difference of site and scale of buildings will result in excessive visual bulk over neighbours' property.
- Overshadowing of secluded areas and windows.
- Loss of property values.
- Reduction in personal safety from increased population and delays for emergency services to attend.
- Negative impact on the environment.

Attachment 4 details the location of objector properties.

# Referrals

#### **Internal Referral**

#### **Transport Engineer**

Council's Transport Engineer has advised that the proposal provides parking in accordance with Clause 52.06 of the Monash Planning Scheme, that vehicular movements within the site are considered satisfactory and that the traffic likely generated is considered reasonable and can be accommodated by the street network, including its impact on the bus route.

Concern has been raised about potential for vehicle strikes on the buildings overhanging the driveway, notably larger vehicles akin to furniture removalist/delivery trucks, however the size of the waste vehicles proposed in the WMP should not cause conflict.

A Car Park Management Plan (or similar) would be required for future residents to inform the conditions of use for the visitor parking spaces, waste collection and moving in/out/delivery procedures. It should provide clear information to drivers of larger vehicles to avoid vehicle strikes on buildings above the driveway.

#### **Horticulture Services**

The 8 metre high White Cedar (*Melia azaderach*) street tree located along the front nature strip is in good condition with a 20 year Successful Useful Life Expectancy (SULE). There are no criteria to warrant its removal. No excavation should be carried out within 4.2 metres of the tree base.

# <u>Development Engineer</u>

No concerns subject to standard conditions including the submission of a drainage plan for approval.

#### **Waste Services**

Council's Waste Services team have advised that the submitted Waste Management Plan requires amendment before any endorsement. Importantly the need for twice weekly collections of garbage indicates insufficient storage capacity within the site. Waste storage capacity should be sufficient for no more than weekly service.

#### **RELEVANT PLANNING POLICY**

#### **Purpose and Vision**

Council's vision for Monash has four primary areas of focus including a Sustainable City, Inclusive Services, Enhanced Places and Good Governance. Council particularly looks to improve open spaces and improve canopy tree coverage.

The Built Environment and Heritage policy at Clause 02.03-4 seeks to maintain and enhance the garden city character valued by the community. Development is to be consistent with the identified preferred future character.

Development is also encouraged to incorporate environmentally sustainable design principles to achieve improved energy efficiency during both building and operation and minimise production of waste.

The Housing Policy at Clause 02.03-5 identifies this neighbourhood as being located in Garden City Suburbs (Category 8), areas suitable for 'incremental change'. The Monash Housing Strategy details the prevailing objective for the Garden City Suburbs being the provision of opportunities for modest housing growth and diversification, with emphasis on preserving and enhancing Monash's Garden City Character.

Residential outcomes sought in the Strategy are:

- 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 setback.

#### Planning Policy Framework (PPF)

The PPF seeks to provide for the sufficient supply of housing in established areas which are located close to jobs, services and public transport.

At Clause 11 (Settlement Policy) planning is to recognise the need for and contribute to a high standard of urban design and amenity, whilst also facilitating sustainable development taking advantage of existing settlement patterns.

Clause 13.04-1S requires a Responsible Authority to ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

The Built Environment and Heritage Policy at Clause 15 calls for planning to ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Clause 15.01-2L-02 (Environmentally Sustainable Development) 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 (SMP) is required to be prepared.

In the Monash Preferred Neighbourhood Character Policy (Clause 15.01-5L) the relevant objective is to build upon the important contribution that landscaping makes to the garden city character of Monash, and preserve and enhance the treed character. The site is identified here as being located within the Garden City (Southern) Suburbs Character area.

Clause 16 of the Scheme (Housing Policy) aims for housing diversity, sustainability, including the walkability to activity centres, and the provision of land for affordable housing.

#### **General Residential Zone - Schedule 3**

The General Residential Zone Schedule 3 (GRZ3) seeks to encourage development that respects the neighborhood character of the area, and encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Schedule 3 applies to Garden City Suburbs and seeks (as relevant):

- To support new development that contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.
- To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.
- To support new development that minimises building mass and visual bulk in the streetscape through generous front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.

#### **ASSESSMENT**

Whilst State and Local planning policies encourage and support higher density residential development in locations that are well serviced, planning policies and ResCode standards and objectives also provide guidance for development so that residential amenity is considered and protected, development contributes to the preferred garden city character and proposals minimise building mass and visual bulk to provide for appropriate infill development. There is considerable Officer concern that the proposed development is at odds with these policies and guidelines.

# ResCode Standards

Schedule 3 to the General Residential zone specifies variations to Clause 55 (ResCode) applicable to the site. Details of the proposal against the variations are as follows:

Minimum Street Setback	Walls of buildings should be set back	Variation Sought
(Standard B6)	at least 7.6 metres from the front street.	The first floor (Townhouse 201) is setback 7.55 metres, marginally under the Standard.
Site Coverage (Standard	The site area covered by buildings	Variation Sought
<u>B8)</u>	should not exceed 50 per cent.	50.5% is marginally non-compliant.
Permeability (Standard	The site area covered by pervious	Variation Sought
<u>B9)</u>	surfaces should be at least 30 per cent.	29.7% is marginally non-compliant.
Landscaping (Standard	New development should provide or	Variation Sought
<u>B13)</u>	<ul> <li>At least one canopy tree, plus at least one canopy tree per 5 metres of site width;</li> </ul>	The average site width of 30.63 metres requires the provision of 7 trees at least equal to 8.3 metres in height.
	<ul> <li>A mixture of vegetation including indigenous species;</li> <li>Vegetation in the front, side and rear setbacks; and</li> <li>Vegetation on both sides of accessways.</li> <li>A canopy tree should reach a mature height at least equal to the maximum</li> </ul>	5 canopy trees are proposed - 3 crepe myrtles and 2 lightwoods. The slow growing crepe myrtles will achieve a maximum height of 8 metres, and the lightwoods between 5 to 10 metres. Neither being suitable choices to enhance the garden city character.
	building height of the new development.	There is limited scope for tree planting within the side boundaries, particularly along the western boundary.
		No landscaping is proposed either side of the driveway adjoining the building creating a 'gun-barrel' visual effect.
Side and Rear Setbacks	A new wall not on or within 200mm	Variation Sought
(Standard B17)	of a rear boundary should be set back at least 5 metres.	The buildings are setback 5 metres from the rear boundary.
	Side setback requirements in accordance with standards A10 and B17 continue to apply.	Proposal does not comply with the side setback requirements to the western boundary of the site.
Walls on boundaries	None specified	Complies
(Standard B18)		The one wall built on the western boundary is compliant with Standard B18
Private Open Space	A dwelling or residential building	Variation Sought
(Standard B28)	should have private open space consisting of:	Balconies are proposed for 20 of the 22 dwellings. All are compliant.

	<ul> <li>An area of 75 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room; or</li> <li>A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	Ground level open space is provided for two dwellings which does not comply with the Standard.  Townhouse 101 has a total of 97 square metres, with a minimum dimension of 8.7 metres directly accessed from the living room and located within the front setback.  Townhouse 201 has a total of 60 square metres with a minimum dimension of 6 metres directly accessed from the living room and also located within the front setback of the site.
Front Fence Height (Standard B32)	A front fence within 3 metres of a street should not exceed 1.2 metres in height.	Variation Sought  The front fence ranges in height from 1.8 metres to 3 metres and does not comply.

As reflected in the above table, the proposal pushes the limits of some of these varied standards, with street setback, site coverage and permeability marginally non-complaint. This is often indicative of an over-development of the site. The reduced private open space provision, insufficient landscaping and the high front fence are also standards that are not met.

In addition, the proposal does not meet the majority of the remaining Standards of Clause 55 including Neighbourhood Character, Integration with the Street, Energy Efficiency, Open Space, Safety, Access, Parking Location, Side and Rear Setbacks, Overlooking, Internal Views, Accessibility, Dwelling Entry, Daylight to New Windows, Design Detail, Common Property and Site Services.

These are discussed in detail below:

#### Neighbourhood Character and Detailed Design

Standard B1 seeks a design response that respects the existing or preferred character and responds to the features of the site. The strategies for the Garden City (Southern) Suburbs character areas detailed at Clause 15.015L include supporting dwellings that provide:

- Simple, pitched rooflines.
- Articulated facades.
- Do not dominate the site by over developing.
- Present of comparable scale and form to older dwelling stock in the area.

Notwithstanding the recently completed Amara Estate at the rear of the site, the proposal's highly contemporary built form with block-like walls, flat roofs and minimally articulated facades, is at odds with the surrounding existing dwellings.

Older dwelling stock in Coombs and Scotsburn Avenues is generally detached, of one or two storeys in height, with predominantly pitched roofs containing visible tiles and eaves. There is one

older flat roofed '6-pack' block of flats nearby in Legon Road, however this development has a high degree of façade fenestration and is well setback from the site boundaries.

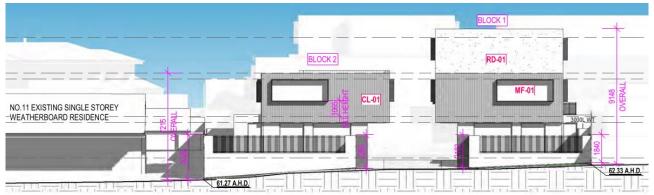


3D Interpretation of Proposal

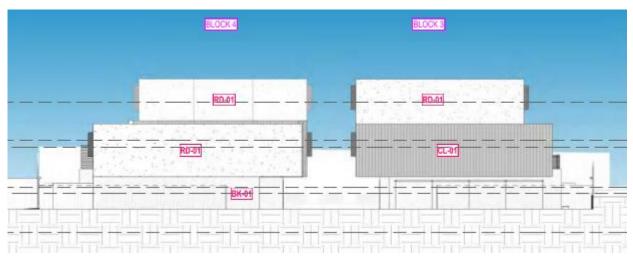
The Neighbourhood character strategy also seeks to support buildings that front the street and provide articulated upper levels to minimise the impression of building bulk, and provide separation between dwellings constructed on the same site to break up built form and support additional landscaping

Although there is separation of the 22 dwellings into 4 'blocks', each of these blocks present as long continuous expanses of attached walls running in a north-south direction, ranging in length from 27.9 metres (Block 4) to 45.9 metres (Block 1). Block 4 at the rear of the site has a small break between three storey townhouses 404 and 405 but the minimal separation proposed has no impact and does not provide any relief and articulation to the built form when viewed either internally or externally from the site. The 34-metre-long western side of Block 1 will also be highly visible from Coombs Avenue given the future public open space located on number 9 Coombs Avenue.

The east-west separation between the proposed blocks is also minimal, with a distance of 3.1 metres between the upper floor levels that cantilever over the common driveway for the full length of the blocks.



North (Street) Elevation Blocks 1 and 2



North Elevation Blocks 3 and 4

Integral to Neighborhood Character is the impact of landscaping, with numerous policy strategies at Clause 15.015L to support and enhance the garden city character. These include to:

- Provide spacious gardens with canopy trees.
- Complement the landscape setting of adjoining public open space areas or creek environs by minimising the scale and massing of the development, and incorporating landscaping, to ensure vegetation is the dominant element when viewed from the public open space or the creek reserve.
- Set back buildings directly adjacent to public open space.
- Provide planted buffers to buildings directly adjacent public open space.
- Site buildings to minimise the need to remove significant trees and protect significant trees on the site and adjoining properties.

The reverse living arrangement of the proposal combined with the provision of balconies in-lieu of ground level open space, results in a serious lack of garden space to provide room for canopy trees and create a visual buffer between the expansive buildings proposed and adjoining properties.

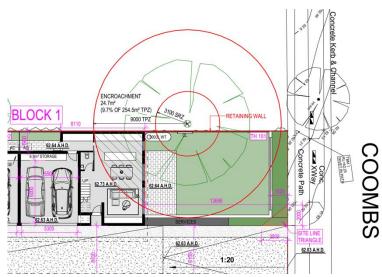
The proposed narrow side setbacks to property boundaries also severely restricts the planting of any large trees, of particular concern is the 900mm setback from the western boundary abutting the future park at 9 Coombs Avenue.

The proposal will also impact the ability to retain the 12 metre high Flowering Gum (Tree 6) located within the future public open space on 9 Coombs Avenue, directly adjoining the western boundary fence.

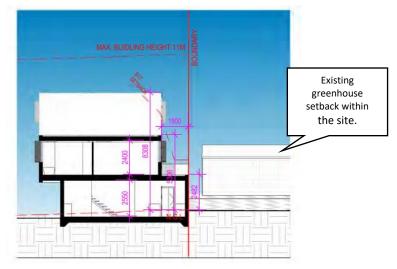
This tree has been assessed to be of 'high protection value', of good health and fair structure with a life expectancy of more than 25 years.

The applicant's arborist recommends that 'construction within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of Tree 6 should be performed using root-sensitive construction techniques e.g. at or above grade with permeable paving'.

The proposal does not heed this advice and provides excavation for the construction of Block 1, a retaining wall, non-permeable paving, a water tank and fencing within the TPZ. This will likely have a detrimental impact on the health and longevity of Council's tree.



Part of ground floor plan showing extent of encroachment in the TPZ



Section of Block 1 showing building and natural ground levels in the TPZ

The Neigbourhood character policy also encourages low front fences to *allow clear views of vegetation and buildings*. Fencing proposed within the front setback of the site is 1.8 metres at its lowest height and up to 3 metres at the sites north-east corner. Whilst the fence is setback 1.5 metres from the front property boundary, and includes transparent panels in sections across the front, it is considered that the proposed height combined the fully solid returns along the driveway, obscure the desired views into the front setback and garden, contrary to planning policy.

#### Site Layout and On-Site Amenity

The proposal will provide a poor level of internal amenity for future residents.

Only two (2) of the twenty-two (22) dwellings are provided with north facing habitable room windows or open space. This reduces internal amenity and is also inconsistent with Environmentally Sustainable Development principles which seek to reduce energy use through appropriate building orientation and achieve a healthy indoor environment through passive design over mechanical heating, ventilation, cooling and lighting.

The reverse living arrangement for the majority of the dwellings in the development results in poor accessibility for the needs of people with limited mobility, including the aging population of Monash.

There are no dwelling entries facing Coombs Avenue, with each front door facing and opening onto the central driveway. There is no sense of personal address or transitional space around these front doors, and no landscaping proposed within this central driveway area, except adjacent to the central communal open space areas.

Letterboxes and site services in the front setback will remove the meagre planting proposed adjoining the fences running along the driveway. The visual result will be a long driveway gun barrel, and particularly severe when combined with the cantilevered upper levels.



Impression of driveway with no landscaping or sense of address

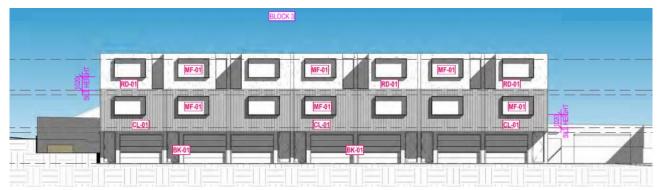
There are also no ground level windows facing the common driveway in Blocks 1, 3 and 4. In Block 2 Townhouses 202, 203 and 204 each have one bedroom window facing the driveway, providing the only surveillance of common property at ground level in the entire development. These habitable room windows are located too close to the central driveway (under Standard B15) with poor outlook and separation from vehicular noise within the development.

There is also little surveillance from the cantilevered upper levels, which obscure views down into the common driveway. Only 4 living rooms with windows face this area, with bedroom windows likely to be negatively impacted due to insufficient setback from the shared driveway.

Internally, the garage doors will physically and visually dominate the facades of the dwellings.



Internal (east) elevation Block 2



Internal (west) elevation Block 3

The communal open space areas are poorly located with none of the proposed dwellings having any windows providing outlook to them, particularly the small BBQ area adjacent to Townhouse 301, and the produce garden at the rear of the site. The design of these spaces does not provide for the safety and security of residents and property. The larger contemplation garden is more exposed to the passers-by in the common driveway but also located next to the bin storage area and visitor car parking, which impact on its attractiveness. The produce garden is located on south side of double storey height buildings which will overshadow and limit its usefulness for that purpose.



Impression of the BBQ area

There will be unscreened first floor habitable room windows that directly face each other (dwellings in blocks 3 and 4 at both first and second floors) resulting in poor levels of internal privacy. It would be preferrable for these windows to be offset from each other to reduce the negative internal impact of screening.

There are also proposed windows in the development that will not have sufficient daylight access due to the 1.7 metre high screening of roofed balconies in Townhouses 202, 203, 204, and 401 to 406. The light courts proposed to windows in bedroom 2 of Townhouse 307 do not meet Standard B19.

#### Private Open Space

Townhouses 101 and 201 are the only dwellings with ground level private open space, however neither of them are complaint with Clause 55 varied Standard B28.

Townhouse 101 has a total of 97 square metres of private open space directly accessed from the living room, but this space is located within the front setback. Townhouse 201 is only provided with 65 square metres of total open space, instead of the minimum required 75 square metres, with 60 square metres adjacent to the living room also located within the front setback.

The high fencing enclosing these spaces contains transparent metal panels. Privacy is proposed to be provided through medium height hedge planting (up to 1.5 metres). Varied Standard B28 requires the open space to be to the side or rear of the dwelling to allow these spaces to be secluded without screening front gardens and obscuring front facades.

The location of the open space within the front setback results in a development that is at odds with the prevailing character of the area. The front entries of these units have to face the common driveway instead of Coombs Avenue. The fencing is excessively high due to the fall of the land and to provide privacy to the open space and living room behind, with the fence on the north-east corner equivalent in height to a single storey wall.

#### **Amenity Impacts**

The proposal will not create any additional overshadowing to the existing secluded open space of surrounding dwellings, beyond what already occurs from the 9-unit development. The development is also compliant with codified Clause 55 Daylight to existing windows Standard B19 and there are no north facing windows in dwellings on adjoining land within 3 metres of the boundary which would be impacted by the development.

There will be some overshadowing of the adjoining plant nursery at 9am and 10am, with additional shading of greenhouses. However, the additional shadow is limited and the majority of the site will remain with access to sunlight at this time.

Whilst timber slat privacy screening is proposed to balconies facing neighbours on the east side of the development, the first floor living room and bedroom windows within Block 2 are not screened and would result in overlooking to adjoining secluded areas and habitable room windows of the adjacent residential properties. If the development were to be approved, these windows would require screening, and this would in turn have an adverse impact on the internal amenity of these dwellings, in particular to the main living areas, which would then also not be supported as a desirable outcome.

All habitable room windows on the second storey of Blocks 3 and 4 are set back more than 9 metres from the common boundary, and do not require screening and comply with ResCode provisions for overlooking.

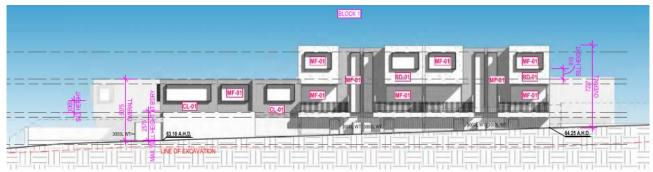
West facing windows and balconies in Block 1 (Townhouses 102 to 105) and Block 3 are designed with unimpeded outlook to the future open space on 9 Coombs Avenue, noting that they will overlook the plant nursery until such time that land is also gifted to Council. The owner and operator of the nursery has not objected on overlooking grounds, and Clause 55 Overlooking Standard B22 deals with the impact of amenity for dwellings, not other uses. This design response is considered acceptable for integrating the development with this future open space as sought in Open Space Standard B11.

### General Residential Zone - Schedule 3

The decision guidelines of the Schedule require consideration of (amongst others):

- Whether the development provides an appropriate transition to built form on adjoining sites.
- The impact of the development on nature strips and street trees.
- The location, quantity and species of vegetation provided.

Whilst a three storey height is permissible within the GRZ3 zone, the proposed buildings do not provide an appropriate transition to the surrounding properties, including the future open space, because of the long expanses of attached, relatively unarticulated walls, and the narrow boundary setbacks for landscaping to soften and screen.



West Elevation of Block 1

It should be noted that the western (side) boundary setback of Block 1 is not compliant with the Side and Rear Setback Standard B17 of Clause 55, with a setback of up to 1.9 metres required at first floor and 3.09 metres for the second storey. A 900mm setback is proposed to the first floor balconies of Townhouses 102 to 105 and a setback of 1.9 metres to the second storey.

This building will be visually dominant, and inconsistent with policy that requires development to contribute towards the amenity and attractiveness of the public realm (Clause 15.01-1S), and not rely on the planting within it to screen its shortcomings.



Western view of Blocks 1 and 3 from public open space

The removal of Council's healthy White Cedar street tree is unnecessary and not supported, with sufficient space across the 26.21 metre wide frontage to locate vehicular crossings, noting the site already has one singe width and one double width crossing.

The proposed landscaping of the site comprises mainly shrub planting around the perimeter of the site, and small trees. Only 5 trees are close to meeting the 8.3 metre height sought in varied Clause 55. Landscaping Standard B13, consisting of 3 crepe myrtles (slow growing species to a mature height of 8 metres) and 2 lightwoods (growing between 5 and 10 metres in height). Neither being suitable canopy trees to enhance the garden city character.

Even if the total number and height of tall canopy trees were to be altered, there is limited scope for their planting within the narrow side setbacks, particularly along the western boundary adjacent to the public open space.

This is a poor response to Policy which seeks to (amongst other landscape strategies) incorporate landscaping that reinforces the garden city character in all development, including by planting semi-mature canopy trees with spreading crowns in open space areas, along boundaries adjacent to neighbouring open space and in front setbacks (Clause 15.01-1L-02) and complement the landscape setting of adjoining public open space areas or creek environs by minimising the scale and massing of the development, and incorporating landscaping, to ensure vegetation is the dominant element when viewed from the public open space or the creek reserve (Clause 15.01-5L).

# **Car Parking, Traffic and Access**

**Parking Allocation** 

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
Two-bedroom dwelling	4	1 space/two bedroom	4	4
Three-bedroom dwelling	18	2 spaces/three bedroom	36	36
Visitor Parking		1 space for every 5 dwellings	4	4
Total			44	44

It is noted that 10 of the three bedroom dwellings are provided with tandem car parking spaces located within single width garages that do not meet the minimum length dimensions, with a minimum 11.4 metre internal length required.

One of the visitor parking spaces (adjacent to the bin storage area) is allocated for waste truck reversing manoeuvres. Council's Transport Planning Engineers recommends a Car Parking Management Plan is provided as a condition of permit to ensure this space is properly managed to prevent future conflicts.

#### **Vehicle Access**

The location of the new vehicle crossing necessitates removal of a healthy street tree with a 20-year SULE. This is inconsistent with garden city character policies and cannot be supported.

The central driveway is of sufficient dimension at ground level to accommodate the majority of vehicles likely to use it, however the cantilevered first floors will impact the ability for furniture removal/delivery trucks (or similar) to access the site, with a minimum clearance of 2.5 metres. Approval of this would be inconsistent with proper and orderly planning.

#### **Loading and Waste Collection**

On-site private collection of waste is proposed, with the swept path diagrams, building overhang clearance and shared use of the visitor parking space deemed appropriate by Council's Transport Planning Engineers.

The Waste Services Officers however have concerns about the need for twice weekly collections of garbage detailed in the submitted WMP, which indicates an insufficient storage capacity. It is recommended that waste storage capacity be increased to allow for weekly services, however this will increase the visual dominance of the bin enclosure for adjoining communal spaces and reduce the area available for landscaping.

#### **Environmental Sustainability**

Clause 15.01-2L-02 (Environmentally sustainable development policy) requires the submission of a Sustainability Management Plan and Green Travel Plan for the development of 10 dwellings or

more. If a permit were to be issued, conditions would be included to require the submission of these documents for endorsement.

#### **Potentially Contaminated Land**

This land was formerly part of, and is located directly abutting, a plant nursery with the potential for contamination. Council commissioned a Preliminary Site Investigation in relation the front portion of 9 Coombs Avenue for use as public open space. It was identified that the potential for contamination of that parcel, and pathways for further exposure, were low and no further investigation or environmental audit is required. It is reasonable to apply these findings to the subject site.

# **Objections not Previously Addressed**

#### **Increased density**

Concern has been raised by objectors regarding insufficient infrastructure to accommodate increased densities, including public transport, utilities and schools.

In response to this, the site is well serviced by public transport and retail and community facilities being located between Huntingdale Neighbourhood Centre and the Clayton Major Activity Centre. Furthermore, increased density is envisioned by the General Residential 3 Zone and strongly supported by both state and local planning housing policies.

# Reduction in property values

The loss of property values as a result of a proposal is not a relevant planning consideration.

#### Impact on stormwater and drainage

The application was referred to Council's drainage engineers who have no concerns with the proposal subject to conditions and a requirement that stormwater collected from the site must not be allowed to flow uncontrolled into adjoining properties or the road reserve. Drainage plans must be submitted to Council's engineering department prior to construction of any works.

# Construction impacts (noise, dust, traffic)

Disruption during construction is not a long-term impact. Should a permit issue, a Construction Management Plan (CMP) would form a condition of approval to minimise impacts to the local area during construction, including mitigating impacts such as noise and dust. The CMP would also require the submission of a plan identifying traffic management and truck movements.

#### Increased noise generation from future residents

The land is located within a residential zone, and the use of the land for residential use does not require planning permission. Therefore, noise generated from future residents is not a relevant planning consideration.

The proposed development will set a precedent for future development

The development will not set a precedent for future development as each planning application is assessed on its merit.

<u>Safety concerns due to increase in residents, antisocial behaviour, impact on community safety</u> and mental health

These issues are not relevant planning considerations. Any unlawful or unsafe behavior should be reported to the local Police.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

#### **POLICY IMPLICATIONS**

There are no policy implications to this report.

#### **CONSULTATION**

Public notification of the application was carried out in accordance with the requirements of the Planning and Environment Act 1987. Details of this notice period are provided under Public Notice.

#### **SOCIAL IMPLICATIONS**

There are no social implications to this report.

#### **HUMAN RIGHTS CONSIDERATIONS**

There are no human rights implications to this report.

#### **CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

#### **CONCLUSION**

The proposed development raises significant concerns with relevant policy objectives including built form height and scale, bulk and massing, landscaping and tree retention and internal and external amenity. In its present form the proposed development can not be supported and accordingly it is recommended that the application be refused.

#### ATTACHMENT LIST

- 1. Aerial Photograph 9 A Coombs Ave [7.1.3.1 1 page]
- 2. Proposed Development Plans 9 A Coombs Ave [7.1.3.2 18 pages]

- 3. Zoning and Overlays Map 9 A Coombs Ave [7.1.3.3 1 page]
- 4. Objector Map 9 A Coombs Ave [**7.1.3.4** 1 page]





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TP000	COVER PAGE	В
TP001	DEVELOPMENT SUMMARY	В
TP100	SITE ANALYSIS	В
TP101	DESIGN RESPONSE	В
TP200	PROPOSED GROUND FLOOR PLAN	В
TP201	PROPOSED FIRST FLOOR PLAN	В
TP202	PROPOSED SECOND FLOOR PLAN	В
TP203	PROPOSED ROOF PLAN	В
TP204	PROPOSED GROUND FLOOR PLAN - EXISTING LAND SURVEY OVERLAY	В

#### DRAWING

TP300	SECTIONS	В
TP400	PERIMETER ELEVATIONS	В
TP401	SITE INTERNAL ELEVATIONS	В
TP500	SHADOWS	В
TP501	SHADOWS	В
TP502	SHADOWS	В
TP503	SHADOWS	В
TP504	SHADOWS	В
TP505	SHADOWS	В

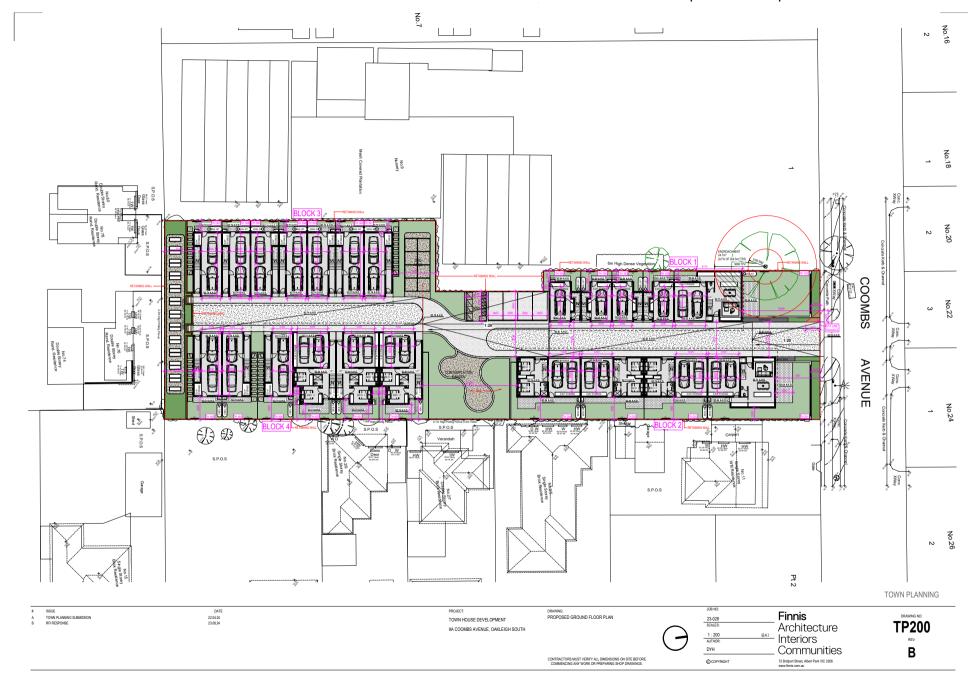
# 9A COOMBS AVENUE. OAKLEIGH SOUTH TOWN HOUSE DEVELOPMENT

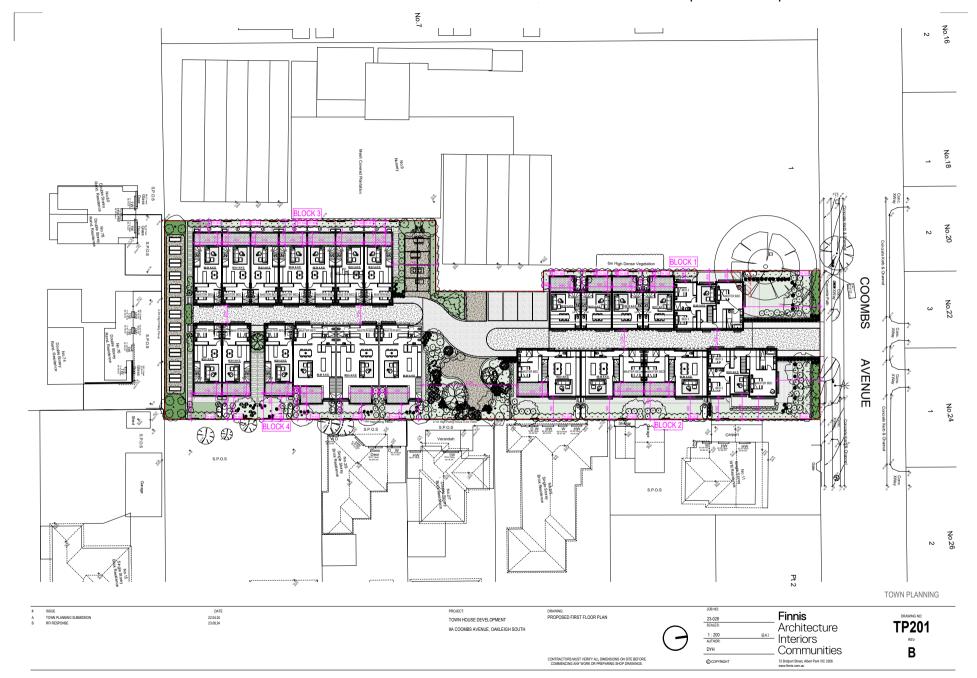
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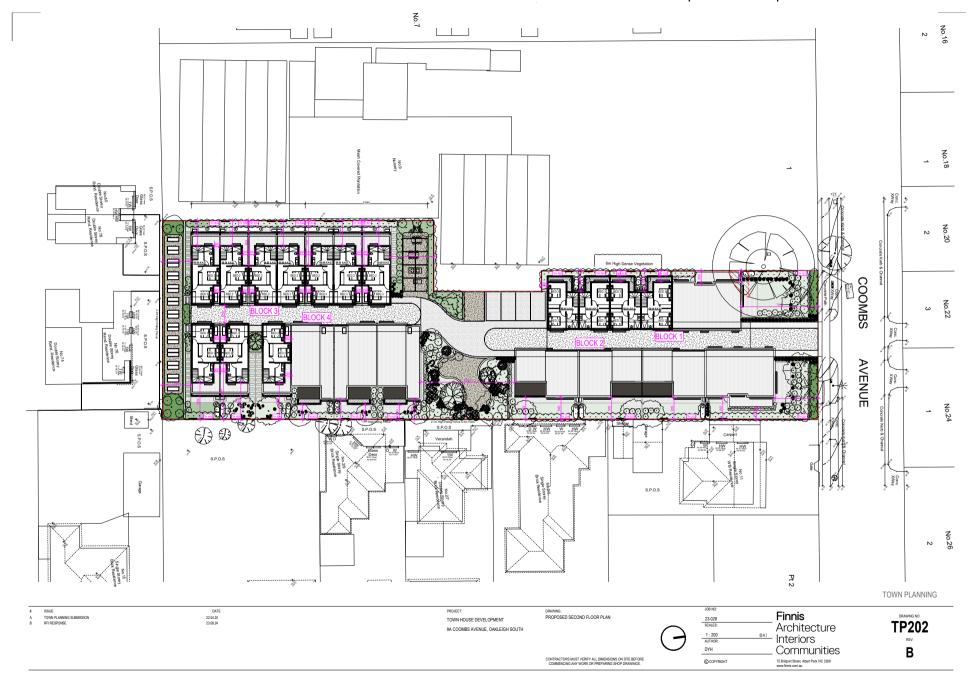


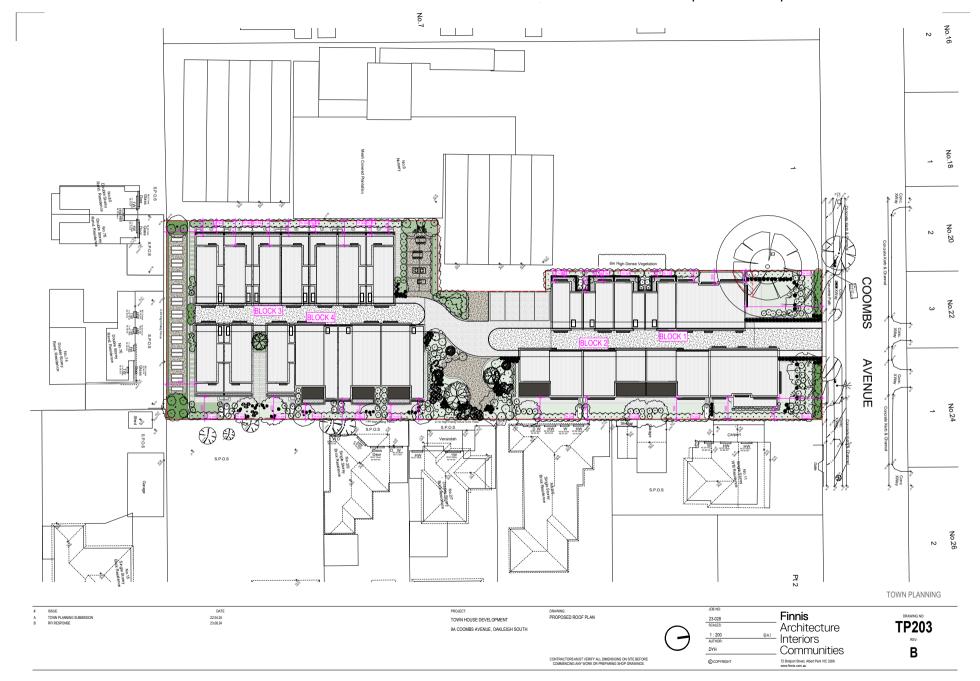


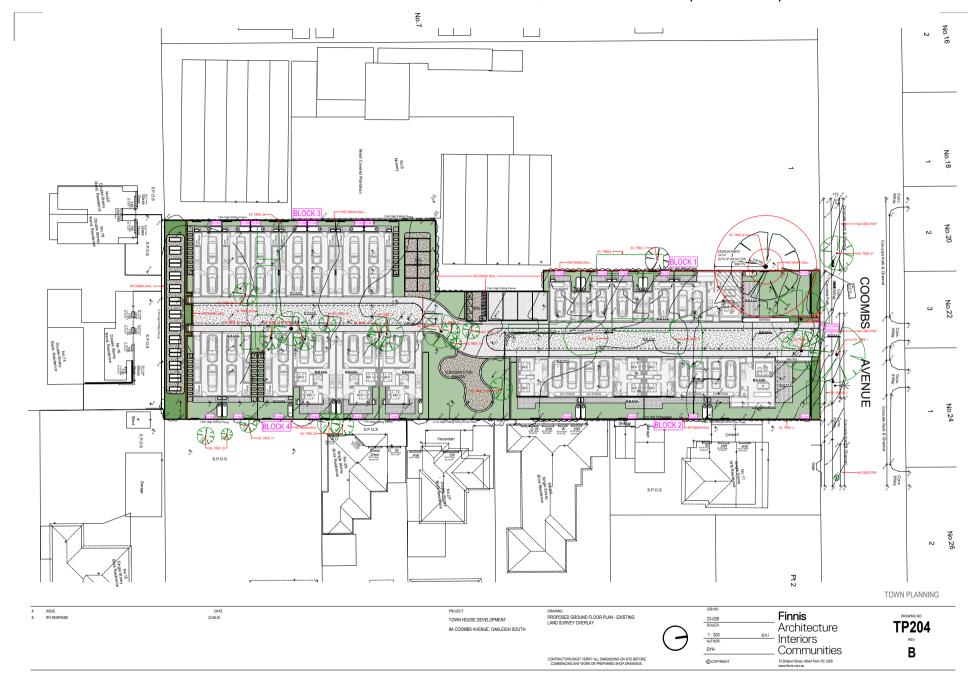


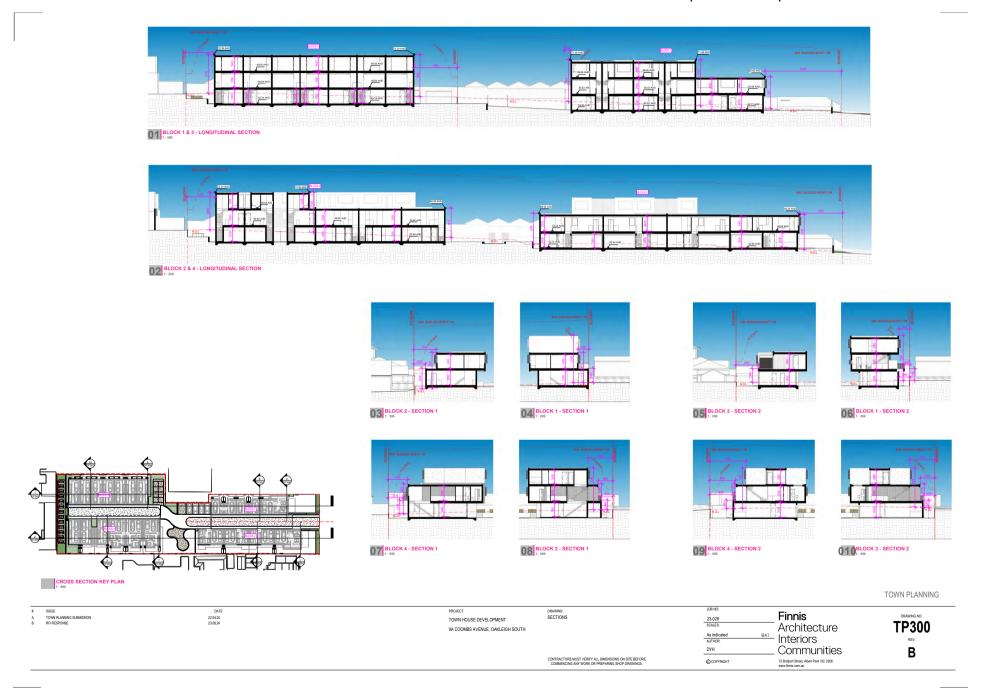


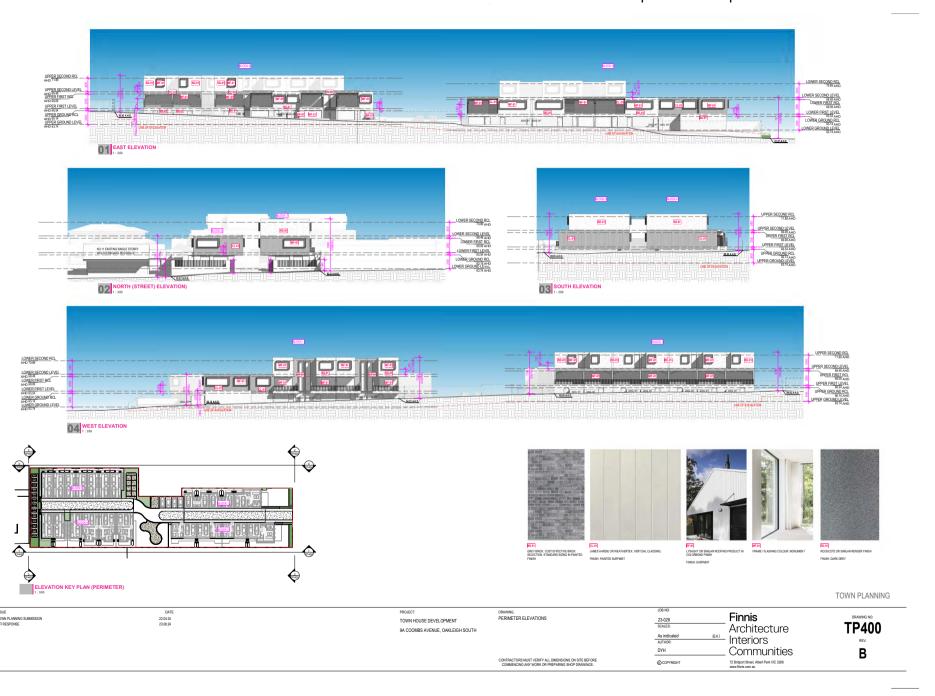


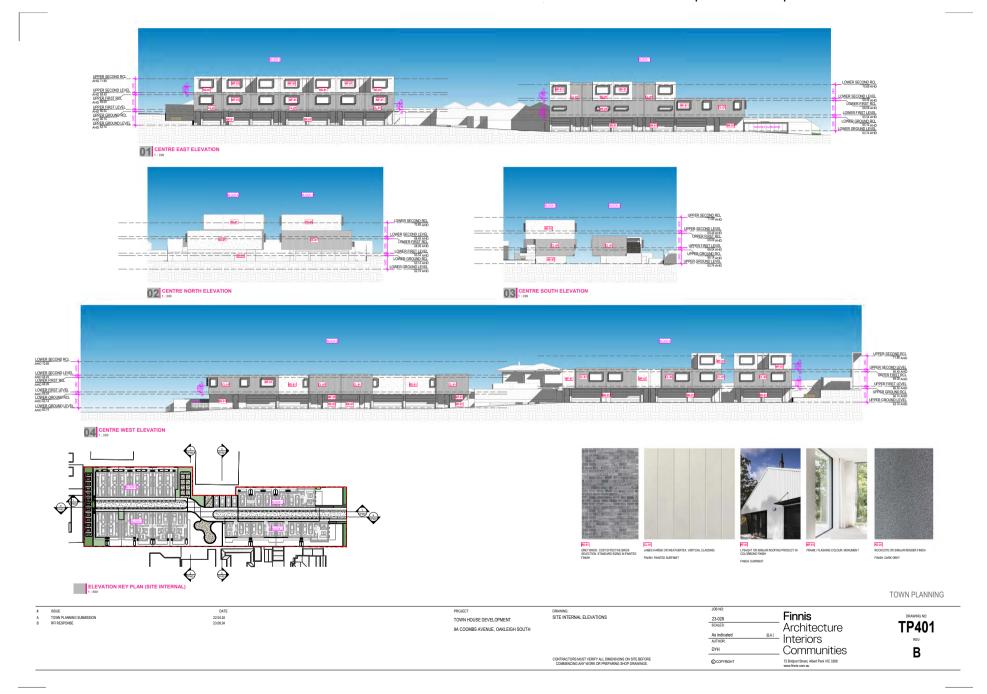






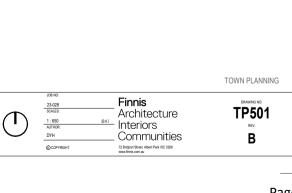












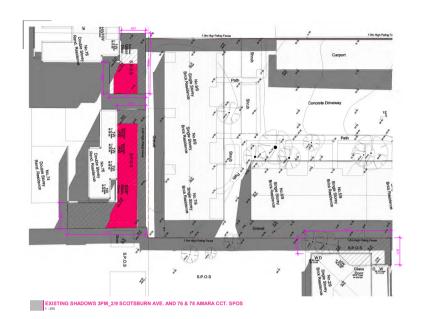
9A COOMBS AVENUE, OAKLEIGH SOUTH

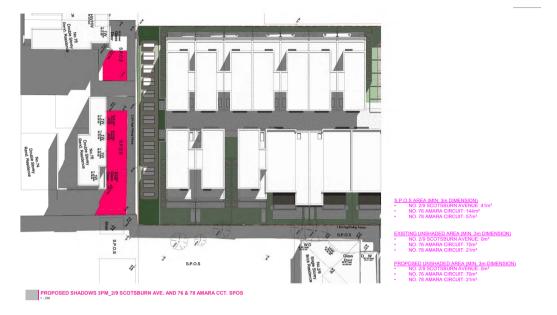






# Attachment 7.1.3.2 Proposed Development Plans - 9 A Coombs Ave



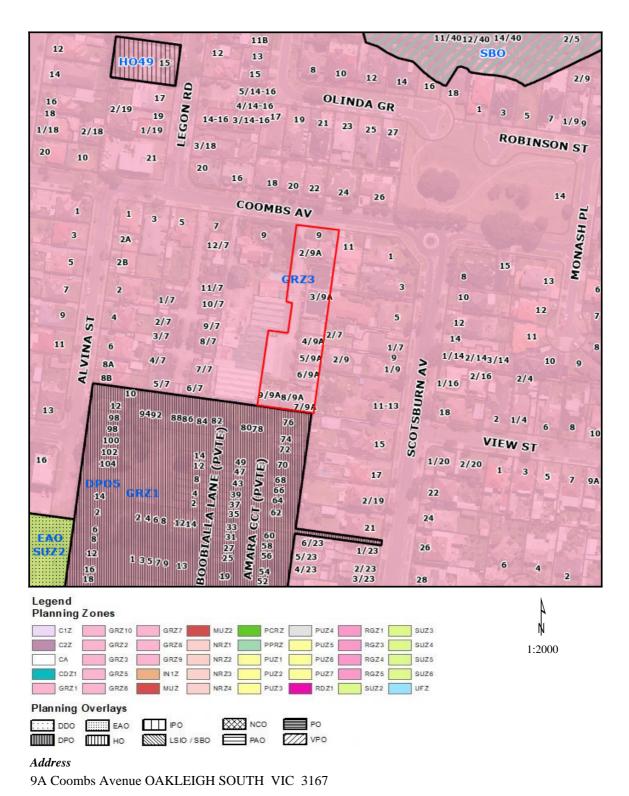


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# Planning Overlays and Zones



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