

**1.2 246-250 Highbury Road, Mount Waverley  
CONSTRUCTION OF TEN DWELLINGS AND REMOVAL OF TREES  
(TPA/47992)**

**EXECUTIVE SUMMARY:**

This application proposes the construction of ten (10) double storey dwellings with basement parking, removal of trees within a Vegetation Protection Overlay and alteration of access to a Road Zone.

The application was subject to public notification. Three (3) objections to the proposal have been received.

Key issues to be considered relate to neighbourhood character, building form, design detail, vehicle access and car parking, removal of vegetation and landscaping.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 55 (ResCode Multi-dwelling requirements), along with consideration against adopted Amendment C125 to the Monash Planning Scheme and issues raised by objectors.

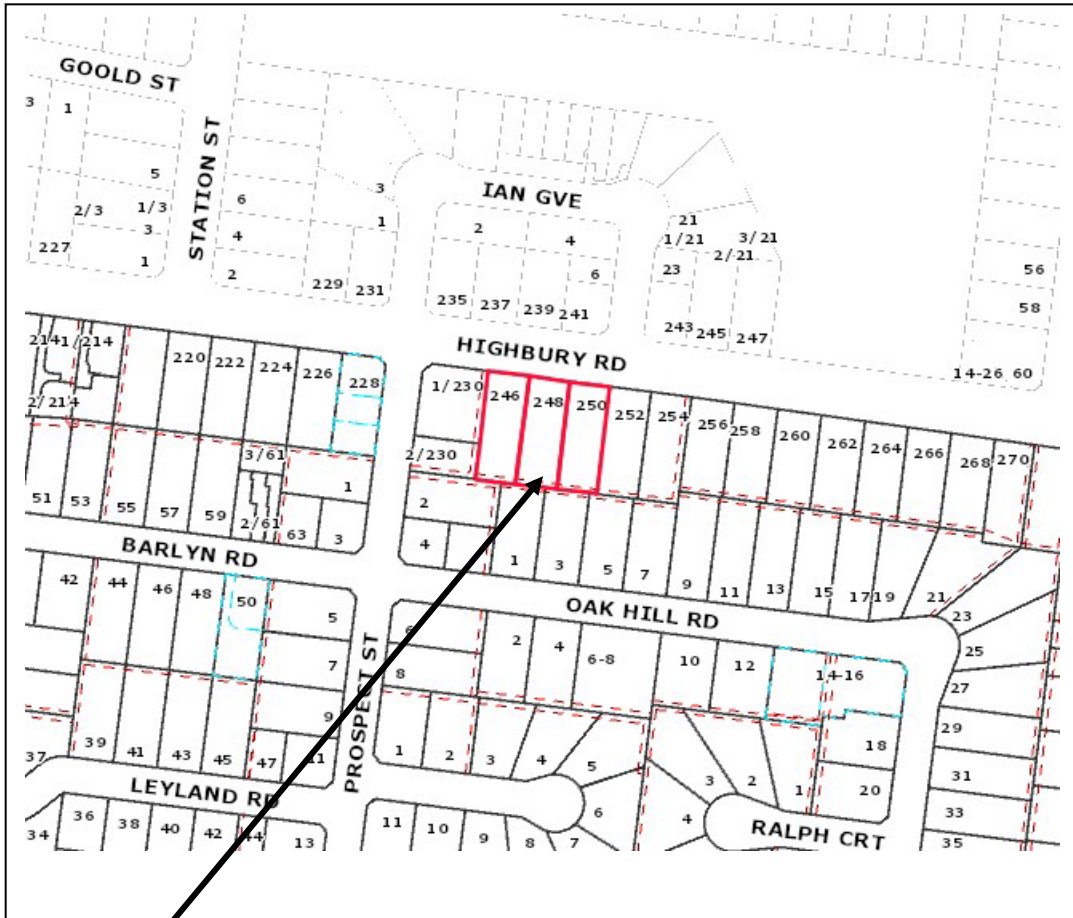
**The reason for presenting this report to Council is the proposed development cost of \$4 Million.**

**The proposed development is considered satisfactory 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.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Satyen Kothari</b>
<b>WARD:</b>	<b>Mount Waverley</b>
<b>PROPERTY ADDRESS:</b>	<b>246-250 Highbury Road, Mount Waverley</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Three (3)</b>
<b>ZONING:</b>	<b>General Residential Zone 2 (GRZ2)</b>
<b>EXISTING LAND USE:</b>	<b>Residential</b>

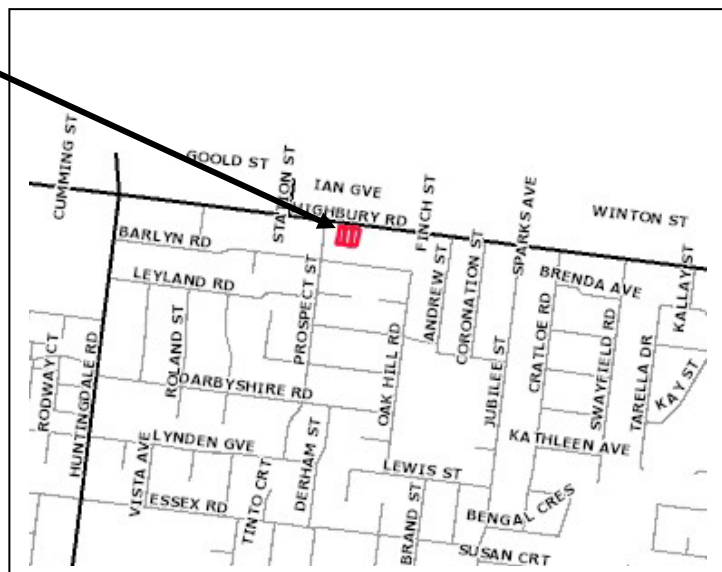
<b>OVERLAY:</b>	<b>Vegetation Protection Overlay (VPO1)</b>
<b>AMENDMENT C125 (adopted)</b>	<b>General Residential Zone 3 (GRZ3)</b>
<b>RELEVANT CLAUSES:</b> <u>State Planning Policy Framework</u> Clause 11 (Settlement) Clause 11.01-1R1 (Settlement – Metropolitan Melbourne) Clause 15 (Built Environment and Heritage) Clause 15.01-2S (Building Design) Clause 16 (Housing) Clause 16.01 (Residential Development) Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne) Clause 16.01-3S (Housing Diversity) Clause 16.01-1R (Housing Diversity – Metropolitan Melbourne) Clause 16.01-4S (housing Affordability)	<u>Local Planning Policy Framework</u> Clause 21 (Municipal Strategic Statement) 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 22.05 (Tree Conservation Policy)  <u>Particular Provisions</u> Clause 52.06 (Car Parking) Clause 52.29 (Land adjacent to a Road Zone Category 1) Clause 55 (Two or More Dwellings on a Lot)  <u>General Provisions</u> Clause 65 (Decision Guidelines)
<b>STATUTORY PROCESSING DATE:</b>	<b>2 November 2018</b>
<b>DEVELOPMENT COST:</b>	<b>\$4 Million</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/47992)** for the construction of ten (10) double storey dwellings with basement carpark, removal of trees within a Vegetation Protection Overlay – Schedule 1 and alteration of access to a Road Zone – Category 1, at 246-250 Highbury Road, Mount Waverley, subject to the following conditions:

1. Before the development starts, three copies of plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Fixed obscure screening to a minimum of 1.7m above the finished floor level for the following deck areas:
    - i. Dwellings 1, 2, and 3 to prevent overlooking to west.
    - ii. Dwellings 5 to prevent overlooking to south.
    - iii. Dwellings 8 and 9 to prevent overlooking to the east.
  - b) Dwelling 6 is to be provided with a secluded private open space area (35 m<sup>2</sup> with minimum width of 5.0m) that receives solar access on accordance with Clause 55 of the Monash Planning Scheme, and is connected to the living area.
  - c) The first floor setback of dwelling 5 is to be increased to a minimum 3.9m from the southern boundary.
  - d) Dwelling 5 and 6 decks to not extend beyond the basement envelope to provide for optimum tree retention and planting
  - e) The Tree Protection and Structural Root Zones for trees 16, 17, 18, 19, 20, 22, 25 and 27; and tree 1 (street tree).
  - f) Notation on the plans for no works/ no excavation within TPZ of the tree 16 and tree 27.
  - g) The basement, building and decks to not encroach more than 10% of the TPZ of trees 16, 17, 18, 19, 20, 22, 25 and 27.
  - h) A notation that no excavation will occur within 2.34m of street tree (tree 1), measured from trunk face at ground level.
  - i) The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".
  - j) The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within

the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

- k) Any modifications required as outlined in the Tree Management Plan required by Condition 5.

#### **No Alteration or Changes**

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

#### **Common Boundary Fences**

- 3. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

#### **Landscaping**

- 4. Before the commencement of buildings and works, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must be consistent with the development plans and must show the proposed landscape treatment of the site including:-
  - a) the location of all existing trees and other vegetation to be retained on site
  - b) provision of canopy trees with spreading crowns located throughout the site including within the street setback, perimeter of the site, and private open space areas of the each dwellings. Trees should not be located in the easement or basement envelope.
  - c) the TPZ dimensioned for all trees to be retained.
  - d) planting to soften the appearance of hard surface areas such as driveways and other paved areas
  - e) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
  - f) the location and details of all fencing
  - g) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
  - h) details of all proposed hard surface materials including pathways, patio or decked areas

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

#### **Landscaping Prior to Occupation**

5. 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.

#### **Tree Protection**

6. Prior to the commencement of any works that are permitted by this permit a tree management plan must be submitted and endorsed. The tree management plan must identify the protection measures for all the trees identified to be retained on the subject site and on adjoin properties during construction. The tree management plan must be consistent with the Arboriculture report submitted with the application including confirmation that any encroachment of trees is no more than 10% of the Tree Protection Zone (TPZ) and to the satisfaction of Responsible Authority.
7. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by the project Arborist.
8. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.

#### **Sustainable Management Plan**

9. Concurrent with the endorsement of any plans, 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 report must include, but is not limited to, the following:
  - a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.
  - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
  - c) Document the means by which the appropriate target or performance is to be achieved.

- d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
- e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
- f) Any relevant requirements of the Condition 1 sub-clauses hereof.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

10. Prior to the occupation any of the building approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to the relevant completed stage of the building ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

#### **Construction Management Plan**

11. Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) Measures to control noise, dust and water runoff.
  - b) Prevention of silt or other pollutants from entering into the council's underground drainage system or road network.
  - c) The location of where building materials are to be kept during construction.
  - d) Site security.
  - e) Traffic management plan providing for safe movements of vehicles to and from the site during the construction phase.
  - f) On-site parking of vehicles associated with construction of the development.
  - g) Wash down areas for trucks and vehicles associated with construction activities.
  - h) Cleaning and maintaining surrounding road surfaces.

- i) 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. This does not include excavation or the use of heavy machinery).

**Drainage**

12. 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.
13. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
- a) a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
  - b) shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
  - c) another Council approved equivalent.
  - d) All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.
  - e) The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 300 mm Council drain in the naturestrip via a 900 mm x 600 mm junction pit to be constructed to Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

**VicRoads**

14. Prior to the commencement of use of the development hereby approved, a sealed access crossover and driveway as at least 6.1 metres wide at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads.



15. Prior to the occupation of the development, all disused or redundant vehicle crossings on Highbury Road must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
16. Prior to the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
17. Vehicles must enter and exit the land in a forward direction at all times.
18. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

**Waste Management Plan Required**

19. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site to the satisfaction and approval of the Responsible Authority. The Waste Management Plan shall provide for:
  - a) The method of collection of garbage and recyclables for uses;
  - b) Designation of methods of collection including the need to provide for private services or utilisation of council services;
  - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
  - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
  - e) Litter management.
  - f) A copy of this plan must be submitted to Council.

**Completion of Buildings and Works**

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

**Permit Expiry**

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

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request

is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

**Permit Notes**

- A. Building approval must be obtained prior to the commencement of the above approved works
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. A drainage contribution of approximately \$11,761 will be accepted in lieu of a detention system. This amount is valid until 30 June 2019. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.
- D. Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.
- E. The proposed crossing is to be constructed in accordance with the City of Monash standards.
- F. A detailed plan of the access arrangements to Highbury Road must be submitted to the Responsible Authority for approval. A Road Opening Permit, with associated refundable security bond, will be required from Council's Engineering Department prior to the roadworks commencing.
- G. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
  - a) Driveway to provide at least 2.1m headroom beneath overhead obstructions.
- H. All new vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.
- I. All new vehicle 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.

- J. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- K. In the event of parking restrictions in this area, owner/occupiers of this development will not be granted parking permits.
- L. 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 of \$1,000 is to be paid prior to the drainage works commencing.
- M. One copy of the plans for the drainage and civil works must be submitted to and approved by the 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.
- N. The property is within the McComas MD - 0217/4010 catchment.
- O. Underground drainage is available for the site that slopes to the north.
- P. 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.
- Q. Approval for altering a crossing to Road Zone Category 1 road is required from VicRoads.
- R. Comments from VicRoads is required for the installation or modification of the vehicle crossing on the main road.

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.

**BACKGROUND:**

**The Site and Surrounds:**

The subject site is located on the southern side of Highbury Road in Mount Waverley, between Prospect Street to the west and Andrew Street to the east.

The land comprises three lots and is generally rectangular in shape with a combined frontage to Highbury Road of 51.29 metres, a maximum depth of 45.06 metres and a total site area of 2,306.77 square metres.

The land has a fall of approximately 4.0 metres towards the frontage and there is a 2.44 metre wide drainage and sewerage easement that runs along the rear boundaries of the lots.

The site contains 26 trees across three allotments which includes several significant trees. There are a total of three street trees in the nature strip.

The land is currently occupied as follows:

No.246 Highbury Road: Tennis court associated with dwelling at 248 Highbury Road  
No.248 Highbury Road: Double storey dwelling with vehicle access to Highbury Road  
No.250 Highbury Road: Single storey dwelling with vehicle access to Highbury Road

The surrounding land use is residential, comprising single and double storey brick and weatherboard dwellings with several modest multi-unit developments in the immediate vicinity of the site.

Features of adjoining land are as follows:

East: Two single storey brick dwellings at No.230 Highbury Road, on the corner of Prospect Street.

West: Single storey brick dwelling at No.252 Highbury Road.

South: Rear private open space of single dwellings fronting Oakhill Road and Prospect Street.

North: Single dwellings opposite the site fronting Highbury Road, a main 4 lane Carriage way.

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 dwellings, tennis court and six (6) trees, on the combined lots and construct ten (10) double storey dwellings, with garages in a basement level.

The proposal is summarised as follows:

- A total of ten (10) dwellings would be accommodated in two rows of attached townhouses, orientated north-south, with two dwellings (DW01

and DW10) fronting the street and the others fronting a central garden and pathway.

- Nine (9) of the dwellings (DW1-DW4, DW6-DW10) would have four bedrooms and one (1) would have three bedrooms (DW5).
- All dwellings would have open plan living areas at ground level, with all but Dwelling 5 also having a master bedroom at ground level. All dwellings would have bedrooms on the first floor.
- Private open space would consist of a ground level courtyard for 10 dwellings plus small additional areas at the dwelling entries, along with common landscaped areas within the front building setback.
- The building at ground level would be set back a minimum of 7.6m from Highbury Road, 5.34 metres from the western side boundary, 5.17 metres from the eastern side boundary and 3.15 metres from the rear boundary.
- Each dwelling would have access to a secure double garage located in a shared basement that would also contain two visitor car spaces.
- Vehicle access to the basement car parking is proposed via a new double crossing on Highbury Road, with the two existing crossings to be removed.
- Pedestrian access to the two front dwellings would be directly from Highbury Road while a central pathway would provide access to the other eight (8) dwellings.
- The development would be double storey in height with a maximum building height of 9.24 metres.
- Each dwelling is designed as an attached double storey townhouse constructed of brickwork and vertical cladding, with pitched and flat metal sheet roof forms.
- Six (6) of seventeen (17) trees that are proposed to be removed require planning permission. The proposal retains nine (9) trees on site.

Attachment 2 details plans forming part of the application.

#### **MONASH PLANNING SCHEME - PERMIT TRIGGERS:**

##### **Zoning:**

The subject site is located within a General Residential Zone (Schedule 2) (GRZ2) under the provisions of the Monash Planning Scheme.

No permit is required for use of a dwelling within the zone, however a permit is required to construct two or more dwellings.

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

##### **Overlays:**

The land is affected by the Vegetation Protection Overlay (VPO1) and under Clause 42.02-2 a permit is required for the removal of the significant vegetation on the site.

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

**Other Policy consideration**

A minimum garden area at ground level of 35% of the site area is required in accordance with Clause 32.08-4 of the scheme.

The maximum building height permissible in the zone is 11.0 metres and not in excess of 3 storey, under Clause 32.08-9 of the scheme.

**Particular Provisions:**

Applicable particular provisions of the scheme are Clause 52.06 (Carparking), Clause 52.29 (Land adjacent to a Road Zone Category 1) and Clause 55 (ResCode).

Under the provisions of Clause 52.29 of the Monash Planning Scheme a permit is required to create or alter access to Highbury Road that is a Road Zone Category 1.

**Amendment C125:**

Amendment C125 to the Monash Planning Scheme was adopted by Council on 28 February 2017. The amendment proposes to include the site within the General Residential Zone Schedule 3. Part 1 of the Amendment (Neighbourhood Residential & Residential Growth Zone) was approved on 19 April 2018. Part 2, being the General Residential Zone areas, remains with the Minister for Planning and is a seriously entertained document that applications should have regard.

The proposed zone would include specific changes to several Clause 55 (ResCode) standards. These include a reduction in the building site coverage from 60% to 50%, an increase in permeable area from 20% to 30%, a rear setback of 5 metres and the provision of 35 square metres of private secluded open space clear of structures and services.

**CONSULTATION:**

**Consultation with Applicant:**

An application for nine (9) dwellings, removal of vegetation and alteration of access to a Road Zone was received by Council on 21 August 2017. Further information was requested of the permit applicant on 20 September 2017 in relation to the application. In this letter a number of concerns were raised regarding bulk, mass, building separation and private open space provision. Officers advised the applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The permit applicant responded to this letter on 12 October 2017 by providing the requested information but failed to adequately address Councils concerns.

Following the public notification of this application further discussions were held between the applicant and Council officers. A significantly amended application pursuant to Section 57A (1) of the Planning and Environment Act 1987 was lodged to Council on 21 June 2018 & again on 15 October 2018. It is the second amended application that now is before Council for consideration.

The first amendment included following design changes:

- An increase of the dwellings from 9 to 10
- A built form of two rows of dwellings.
- Basement entry moved from the east to the west side of the frontage
- Retention of 9 trees. Previously all vegetation was to be removed.

The second amendment included the additional minor changes:

- Central garbage collection located in basement.
- The size and the scale of the basement reduced.
- The overall height of the front dwellings facing the street reduced.
- Retaining walls along the boundaries removed.
- Impact on the significant trees reduced.
- 35% garden area achieved.
- Width of garages within the basement increased for adequate vehicle movements.

The Applicant was advised that this application was coming to the 12 December 2018 Council meeting. A letter was sent to the applicant formally addressing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions.

**Public Notice:**

The original application and the amended application were both advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by way of notices sent to the surrounding property owners/occupiers, and one sign displayed on the frontage of each lot that makes up the site, i.e. three signs. The most recent changes were not re-advertised as they were minor in nature.

Council received a total of two (2) objections to the original application and one (1) objection to the amended application. All objections from the previous notice continue to be relevant and need to be considered. The objectors' concerns relate to the following:

- Rear boundary setback should be 5.0 metres
- Setback to dwelling 2 should be increased.
- Direct views from deck of dwelling 2 into bedroom on adjoining property.
- Overlooking from DW05 to the south

Attachment 4 details the location of objectors' properties.

**Internal Referrals:****Traffic and Drainage Engineers**

The application was referred to Council's Traffic and Drainage Engineers who have not raised concerns to the proposal subject to conditions being placed on any permit issued.

**Horticulture**

The application was referred to Council's Horticultural Services who advised the tree on the naturestrip of 250 Highbury Road is significant and no excavation should occur within 2.34m of the trunk at ground level and be protected by temporary fencing prior to commencement of works until completion. This should form conditions of any permit issued.

It is noted that the setback distance is provided on the plan.

**Waste services**

The application was referred to Council's Waste Services who had no concerns with the arrangements for Council collection.

**External Referrals:****VicRoads**

The amended application was referred to VicRoads. It is noted that recommended conditions do not require significant design changes and that all conditions have been included in the recommendation.

**DISCUSSION:****Consistency with Planning Policy Framework:**

Clause 11.01R1 of the Monash Planning Scheme sets clear strategies for settlement in Metropolitan Melbourne as identified under Plan Melbourne 2017-2015: Metropolitan Planning Strategy, and with respect to urban development. Strategies include:

*"Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities."*

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

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

And the objective of Clause 15.0-5S Neighbourhood Character is:

*"To recognise, support and protect neighbourhood character, cultural identity, and sense of place."*



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

Increased residential density and dwelling diversity are clearly sought by the relevant planning policies and the proposed development is considered to be consistent with the overall planning policy framework in respect of contributing to urban consolidation and providing diversity of housing in an established, well serviced, urban area.

#### Local Planning Policy

With respect to the Local Planning Policy Framework, the Municipal Strategic Statement at Clause 21 of the scheme, identifies the Garden City Character of the municipality as a core value held by the community and Council that is a significant and important consideration in all land use and development decisions.

At Clause 21.04 (Residential Development Policy) Council's goal is for residential development in the City to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

The Residential Development and Character Policy at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area.

The design response must be appropriate to the neighbourhood and the site, and must respect the existing or preferred neighbourhood character and respond to the features of the site. The height and setback of buildings must also respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

More specifically under Clause 22.01 (Residential Development and Character Policy), the subject site is located within the Residential Character Type 'C' area under the Monash Urban Character Study. Elements that contribute to this character include:

- *Undulating topography.*
- *Distorted grid subdivision pattern with diagonal distortion.*
- *Variety of architectural styles including double storey houses especially in northern neighbourhoods.*
- *Consistent building setback.*
- *Well-planted front gardens with large trees and shrubs within lots.*
- *Low fences, walls or open soft frontage.*

The desired future character statement for this area includes:

- *A leafy framework with well planted front gardens and canopy trees.*
- *Double storey dwellings will become more dominant*
- *Setbacks will be generous and consistent*

- *Gardens to be well planted*
- *Low front fencing*

The neighbourhood character of this area in particular is influenced by the undulating topography, the main road location and the predominance of single and double storey dwellings set in established leafy gardens.

It is considered that the proposed double storey 'townhouse' style of development over a basement, in principle, could respond appropriately to the built form along the main road. Any proposed encroachment within the setbacks however would need to be consistent with the existing and preferred neighbourhood character.

#### Monash Housing Strategy 2014

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

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

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

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

The proposal is considered to be consistent with the objectives of the strategy as it respects the preferred residential outcome in terms of the 'townhouse' style. It is of a double storey scale with the provision of generous landscaping along the front setback appropriate to the surrounding residential area.

The main objective of the Environmentally Sustainable Development Policy (Clause 22.13) is to integrate environmental sustainability into new developments. A BESS report was submitted with the application which outlines the sustainable design commitments of the proposed development and an assessment that achieves the standard. Conditions will be included to ensure these recommendations are implemented.

#### **Assessment of the Proposal:**

An assessment of the proposal has been undertaken against the zoning, the overlay controls and particular provisions, including Clause 55 (ResCode) and Clause 52.06 (Car Parking), contained in the Monash Planning Scheme.

### Neighbourhood Character

Development must ensure that the design response respects existing neighbourhood character, contributes to the preferred future character and responds to the features of the site. The height and setback of buildings must also respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

The proposal responds to the features of the site and surrounding area by providing appropriate building setbacks, landscaping elements along the perimeter of the site and using a diverse range of materials and finishes to break up building massing. The building design is a contemporary response to the context with generous setbacks along eastern and western boundaries and building mass is located to the centre of the site.

The proposed double storey 'townhouse' style of the dwellings over a basement is compatible with the surrounding character and when viewed from the street, presents as two (2) dwellings across the three sites. The row configuration compliments the existing articulated double storey built form with separation at ground floor and first floor level responding well to the adjoining properties. The row of houses over the basement provides a unique opportunity for the central podium to be utilised as a communal space for the development.

The development provides a suitable street setback of 7.6m to Highbury Road consistent with the General Residential Zone (Schedule 2) and neighbouring properties. The proposed setback provides substantial landscaping opportunities along the street frontage which will balance any hard edge impact of the encroachment of stairs, access ramps and canopy above the building entry.

The design of the basement parking results in the overall development sitting somewhat elevated along the front. This is unavoidable and a consequence of the 5.1 metre fall across the land. The overall building height at any given point is no more than 9.5 metres above existing natural ground level.

The proposed development is generally well setback from boundaries and this results in appropriate massing when viewed from the adjoining existing residential properties. The 7.6m setback along the northern boundary; over 5.1m setback along eastern and western boundary and with 3.2m setback along the southern boundary, appropriately addresses massing impacts on the adjoining properties and provides increased opportunity for landscaping and screening along the interface.

### Site Coverage, Garden Area and Landscaping

The development proposes site coverage of under 45% of the site in addition to a permeable area in excess of 38% and garden area of at least 40%. The built form has been carefully designed to minimise off-site amenity impacts and retain a good amount of the existing significant vegetation.

The proposal retains nine (9) significant trees across the site and incorporates a comprehensive landscaping approach integral to the overall design response. Proposed conditions will require provision of trees within the street setback areas; planting along the perimeter of the site adjacent to adjoining residential properties and within the private open space.

The proposal provides sufficient setbacks along the eastern and western boundaries for canopy trees to be planted in the secluded open space areas of most dwellings. As discussed later in this report in order to provide for sufficient solar access to Dwelling 6, an increase in the setback from the eastern boundary is required. This will also create an opportunity for planting of a canopy tree at south east corner of the site outside of the easement.

#### Amenity

No walls are proposed along the boundaries and the development is designed to allow for adequate daylight into neighbouring existing habitable room windows. The setback along the eastern and western boundaries at ground level is over 5.1m and at first floor it varies from 3.8m to 4.6m. The wall height measured to the peak of the roof results in a marginal encroachment of 0.1m (10cm). Due to the skillion roof form, this is minimal and unlikely to cause detriment.

While some shadows will be cast onto the neighbouring properties, they will still receive light to the respective dwellings and open space areas throughout the day. No unreasonable shadows will be cast and it complies with the objectives and standards of the clause.

The decks of dwellings 1 - 4 have the opportunity to overlook into the habitable room windows and open space of 1/230 Highbury Road. This can be addressed by screening up to 1.7m from the finish floor level of the deck. Similarly views from the decks for dwelling 8 and 9 at 252 Highbury Road should also be screened.

Overlooking has been addressed appropriately at the first floor levels through fixed screens louvers, highlight windows and use of obscure glazing.

#### Private Open Space

The schedule to the zone requires private open space of 75 square metres per dwelling, including a secluded area of 35 square metres. The proposed provision of private open space is shown below:

<b>Dwelling</b>	<b>Amount provided - Secluded</b>	<b>Amount provided - Total</b>
DW 1	51.4sq.m	75.6sq.m
DW 2	43.1sq.m	75.4sq.m
DW 3	42.9sq.m	76.6sq.m
DW 4	90.5sq.m	110.3sq.m
DW 5	135.2sq.m	135.2sq.m

DW 6	110.6sq.m	118.6sq.m
DW 7	88.3sq.m	106.2sq.m
DW 8	38.9sq.m	75.5sq.m
DW 9	39.2sq.m	75.8sq.m
DW10	47.5sq.m	75.6sq.m

The provision of private open space meets the requirements for all dwellings. The secluded areas of private open space have a minimum width of 5.0 metres and access from living areas.

The open space of dwelling 5 is proposed along the southern side of dwelling 4 with the northern wall setback of 9.9m from the southern boundary. As a result the open space receives adequate sunlight throughout the day.

However dwelling 6's open space to the south will not receive adequate solar access and the area to the east is covered by the first floor. The main open space area should be provided with solar access in accordance with ResCode. It is considered there are alternative ways this could be achieved without compromising the architectural performance of the proposal. For example, the first floor cantilever could be reduced; and the dividing fence between the open space areas of dwelling 6 and 7 could be realigned. It is reasonable to allow the developer to decide how this is achieved. This will be required by condition and the development will need to ensure that other issues are not presented as a result of satisfying this requirement.

All areas of private open space of the remaining dwellings are orientated to receive sufficient solar access throughout the course of the day.

#### Design Detail

The building has been designed with the intention of providing high quality architecture, along with an attractive range of contemporary materials, and finishes. The proposed materials include brickwork at ground level, light and dark timber cladding along first floor with fixed screens along the windows.

The façade treatment provides for an appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimise the appearance of visual bulk. The materials are generally considered traditional but used in a contemporary way.

The Waste Management Plan (WMP) identifies that an operator (body corporate) will be responsible for transferring the bins to the kerbside. The central location of will not create conflict with vehicle turning and movements within the basement.

#### Car Parking, Traffic and Access

The car parking spaces required under Clause 52.06 of the Monash Planning Scheme would be:

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces provided
Three and four bedroom dwellings	10	20 (2 spaces/ three + bedrooms)	20 (10 x double garages)
Visitor Parking	10	2 1 per 5 dwellings	2
<b>Total</b>		22	<b>22</b>

As the above table shows sufficient car parking has been provided within the basement, including visitor parking, meeting planning scheme requirements.

New vehicle access to the site is appropriately located and Council's traffic engineers advise that cars will be able to enter and exit the site in a forward direction. The development would require a corner splay to provide a clear view of pedestrians on the footpath.

A report prepared for the proposal by the Traffix Group indicates that the volume of traffic that is likely to be generated by the proposed development is small and will be readily accommodated by Highbury Road and the surrounding road network.

VicRoads has no objection to the proposal subject to conditions that can be placed on any permit to be issued.

#### Vegetation Removal, Garden Area and Landscaping

The site is located within a Vegetation Protection Overlay – Schedule 1 and six (6) trees of the seventeen (17) trees proposed to be removed require planning permission.

Nine (9) trees are to be retained on the site and tree protection zones (TPZ) have been provided ensuring long term retention of the significant trees. TPZ have also been identified for trees on adjoining properties. An Arborist Report prepared by DB Horticulture provides an assessment of the existing trees and identifies all trees to be removed to be of low retention value.

The trees with medium and high retention value are being retained. According to the report the encroachment within the TPZ of trees being retained is less than 10%. Whilst encroachment within the TPZ of tree 22 and tree 25 has been identified, the encroachment within TPZ of trees along the southern boundaries have not been identified. A condition is required to limit any encroachment to 10%. Further the encroachment within the TPZ of significant trees 18, 19 and 20 can be reduced by conditioning the edge of the deck for dwelling 5 to be consistent with line of the basement.

The finished surface levels identified within the landscape plan are lower than what is shown on the development plan. Considering all trees to be retained in the rear of the site have medium to high retention value, a condition ensuring no changes to the levels identified on the development plans will be imposed.

Further the landscape plan does not identify all nine (9) trees proposed to be retained. The amended landscape plan would require to identify trees being retained and must be consistent with the development plan.

The submitted landscape plan proposes extensive planting throughout the site with a total of twenty-six (26) trees including six (6) in the front setback. At least one canopy tree has been proposed in SPOS of most dwellings.

**Consideration of Amendment C125 to the Monash Planning Scheme:**

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

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

The proposed zone includes specific changes to several Clause 55 standards. These include a reduction in the site coverage from 60% to 50%, an increase in permeable area from 20% to 30%, a rear setback of 5 metres and canopy tree planting.

Though the rear setback complies with Rescode it is not consistent with Amendment C125 at this section of the development. The development proposes a varying rear setback from 9.9m to 2.3m. Ground floor of Dwelling 5 is setback at 3.1m while the proposed setback at first floor is 2.3m. The encroachments within the rear setback are limited to small sections of building and in general the siting of the buildings is responsive to the orientation of the site and considerate of adjoining properties. However, the proposed setback of the first floor is unacceptable when viewed from the adjoining properties. The bulk and mass created by first floor could be addressed by increasing the setback by additional 1.5m to align with the first floor setback proposed for dwelling 6.

Other areas within the development have a setback greater than 5.0m. On balance the variety of setbacks is considered consistent with the intent of Amendment C125. Overall, the rear setback is acceptable.

The ground floor setbacks are acceptable as they allows for the retention of eight (8) existing trees along the rear boundary and also provide sufficient landscaping opportunities to screen the development, from adjoining properties.

The development complies with the requirement of site coverage and permeability. As discussed earlier the site coverage is less than 45% and

permeable area is greater than 38%. Further, it reflects the varied rear setback depths of the adjoining properties which have access from Prospect Street.

**RESPONSE TO OBJECTIONS:**

The following additional comments are made with respect to the objector's concerns:

- Rear boundary setback should be 5.0 metres – The proposed rear boundary setback complies with requirements under the current zoning of the land and the standards under Clause 55 of the Monash Planning Scheme. The setback from the rear boundary allows the retention of eight (8) existing trees which will help to screen the development and provides sufficient landscaping opportunities to screen the development, from adjoining properties.
- Setback to dwelling 2 should be increased – The setback proposed along the western boundary for dwelling 2 varies from 5.3m to 6.3m at ground floor level; and 4.6m to 7.2m at first floor. The proposed setback complies with requirements, objectives and the standards of the Clause 55 of the Monash Planning Scheme.
- Direct views from deck of dwelling 2 into bedroom on adjoining property – it is acknowledged earlier in the report that the potential overlooking and direct views from the deck will be addressed though a condition requiring screening the deck up to the height of 1.7m from the finish level.
- Overlooking from Dwelling 5 to the south – Overlooking has been appropriately addressed by the provision of fixed screens on first floor Bedroom 2 windows up to a height of 1.7 metres from the finished floor level. The deck at the Ground floor would be required to be screened up to 1.7m to prevent overlooking.

**CONCLUSION:**

The proposed development is considered appropriate given the zoning of the land, the relevant objectives of state and local policies. The design response is appropriate for the site context and will make a positive contribution to the area.

The proposed development will provide a meaningful contribution to urban consolidation.

The proposed built form is consistent with the neighbourhood character. The proposed bulk, mass and scale is considered appropriate within the streetscape and provides enough space for planting canopy trees. The development is consistent with the relevant requirements of the Monash Planning Scheme and the intent of Amendment C125.

The proposal should be approved subject to conditions.



**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.