

**1.3 52 GOLF ROAD, OAKLEIGH SOUTH
APPLICATION FOR DEVELOPMENT PLAN APPROVAL
(TP441)**

EXECUTIVE SUMMARY:

This application seeks approval of a Development Plan in accordance with the requirements of Development Plan Overlay 5.

The Development Plan proposes a broad master plan for the future development and use of the land for residential purposes. The Development Plan is required pursuant to the provisions of the Development Plan Overlay 5 (DPO5) provisions in the Monash Planning Scheme.

To date there have been three previous development plans submitted to Council for consideration for this site and the current application is the fourth plan. The first development plan was refused by Council in 2015 and the second development plan proposal was resolved to be refused at Council's meeting 24 September 2019. The third development plan was refused by Council and was also subsequently refused by VCAT on 5 May 2020. This is a new development plan application following the most recent VCAT decision to not support the previous proposal.

An appeal has been lodged with Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within a reasonable time. Council is unable to determine the application but must form a position on the application.

The application was subject to community consultation. The owners and occupants of properties within a 1 kilometer radius of the site were notified of the proposal. Four hundred and forty-nine (449) community submissions to the proposal have been received.

Key issues to be considered relate to the appropriateness of the scale of the proposal, amenity impact, vegetation removal, car parking provision, traffic impact and response to issues raised in the VCAT decision.

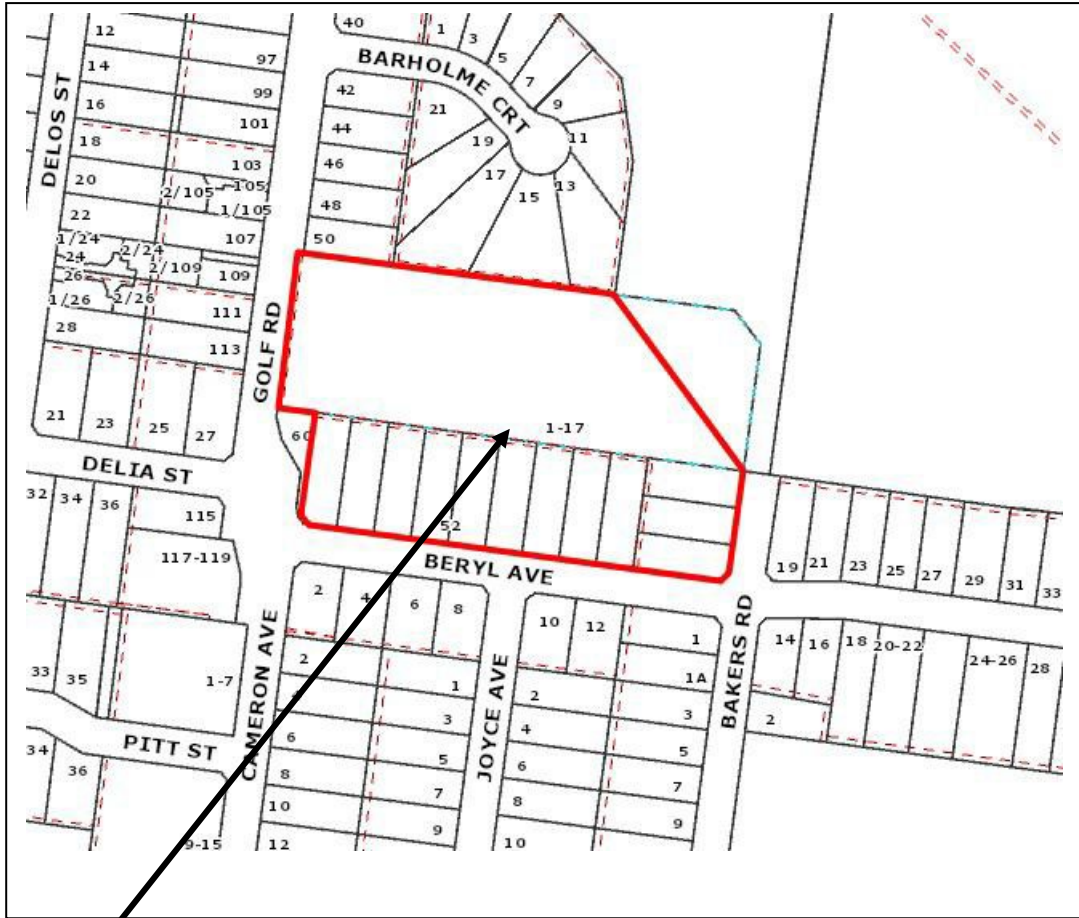
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant planning policy framework and issues raised within the submission received.

The submitted Development Plan does not adequately satisfy the requirements of DPO5 and should not be supported.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNERS:	Jeanny Lui

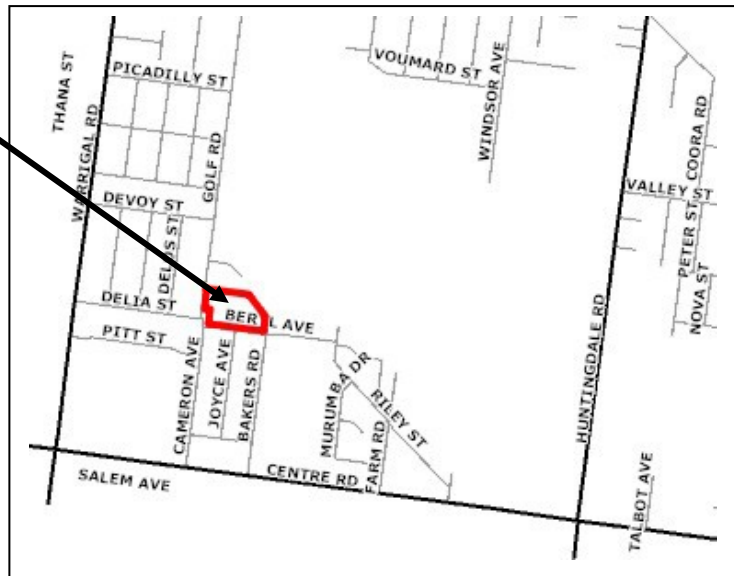
WARD:	Oakleigh
PROPERTY ADDRESS:	52 Golf Road, Oakleigh South (formerly known as 1 Beryl Avenue)
PRE-APPLICATION MEETING:	Yes
NUMBER OF SUBMISSIONS:	449
ZONING:	General Residential Zone (Schedule 1)
EXISTING LAND USE:	Vacant
OVERLAY:	Development Plan Overlay (Schedule 5)
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R – Settlement – Metropolitan Melbourne Clause 11.02-1S – Supply of Urban Land Clause 15.01-1S & R – Urban Design Clause 15.01-2S – Building Design Clause 15.01-4S & R – Healthy Neighbourhoods Clause 15.01-5S – Neighbourhood Character Clause 15.02-1S – Energy and Resource Efficiency Clause 16.01-1S & R – Integrated Housing Clause 16.01-2S – Location of Residential Development Clause 16.01-2S & R – Housing Opportunity Areas Clause 16.01-3S & R – Housing Diversity Clause 16.01-4S – Housing Affordability Clause 18.02-4S – Car Parking Clause 19.03-3S – Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21.04 - Residential Development Clause 21.08 - Transport and Traffic Clause 21.05 - Economic Development Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy <u>General & Particular Provisions</u> Clause 52.06- Car parking Clause 55- Two or more dwellings on a lot and residential buildings Clause 65- Decision Guidelines

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council form the position to not approve the submitted Development Plan (Tract Consultants June 2020 Revision 5) for **1 Beryl Avenue, Oakleigh South** based on the following grounds:

1. The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 to the Development Plan Overlay.
2. The development plan poorly integrates with the neighbourhood character of the surrounding area.
3. The development plan does not provide for appropriate inclusion and retention of existing vegetation.
4. The development plan is inconsistent with Council's Residential Development and Character Policy in particular regard to neighbourhood character, integration with the streets and car parking arrangement.
5. The scale and density of the submitted development plan is excessive.
6. The proposed reversed living layout will result in poor internal amenity and poor sense of address.

BACKGROUND:**History**

The subject land is the former Oakleigh South Primary School located on the north-eastern corner of the intersection of Beryl Avenue and Golf Road in Oakleigh South. The school occupied the land from the late 1950's until the end of 2001. Former school buildings have been demolished and the land is currently vacant, however established vegetation including large trees remain.

The land formed part of Amendment GC5 to the Monash Planning Scheme gazetted on 18 February 2014. The land was rezoned from Public Use Zone 2 (Education) to General Residential Zone Schedule 1 and applied the Development Plan Overlay 5 to the land.

Two previous development plan applications were not supported by Council:

TP422

The first development plan application for development of 56 townhouses up to three storeys in height, an apartment super-lot within the centre of the site providing up to 65 apartment dwellings, retention of three existing trees and removal of all other existing vegetation on site was refused at Council's meeting of 29 September 2015.

An appeal was lodged at VCAT following Council's decision and was subsequently withdrawn.

TP440

The second development plan application for construction of 89 townhouses up to three storeys in height, retention of seven trees and removal of 48 trees on site was considered at Council's meeting of 24 September 2019 where Council resolved not to be support the application.

The developer lodged a failure to determine appeal with VCAT prior to Council deciding on the application. Following a two day hearing in March, VCAT in its decision *Golf Road Project Development Pty Ltd v Monash CC [2020] VCAT 488* determined not to support the proposed development plan based on the following reasons:

- The minimal separation of the townhouses at ground level is not a satisfactory response to the existing pattern of development in the opposite side of Beryl Avenue, and the wider neighbourhood.
- The proposed secluded private open space 'in front of' the dwellings facing Beryl Avenue will result in high front fences. This is not consistent with the local policy with respect to neighbourhood character, and is not an acceptable response to the surrounding neighbourhood.
- The rear-loaded design also results in the secluded private open space on the south side of the townhouses, where they will be substantially impacted by shadow. The extent of overshadowing to the secluded private open space areas are unacceptable.
- The townhouses that have interfaces with the internal road comprised substantially of garages. The dominance of garages provides no opportunities for active or passive surveillance, and results in a poor sense of address for the townhouses.

VCAT was persuaded that the development provides adequate housing diversity to cater for the needs of the community, and supported the tree removal component based on the evidence provided by the applicant's witness on the health of trees on site.

This application is lodged by Tract (Planning Consultants) on behalf of Golf Road Project Development Pty, subsequent to the decision of VCAT dated 5 May 2020 not to support the previous development plan application.

The Site and Surrounds

The subject land is located on the north-eastern corner of the intersection of Beryl Avenue and Golf Road in Oakleigh South. The land is a large and irregular shaped parcel having an overall area of 1.826 hectares. The land has a slight fall of 1.5 metres from north-east to south-east.

An existing drainage and sewerage easement runs through the centre of the site. The land has a 169.77 metre frontage to Beryl Avenue along the southern boundary, 106.45 metre frontage to Golf Road along the western boundary and 42.67 metre frontage to the end of Bakers Road adjacent to the eastern boundary.

The Metropolitan Golf Club abuts the land to the immediate north-east, residential properties orientated to Barholme Court and Golf Road span the northern boundary. The land contains scattered vegetation along the boundaries of the land and within a cluster located within the centre of the site.

The land is located within an established residential area originally developed in the mid 1950's and 1960's. The built form of the surrounding area is distinctly characterised by modest detached dwellings on large allotments. Dwellings are typically setback from the side and rear boundaries, predominant single storey built form, brick and weatherboard dwellings with pitched roofs and well landscaped front setbacks. More recent development includes replacement of the original housing stock with new large dwellings and some multi-dwelling unit development.

The land is currently vacant with the buildings that existed on the site being demolished a number of years ago.

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

PROPOSAL:

The application seeks approval of a Development Plan as required by Clause 43.04 (Development Plan Overlay – Schedule 5) of the Monash Planning Scheme.

Specifically, the submitted Development Plan proposes:

- 86 townhouses ranging in size from 121 to 215 square metres comprising:

Dwelling Types	Two Storeys	Three Storeys
Two bedrooms	20	
Three bedrooms	6	18
Four bedrooms	42	
Total	68	18

Among these townhouses:

- 18 x three storey attached townhouses are located centrally within the subject site facing the communal open space.
 - 18 x two storey semi-detached townhouses along Beryl Avenue.
 - 4 x two storey attached townhouses along Golf Road.
 - 3 x two storey attached townhouses along Bakers Road.
- Secluded private open space (SPOS) of these dwellings are:
 - Located at the front, side or rear of the dwellings.
 - Balconies of 8, 10 or 12 square metres located on the upper floors for dwellings with reversed living layout.
 - Connected from the living areas.

The submitted proposal provides for seven different housing types:

DWELLING TYPE	BUILDING HEIGHT & SETBACK	CAR PARKING	SECLUDED PRIVATE OPEN SPACE (SPOS)
<p>Type 1: Two storey attached townhouses containing four bedrooms (including one bedroom on ground level) with a single garage and tandem space.</p> <p>Dwellings typically comprise of an open plan living, dining and kitchen, a laundry, a bathroom and a bedroom on ground level; and 3 more bedrooms and a bathroom on the first level including a master bedroom with ensuite.</p> <p>Number of Type 1 dwellings: 16. (4 fronting Beryl Avenue; 2 backing onto Golf Road; and 10 along the northern boundary)</p>	<p>Double storey. Street setback of 7m to Beryl Avenue; and approximately 9.4m to Golf Road.</p> <p>Setback of 6m to 7.2m to the northern boundary adjacent to the rear of properties at 13, 15 and 17 Barholme Court.</p>	<p>A single garage with tandem space to allow for parking of two cars provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Ground level SPOS area ranging between 49m² to 74m² with minimum width of 3m at the side or rear of the dwellings.</p> <p>SPOS of the 2 dwellings backing on Golf Road are located 'in front of' the dwellings with 1.5 or 1.7m high fence along the Golf Road frontage.</p> <p>Front fences along Beryl Avenue are generally 0.9 metres in height.</p>
<p>Type 2: Two storey attached townhouses containing three or four bedrooms.</p> <p>Dwellings typically comprise of an open plan living, dining and kitchen, a laundry, and a powder</p>	<p>Double storey. Street setback of 6m to Beryl Avenue; and approximately 9.1m to Golf Road.</p> <p>Setback of 6m or 7.2m to the northern boundary adjacent to the rear of</p>	<p>A single garage with tandem space to allow for parking of two cars provided to each dwelling.</p> <p>New crossovers are proposed for each dwelling fronting Beryl Avenue for vehicle</p>	<p>Ground level SPOS area of 25m², 32m² or 37m² located at the rear of the dwelling for the dwellings fronting Beryl Avenue and Bakers Road.</p> <p>Ground level SPOS area</p>

<p>room on ground level; and 3 or 4 bedrooms and a bathroom on the first level including a master bedroom with ensuite.</p> <p>Number of Type 2 dwellings: 15 (4 bedrooms) and 2 (3 bedrooms). (8 fronting Beryl Avenue; 2 backing onto Golf Road; and 2 fronting and 1 backing onto Bakers Road; and 4 along the northern boundary)</p>	<p>properties at 13, 15 and 17 Barholme Court.</p>	<p>access.</p> <p>A double crossover is proposed for the two dwellings fronting Bakers Road for vehicle access.</p> <p>Rest of the dwellings are accessed via the proposed internal loop road.</p>	<p>of 51m² located 'in front of' the dwelling for the dwellings backing onto Golf Road and Backers Road, behind the 1.5 or 1.7m high front fences.</p> <p>Ground level SPOS area of 43m² located at the rear of the dwelling for dwellings along the northern boundary.</p>
<p>Type 3: Two storey attached townhouses containing three or four bedrooms with double length garages.</p> <p>Half of the dwellings typically comprise of conventional dwelling layout with an open plan living, dining and kitchen, a laundry and a powder room on ground level; and 4 bedrooms and a bathroom on the first level including a master bedroom with ensuite.</p> <p>The remaining of the dwellings consists of 'reversed living' layout with a bedroom with ensuite, and a study nook on ground level; and 2 bedrooms (including a master bedroom with ensuite), an open plan living, dining and kitchen a bathroom on the first level. A 12m² balcony is connected to the living and dining room.</p> <p>Number of Type 3 dwellings: 4 (3 bedrooms) & 4 (4 bedrooms). (2 fronting Beryl Avenue; 4 backing onto Beryl Avenue and 2 along the northern boundary)</p>	<p>Double storey.</p> <p>Street setback of 6.02-7m to Beryl Avenue. No direct interface with Golf Road.</p> <p>Setback of 6m to the northern boundary adjacent to the rear of properties at 13, 15 and 17 Barholme Court.</p>	<p>A double length garage to allow for parking of two cars in tandem layout provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Ground level SPOS of 28m² and 39m² at the rear of the dwellings.</p> <p>The 4 dwellings with 'reversed living' layout each consists of a 12m² balcony ((2m in width) on the first level connecting to the living room.</p>

<p>Type 4: Three storey attached townhouses containing three bedrooms with double length garages with reversed living layout.</p> <p>Dwellings typically comprise of a double length garage and a study nook on the ground level; a bedroom, an open plan living, dining and kitchen and a powder room on the first level; and 2 more bedrooms (including a master bedroom with ensuite) and a bathroom on the second level. A 10m² balcony is located on the first level connecting to the living room.</p> <p>Number of Type 4 dwellings: 18 (located centrally within the development on the east and west sides of the communal open space)</p>	<p>Three storey.</p> <p>Two rows of townhouses located centrally within the site, on each side of the common landscaped park facing the park.</p> <p>No direct interface with adjoining properties.</p>	<p>A double length garage to allow for parking of two cars provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Balcony space of 10m² (2.3m in width) on the first level connecting the living area facing the communal open space</p> <p>A ground level courtyard of 10m² (width of 2m) located in front of the dwelling facing the communal open space.</p>
<p>Type 5: Two storey attached townhouses containing four bedrooms with double garages.</p> <p>Dwellings typically are irregular in shape comprising an open plan living, dining and kitchen, a powder room and a bedroom with ensuite on ground level; and 3 more bedrooms, a laundry, a bathroom, and a study nook on the first level.</p> <p>Number of Type 5 dwellings: 2 (located at the two ends of the row of dwellings backing onto the Metropolitan Golf Course)</p>	<p>Double storey.</p> <p>Setback of 5m to north-eastern boundary to the Metropolitan Golf Course.</p> <p>No direct interface with the north adjoining properties, Golf Road or Beryl Avenue.</p>	<p>A double garage provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Ground level SPOS of 68m² and 137m² located at the rear of the dwellings.</p>

<p>Type 6: Two storey attached townhouses containing four bedrooms with double garages.</p> <p>Dwellings typically comprise of a double garage, a bedroom with ensuite, an open plan living, dining and kitchen on the ground level; and 3 more bedrooms (including a master bedroom with WIR & ensuite), and a bathroom on the first level.</p> <p>Number of Type 6 dwellings: 5 (located along the north-western corner of the site backing onto the Metropolitan Golf Course)</p>	<p>Two storey.</p> <p>Setback of 4m to 5m to north-eastern boundary to the Metropolitan Golf Course.</p> <p>No direct interface with the north adjoining properties, Golf Road or Beryl Avenue.</p>	<p>A double garage provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Ground level SPOS of 48m² with minimum width of 4m located behind the dwellings.</p>
<p>Type 7: Two storey attached townhouses containing two bedrooms with single garages with reversed living layout.</p> <p>Dwellings typically comprise of a single garage, a bedroom with ensuite and a laundry on the ground level; an open plan living, dining, kitchen, another bedroom and a bathroom on the first level. An 8m² balcony is located on the first level connecting to the living room.</p> <p>Number of Type 7 dwellings: 20 (All located centrally within the development in two rows facing the internal loop road.</p>	<p>Double storey.</p> <p>Two rows of townhouses located on the two sides of the Type 4 townhouses, facing the internal road.</p> <p>No direct interface with adjoining properties.</p>	<p>A single garage provided to each dwelling.</p> <p>Vehicle access via the proposed internal loop road.</p>	<p>Balcony space of 8m² (2.4m in width) on the first level connecting the living area facing the internal loop road on the west, or the communal open space on the east.</p> <p>A ground level courtyard of 12m² (width of 2.5m) located in front of the dwelling facing the internal loop road on the west, or the communal open space on the east.</p>

- A total of 164 car parking spaces are provided within the development including 152 car spaces for residents in the form of single, tandem or double garages, and 12 visitor car spaces located around the internal road.

- A landscaped pedestrian walkway of 10.3 metres wide located centrally between the semi-detached townhouses along Beryl Avenue to provide pedestrian access to the development.
- A landscaped pedestrian walkway of 12 metres wide to Bakers Road to provide pedestrian access to the development.
- Retention of 9 trees including 6 trees with moderate retention value and 3 trees with low retention value; removal of the remaining 46 trees on site.
- Landscaped pocket park of 1191m² within the centre of the site where the 23 metre high *Corymbia maculate* (Lemon scented Gum) is retained.
- Ten (10) dwellings have garages fronting Beryl Avenue, two (2) to Bakers Road and none to Golf Road. Remaining dwellings are accessed via a two way traffic internal loop road/ shareway onto Golf Road.
- No street trees are proposed to be removed.
- Proposed waste collection by Council’s collection for external facing dwellings and private collection services for internal dwellings.

Attachment 1 details plans forming part of the application.

COMPARISON WITH PREVIOUS PROPOSAL REFUSED BY VCAT

The table below provides a summary of the proposed development plan in comparison with the previously considered development plan.

DEVELOPMENT PLAN REFUSED BY VCAT	CURRENT PROPOSAL Attachment 1
<p>Total : 90 townhouses Lot size ranging from 120-215m²</p> <ul style="list-style-type: none"> • 7x three storey attached townhouses adjacent to the north-eastern boundary • 18 x three storey attached townhouses in the middle of the site facing the central communal open space • 17 x attached two storey townhouses located adjacent to the northern boundary • 19 x semi-detached two storey townhouses along Beryl Avenue including 8 townhouses oriented to Beryl Avenue and 11 townhouses backing onto Beryl Avenue • 4 x two storey attached double storey townhouses backing to Golf Road • 3 x two storey attached townhouses orientated to or backing to Bakers Road. 	<p>Total: 86 townhouses Lot size ranging from 120-215m²</p> <ul style="list-style-type: none"> • 7x two storey attached townhouses adjacent to the north-eastern boundary • 18 x three storey attached townhouses in the middle of the site facing the central communal open space • 16 x attached two storey townhouses located adjacent to the northern boundary • 18 x detached two storey townhouses along Beryl Avenue including 10 townhouses oriented to Beryl Avenue and 8 townhouses backing onto Beryl Avenue (4 townhouses with a reversed living layout) • 4 x two storey attached double storey townhouses backing to Golf Road • 3 x two storey attached townhouses orientated to or backing to Bakers Road

<ul style="list-style-type: none"> 20 x two storey attached dwellings within the site surrounded by the internal road 	<ul style="list-style-type: none"> 20 x two storey attached dwellings within the site surrounded by the internal road
Landscaped pocket park (approx. 1,190m ²) within the centre of the site.	Landscaped pocket park (approx. 1,190m ²) within the centre of the site.
Internal loop road accessed via Golf Road. No vehicle access via Beryl Avenue or Bakers Road.	Internal loop road accessed via Golf Road. No vehicle access via Beryl Avenue or Bakers Road.
Retention of 11 trees and removal of 44 trees on site.	Retention of 9 trees and removal of 46 trees on site.
Total of 172 car parking spaces including 12 visitor car spaces	Total of 164 car parking spaces including 12 visitor car spaces

The overall scheme of the current proposal is similar to the previous development plan proposal, containing two storey dwellings around the perimeter of the site and three storey dwellings located centrally within the site, surrounded by an internal roadway accessed from Golf Road.

DEVELOPMENT PLAN REQUIREMENT:

The land is subject to Development Plan Overlay Schedule 5 (DPO5).

A Development Plan is required to be approved by the Responsible Authority for the land prior to issue of a permit allowing further development and subdivision. The provisions of the Development Plan Overlay exempt future permit application from public notification and review.

Key requirements of the development plan specify:

- *Where residential uses are proposed, provide a range of dwelling types to cater for a variety of housing needs.*
- *Where non-residential uses are proposed, details of the nature of the proposed use, including hours of operation, stall and visitor numbers, and traffic and parking management plan.*
- *Incorporate sustainable design features to address water and waste management, solar access and energy saving initiatives, to deliver lower living costs for future residents.*
- *Create a composition of varied building forms and heights across the site.*
- *Provide for a high quality of internal amenity for future residents.*
- *Respect the amenity of adjoining interfaces for providing for a maximum of 2 storey built form adjacent to or opposite any existing single storey residential development.*
- *Any taller buildings across the balance of the site should be carefully graduated with reference to analysis of shadow, visual amenity impacts and the character of the area.*
- *Apply appropriate buffer treatments at the interface with any non-*

residential uses on adjoining properties.

- *Create opportunities for improved local permeability through provision of new pedestrian/cycle pathways or new local street networks where appropriate.*
- *Incorporate any significant native vegetation into the design of the development.*

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

CONSULTATION:

Display of the Development Plan

Pursuant to the provisions of Section 4 of DPO5 the proposal was displayed for public comment.

The owners and occupants of residential properties within a 1.0 kilometre radius of the subject land were notified of the proposal. The formal consultation period ran from 1 to 31 July 2020.

A copy of documentation forming part of the development proposal was made available to view on Council's website throughout the consultation period.

Public information session

An online public information session was held on 23 July 2020. As a consequence of the Covid19 Stay at Home restrictions it was considered that an online information session was more appropriate than conventional in person sessions previously held at the Oakleigh Seminar and Training Centre.

Council officers facilitated the online public information session, answered questions about the proposal and responded to concerns raised by the community.

Approximately 40 community member participated in the online public information session. Oakleigh Ward Councilors were also in attendance at the session.

Community Submissions

A total of 449 written submissions to the proposal have been received at the time of writing this report following the conclusion of the consultation period. All raised concerns which were similar to the previous proposed development plan.

Key issues raised within the submissions can be summarised:

- Intensive scale and visual bulk of the development
- Attached dwellings with narrow frontages are out of the context

- Inappropriate provision of secluded private open space within front setback or in the form of balconies.
- Domination of garages across the narrow facade frontages
- Car parking provision, concerns about relying on tandem garages, undersize single garages, traffic impact, traffic management, proposed shared road within the development and lack of footpath causing safety concerns.
- Tree removal and insufficient open space and landscaping
- Inadequate setbacks to Beryl Avenue
- The proposed dwellings will result in poor internal amenity
- Overlooking
- Increase of noise
- Interruption during construction
- Asbestos
- Impact to the infrastructure within the area due to the increased density.
- Access of public transport or emergency services.
- Waste collection.
- Amenity impact to adjoining properties.
- The proposed development plan offers minimal changes from the previous development plan that was refused by VCAT.
- The proposal is an overdevelopment.

Attachment 4 details the location of properties which have made a submission to the proposal within the nearby surrounding area.

Referrals

External Referral

Department of Transport (Ref: PPR 33202/20)

The development plan was referred to the Department of Transport who did not raise issues to the proposed development plan subject to the condition requiring the permit holder to ensure that disruption to bus operation along Golf Road is kept to a minimum during the construction of the development. This could be managed through conditions, should a development plan and subsequent planning permit be approved.

Internal Referral

Engineering Referral

The development plan was referred to Council's Traffic and Drainage Engineers for comment. Both Engineers recommended that the proposed development plan be subject to certain requirements.

Council's Drainage Engineers have advised of the following requirements:

- Provision of a 3 metre wide gap within the north-east property boundary

and a 3 metre wide gap between the units backing Bakers Road and fronting Beryl Avenue to allow for overland flows;

- The internal road within the development to be shaped so as to direct the overland flow through the subdivision without flooding the properties and to discharge out into Golf Road via the vehicle crossing;
- A 2 metre wide drainage easement to be created at the time of subdivision in favour of the Monash City Council along the northern boundary to protect Council's drainage assets.

A 3 metre wide gap has been provided along the north-eastern boundary; and behind the dwellings fronting/ backing Bakers Road. The second and third requirements could be achieved without significant modification of the proposed development plan.

Council's Traffic Engineers have advised the following:

- The provision of a 5.5m wide two-way internal access road has been reviewed and is considered appropriate.
- The internal access road reduces to a width of 3.6m on the north and south sides of the central communal open space to allow for one direction of traffic at a time and will assist in reducing traffic speeds. These should be clearly signed.
- The proposed bollards around the central reserve are considered essential to discourage parking on the reserve and their placement should be further considered to more adequately protect the significant tree within the reserve. It is suggested that the other two communal open space areas should also be protected with bollards to discourage vehicle access.
- The surface of any threshold/road feature treatments should be carefully considered for vehicle traction and pedestrian safety.
- Need to identify kiosk substation location (if required) to determine if landscaping/ footpath etc. is affected.

Traffic generation and impact on the surrounding road network will be further assessed in the car parking and traffic impact section of this report.

Horticultural Services

The development plan was referred to Council's Horticultural Services who advised certain tree protection to the street trees in front of the subject site on Golf Road and Beryl Avenue, is required.

The proposed double crossover in Bakers Road will adversely affect the street tree in front of the subject site, as the proposed crossover is setback less than 3.2 metres from the tree.

Waste Management

The Waste Management Plan was referred to Council's Waste Services for

comments. They advised a Section 173 agreement will be required prior to Council collection occurring within the development. Interim private services will be required if a Section 173 Agreement has not been finalised prior to any occupancy.

Other comments include provision for food organics and glass recycling, internal bin storage provision, access to the communal waste storage and collection areas, and details of hard waste and e-waste storage facilities. These requirements will not substantially affect the design of the proposed development.

DISCUSSION:

Consistency with State and Local Planning Policies

Planning Policy Framework

Plan Melbourne Refresh is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

“Understand and plan for expected housing needs.”

“Reduce the cost of living by increasing housing supply near services and public transport.”

“Facilitate the supply of affordable housing.”

Initiatives are to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas. In addition to Plan Melbourne Refresh, relevant Planning Policies also seek to increase residential density and dwelling diversity, to facilitate the supply of affordable housing.

Clause 11.02-1S (Supply of Urban Land) seeks:

“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to:

“Support the development and growth of Metropolitan Activity Centres by ensuring they:

- *Are able to accommodate significant growth for a broad range of land uses.*
- *Are supported with appropriate infrastructure.*
- *Are hubs for public transport services.*
- *Offer good connectivity for a regional catchment.*
- *Provide high levels of amenity”*

The subject site is a significant land size in the area being over 1.8 hectares. It is located within the Principal Public Transport Network, and within 400 metres to the services on Warrigal Road. Development of the land with a well-designed

medium density development is strategically supported however it is critical to consider if the proposal achieves the overall objectives the Development Plan Overlay, to provide a diversity of housing types and appropriate response to the site context to achieve a high quality of amenity and urban design outcome.

Further to this, Clause 15.01-2S specifies the urban design principal for residential developments. The objective seeks to:

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

Surrounding residential areas are described by the Monash Housing Strategy (2014) as established Garden City Suburbs which provide for lower scale residential development, modest building scale and architectural styling of a more conventional suburban form which typically comprises of simple pitched rooflines, articulated facades and generous landscaped front and rear yard open space areas.

The current proposal contains semi-attached or attached dwellings along the street frontages of Golf Road and Beryl Avenue, with minimal separation on ground level. This is not dissimilar to the previous proposal which VCAT decision *Golf Road Project Development Pty Ltd v Monash CC [2020] VCAT 488* criticised *‘there will be no appreciation of the ground floor separation, except from directly opposite, or from the immediately adjoining footpath’.*

Whilst the current proposal provides some 5-6 metres wide ground floor separations between the building modules along Beryl Avenue, these areas are designed as secluded private open space areas and will be enclosed with high fencing. As a result, these separations will be hardly appreciated from the street or adjoining properties and it is not considered an improved response to existing pattern of development on the opposite side of Beryl Avenue or the wider neighbourhood. The ‘problematic’ presentation to Beryl Avenue as discussed in the VCAT decision remains unresolved.

Clause 16 of the Monash Planning Scheme seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

Housing policy at Clause 16.01 -2R seeks to:

“Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.”

“Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are.....areas for residential growth....areas

designed as National Employment and Innovation Clusters, metropolitan activity centres and major activity centres, neighbourhood activity centres especially those with good public transport connections, areas near existing and proposed railway stations that can support transport-oriented development’.

Other Planning Policies including Clause 16.01-2S (Location of Residential Development), Clause 16.01-3R & S (Housing Diversity), Clause 16.01-4S (Housing Affordability), seeks to provide a diversity of housing types in and around areas which have good access to services and public transport.

Increased residential density and dwelling diversity is sought by state and local planning policies. However, the proposed development is considered inconsistent with these policies in respect of its impact on neighbourhood character. Similar to the previous proposal, the current design response is at odds with the established built form of the surrounding area and poorly responds to residential policy objectives relating to neighbourhood character and built form outcomes. Whilst the site is considered appropriate for an infill medium density development and increased density, the design response needs to have better regard for the surrounding context and applicable residential development policy. This will be further discussed in the body of this report.

Local Planning Policy Framework (LPPF)

Relevant objectives and strategies of Clause 21.04-3 in Residential Development seek:

“To encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.”

“To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.”

“To recognise and provide for housing needs of an ageing population.”

“To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.”

“To ensure that development is appropriate having regard to the residential environment of the area, in particular neighbourhood character and amenity.”

“Ensure that new residential development provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.”

“Maintain the predominantly single detached dwelling style in urban areas by promoting low rise development as the preferred character for the majority of

the residential areas within the City.”

“Direct medium rise development towards the Brandon Park, Clayton and Mount Waverley Activity Centres.”

“Promote and facilitate housing projects that will result in a mix of housing types including mixed use developments in appropriate locations, such as “shop top” dwellings within the retail and commercial centres of activity centres, as well as over car-parks and other appropriate areas.”

“Promote a variety of dwelling sizes and types to promote greater affordability of housing and choice in medium and large urban developments.

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 maintain and enhance the Garden City Character of the area.

Tree Conservation Policy at Clause 22.05 seek to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.

Whilst an increased density is sought within Planning Policies, the submitted development plan poorly responds to Garden City Character and Vegetation Retention Policy objectives. The opposite side of Beryl Avenue and the surrounding context is identified as ‘Garden City Suburbs Southern Area’ in Clause 22.01-4 of the Monash Planning Scheme, whereas this area will be notable for its spacious garden settings, tall canopy trees, consistency in front setbacks.

The proposal provides minimum ground level separation between dwellings and fails to maintain the building rhythm of the neighbourhood. Most of the dwellings fronting Beryl Avenue contain narrow dwelling facades and are dominated by garages and driveways. Overall, the proposal will result in an intense built form outcomes that poorly integrate and fail to adequately complement the established leafy character of the surrounding area. This will be further discussed in the balance of this report.

Furthermore, the design response seeks to remove the majority of the trees on site which does not adequately respond to tree retention objective and the landscape outcome sought in Clause 22.01-3 to retain or replant canopy trees to soften and screen the appearance of built forms and contribute to the landscape character of the area.

Housing Diversity

Development Plan Overlay Schedule 5 specifically requires the development

plan provide for a range of dwelling types to cater for varied housing needs.

The submitted development provides a reasonable mix of varied housing types including dwellings with varied numbers of bedrooms, layouts and sizes. VCAT decision *Golf Road Project Development Pty Ltd v Monash CC [2020] VCAT 488* mentioned that the variety of dwelling types provides opportunities to cater for the needs of the municipality's population. As with the previous proposal, the current proposal contains some dwelling types (Types 1, 5, 6 and 7) that have a bedroom on ground level but does not contain any detached and semi-detached single storey dwellings preferred by the aging population and persons with limited mobility. The proposal should better respond to the objective of recognising and providing for housing needs of the ageing population.

Neighbourhood Character and Design Response

One of the main issues with the previous development plan was it failed to adequately respond to the existing built form and building rhythm to fit into the neighbourhood context, which remains an area of concern of the current proposal.

The presentation has slightly improved to Beryl Avenue, with lower front fencing, however, it still fails to provide adequate ground floor separation to create an open garden setting as envisaged in the preferred character. The existing character of the area is strongly defined by detached dwellings with varied setbacks, no or low front fences and well landscaped front gardens in traditional suburban form.

Despite some ground floor separation being provided between the building modules along Beryl Avenue, they will be fenced as secluded private open space areas and will not result in an open garden setting. The current proposal adopts part of the comment in paragraph 35 of the VCAT decision which says '*I consider that an acceptable outcome could be achieved if a minimum 5.0 metre ground floor separation was provided between each of the building modules which face Beryl Avenue*', but fails to consider the complete statement which seeks to respond to the existing pattern of development on the opposite side of the street, and the wider neighbourhood.

Likewise, the design response of the current proposal has not changed from the previous proposal in terms of the attached built forms, generic and repetitious façade details and facades dominated by garages and driveways based on the comment in paragraph 32 of the VCAT decision which says '*...I consider there is scope for attached dwellings on the site, provided the siting and design is respectful of the detached house context...*' and paragraph 34 '*...this is an acceptable response and sufficiently reflects the detached house pattern of development...*'. However it disregards the comment in paragraph 42 which says '*...the open nature of the streetscapes of Golf Road and Beryl Avenue, in particular, should be respected. With a lesser number of dwellings along these interfaces, it should be possible to provide open front garden areas with no or*

low front fences, and secluded private open space areas to the rear or side of dwellings’.

The overall response to the VCAT decision should be of a holistic view rather than picking out elements of change. A different design response is required to reduce in scale, contain less intensive built forms, greater building separation and larger open space areas to allow for meaningful landscaping provision and opportunities for canopy tree planting throughout the site.

In addition, the current proposal still heavily relies on tandem garages which achieves poor outcomes and is further evidence of the excessive density of the proposal.

Built form and scale

Built form and scale requirements of DPO5 seek to:

*“Create a composition of varied building forms and heights across the site.
Respect the amenity of adjoining interfaces for providing for a maximum of 2 storey built form adjacent to or opposite any existing single storey residential development.
Any taller buildings across the balance of the site should be carefully graduated with reference to analysis of shadow, visual amenity impacts and the character of the area.
The overall objective for the land to achieve an integrated medium density residential development offering a choice and diversity of housing opportunities and types, appropriate to its setting and achieving a high quality of amenity and urban design.”*

The principle of two and three storey dwellings is not necessarily considered to be inappropriate, especially given the size of the site and strategic opportunity for a well-designed medium density housing outcome. However, as discussed previously, the design response does not demonstrate appropriate built form to integrate with the surrounding residential context.

Streetscape facades (Golf Road, Beryl Avenue and Bakers Road)

The proposed attached nature of the dwellings with minimal ground floor separations is inconsistent with the streetscape character, where the existing context is generally occupied by detached dwellings, consistent setbacks and modest in scale with an open garden setting.

Whilst the current proposal provides less dwellings fronting Beryl Avenue, the façade of these dwellings are still narrow and dominated by garages. There are minimal opportunities for active or passive surveillance and provides poor good sense of address. In addition, the newly added reverse living layout with living rooms and balconies on the first floor and provides no secluded private open space on ground floor further indicates the insufficient space for the proposed

number of dwellings along this interface for an appropriate neighbourhood character response.

As discussed previously, the concept of the rear loaded dwelling design, where dwellings are fronting the internal road and backing onto Golf Road and Beryl Avenue, will result in the streetscape being dominated by the narrow rear dwelling façades and visually dominant upper storey massing. These issues have been discussed in the previous proposal and have not been satisfactorily resolved in the current proposal.

North-eastern facade

The current proposal replaces the previously proposed three storey dwellings to two storeys, which is considered a reasonable response to this interface. However, repetitive façade details with little visual interest have not been improved from the previous proposal and would need to be should the plan be approved.

The criticism in the VCAT decision paragraph 52 regarding presentation of garages says:

“I agree with the Council that there are areas of the proposed development that display a dominance of garages. This is particularly evident in the ‘bank’ of dwellings which interface with the golf course, located at the north-eastern boundary of the site. These dwellings have their ground level interface with the internal road comprised substantially of garages. The remainder of the ground floor façade is confined to a pedestrian door. There are no opportunities for active or passive surveillance, and a poor sense of address is provided for the dwellings. It is a utilitarian, inactive interface and is not an acceptable response. It does not support personal safety or perceptions of safety.”

The interface of these attached dwellings with the internal road still predominantly comprises of double garages and double width driveways. In regards to surveillance, the current proposal attempts to improve it by incorporating a bedroom on the ground floor of these dwellings fronting the internal road, however, there is still minimal scope for landscaping in front of these dwellings.

The dominance of garages, excessive amount of hard surface associated with the driveways and minimal amount of landscaping still does not provide a high quality of amenity within the development. In addition, the two dwellings (Type 05) located on the northern and southern end of these dwellings only contain an external door to the dwelling next to their garages, provide with no scope of active or passive surveillance.

Northern facade

The key changes of the current proposal to this interface is the rearrangement of building modules to incorporate a mixture of housing design and first floor separation. The number of dwellings along this boundary was reduced from 17 to 16 which provides slightly wider dwelling facades to some dwellings (Type 01). However, the attached nature of these dwellings still result in an excessive amount of frontage along the internal road being dominated by garages and driveways.

The current proposal attempts to address the issue raised from the previous proposal, yet 37.5% of the dwellings along this interface still contain very narrow dwelling facades. These dwelling types were retained from the previous proposal which were criticised in the VCAT decision in paragraph 52:

‘While there is a mix of designs, the majority have their ground level facades dominated by garages. Some attempt has been made to incorporate an opportunity for passive surveillance and to introduce a sense of activity through the inclusion of a window and a desk adjacent to the entry door. The extent to which this would be effective is questionable, given its comparatively limited width and resultant interface with the accessway (internal road). The greater portion of the ground floor is occupied by the garage. In contrast, selected dwellings have a ground floor bedroom in the façade, providing active and passive surveillance and an enhanced sense of address. A greater representation of this dwelling style should be incorporated, such that it is in the majority.’

The changes in the current proposal are minimal and if they were sufficient to address the concerns raised in the VCAT decision, the Tribunal could have required those changes by conditions. It would be appropriate for the applicant to redesign the proposal having regard to the issues raised by Council and VCAT as opposed to making what are considered to be some minor modifications to the design that do not resolve the key issues associated with that proposed development.

In addition, the current proposal still results in an unbroken continuous massing impact along almost the northern boundary. A ground floor ‘break’ should be considered along this interface, to achieve a landscape corridor north to south and replace the large trees on site. This will be further discussed in the *Landscaping and Retention of trees* section of this report.

Streetscape Integration

The current proposal still contains dwellings with rear loaded design, where they are fronting the internal road and backing onto the street frontages. These dwellings should be redesigned to orient to the street and to improve the sense of address to Beryl Avenue, Golf Road and Bakers Road. The rear loaded design of the dwelling on Bakers Road results in the secluded private open space within the front setback adjoining the pedestrian walkway will result in poor

internal amenity.

Apart from the rear-loaded dwellings, the current proposal includes some dwellings along Beryl Avenue with reversed living layout and pedestrian entries of those dwellings are accessed from the internal road, which will result in poor sense of address. Although an additional pedestrian entry door is provided towards Beryl Avenue, it is similar to the criticism in paragraph 51 of the VCAT decision which says '*...some attempt has been made to incorporate an opportunity for passive surveillance and to introduce a sense of activity through the inclusion of a window and a desk adjacent to the entry door. The extent to which this would be effective is questionable, given its comparatively limited width and resultant interface with the accessway (internal road)...*'.

Overall, the current proposal should have taken a different approach with less intense built form, wider dwelling frontages and pedestrian entries from street frontages to better integrate with the streetscape.

Street Setback

The proposed street setbacks are typically 6-7 metres to Beryl Avenue, and over 9 metres to Golf Road and Bakers Road. These setbacks are considered appropriate having regard to the prevailing setback of the surrounding area.

However, the current proposal still contains four rear loaded design dwellings along Golf Road which contains the secluded private open space areas 'in front of' these dwellings, within the front setback to Golf Road. These dwellings will poorly interact with the street and result in high fencing along this street frontage which was criticised in paragraph 41 of the VCAT decision '*A different response is required. The open nature of the streetscapes of Golf Road and Beryl Avenue, in particular, should be respected. With a lesser number of dwellings along these interfaces, it should be possible to provide open front garden areas with no or low front fences, and secluded private open space areas to the rear or side of dwellings*'.

Overall this is the same issue raised from the previous development plan and has not been satisfactorily addressed.

Landscaping and Retention of trees

The provisions of DPO5 that relate to vegetation retention have been subject to various legal interpretations. The order from the Supreme Court Victoria on 21 December 2016 for 10 Alvina Street Oakleigh South determined the development plan must include a landscape plan; the landscaping plan must incorporate any vegetation that is significant however it does not need to incorporate all trees rated as 'moderate' or 'high' in the 2013 Tree Logic Assessment. 10 Alvina Street is subject to the same DPO5. Any proposal to remove trees within the subject site will be the subject of a merits assessment.

Among the trees rated moderate retention value in the 2013 Tree Logic

Assessment, thirteen (13) of them are still rated moderate retention value in the arboricultural report updated in June 2020 and the current proposal proposes to retain six (6) of them. A total of nine (9) trees will be retained under the current proposal including three (3) trees rated in low retention value. The proposal seeks to remove the remaining 46 trees on site which is two trees more than the previous proposal.

The proposed approach to tree retention in the current development plans is still poor and is not a reasonable response. The VCAT decision mentioned that based on the evidence provided in the hearing, the Member was not persuaded that the trees identified by Council's arborist should be retained, as they appear to have *'structural issues or a history of shedding limbs and/or shed major limbs when they become large which render them unsuitable for retention within a medium density housing development'*.

In response to the VCAT decision, the current proposal seeks to remove additional trees on site, and replace them with dwellings. This is not an appropriate response. If the trees are not considered suitable for retention, they should be replaced with more trees to maintain the garden character. An alternative design that is more responsive to the landscape outcome should be provided.

One option is to provide a green break along the northern boundary to create a landscape corridor north to south to allow a visual break along the northern interface, and to provide additional open space area for replacement trees. Alternatively, a different design response should consider retention of additional trees on site rated moderate in retention value.

Sustainable Design Features

There are no noticeable changes from the previous proposal with the exception of changing some dwellings to a reverse living layout with first floor balconies facing north. This is in response to the overshadowing issue raised in the VCAT decision when the previous proposal contained secluded private open space on the south side of the dwellings. However the reverse living layout leads to the issues of poor sense of address and poor internal amenity which have been previously discussed. The proposal with balconies to replace ground floor secluded private open space areas is not considered an appropriate response in this regard. It also diminishes the intent of providing increase spacing between dwelling blocks along Beryl Avenue and Golf Avenue.

Once more, the current proposal attempts to 'address' the issues raised in the VCAT decision by picking out small elements to change rather than thinking through the complete development proposal. Just because the VCAT decision mentioned *'the site is not so constrained that it justifies a design where secluded private open space is in the front setback area...'*, does not mean the proposal to replace the secluded private open space with a first floor balcony

is an appropriate response. The design response should allow secluded private open space outside the front setback area, with adequate north solar access to better respond to the suburban setting of the neighbourhood. If the balcony approach is acceptable, the Tribunal would have allowed it by conditions when the permit applicant contemplated it in the hearing.

In addition, the poor sense of address associated with the reversed living layout as discussed in the VCAT decision has not been satisfactorily addressed which has been previously discussed in this report.

Car Parking, Access & Traffic Impact

The proposal provides for car parking generally in accordance with the requirements of Clause 52.06.

Car parking for the development is provided as follows:

DWELLING TYPE	NUMBER OF DWELLINGS	CLAUSE 52.06 REQUIREMENT	CAR SPACES PROVIDED
2 bedrooms	20	1 space per dwelling	20
3 bedrooms	24	2 spaces per dwelling	48
4 bedrooms	42	2 spaces per dwelling	84
Visitor Parking	86	N/A- subject site within PPTN	12
Total Required			152
Total Provided			164
Surplus			12

The statutory car parking requirement for the development is 152 car spaces with no requirement for visitor car spaces as the subject site is located within the Principal Public Transport Network (PPTN). The proposed car parking provision for 164 car spaces exceeds the Planning Scheme requirement.

A Traffic Engineering Analysis prepared by Traffix Group dated June 2020 was submitted as part of the application providing an assessment of all car parking, access and traffic generation. The Development Plan and supporting Traffic advice was considered by Council's Traffic Engineering Department who have provided the following comments (summarised):

- The residential parking provision meets the Planning Scheme requirements. The visitor parking provision exceeds the Planning Scheme requirement (with no visitor parking requirement in the Principal Public Transport Network area).

- Parking occupancy surveys were undertaken at various times on Thursday 6 February, Saturday 8 February and Thursday 13 February 2020. The survey times encompassed the anticipated peak times associated with the proposed development, as well as evening and weekend periods for the surrounding residential area (when parking is expected to be at its peak) and school pick-up time. Parking in the area is predominantly unrestricted. The minimum number of vacant spaces recorded across the survey period was 61 spaces at 12pm on Saturday 8 February.
- 5.5m minimum between vehicle crossings (the two westernmost crossings in Beryl Avenue appear to be affected).
- The developer is required to remove the obsolete indented parking bay on Beryl Avenue frontage (opposite 1 Bakers Road).
- A total of 24 visitor bicycle spaces are to be provided across the development which is to be commended as there is no statutory visitor bicycle parking requirement.
- The provision of a 5.5m wide two-way internal access road has been reviewed and is considered appropriate to enable a balance between access requirements and provision of common open space and landscaping to be achieved across the development.
- The traffic report indicates that the development is expected to generate 53 trips in the AM/PM peak hours with a daily traffic generation of 529 vehicles/day. The traffic consultant has undertaken traffic counts in February 2020. According to their surveys, Beryl Avenue recorded a maximum peak hour volume of 504 vehicles and carries 2,371 vehicles/day. The predicted traffic distribution indicates the development is expected to increase traffic on Beryl Avenue by a total of 7 vehicle movements per peak hour and 65 vehicles trips per day. This predicted increase in traffic is expected to have a minor impact on Beryl Avenue traffic movement and flow.
- Golf Road was recorded with a maximum peak hour volume of 822 vehicles and carries 5,805 vehicles/day. According to the traffic report, the majority of the traffic generated from the proposed development will access the wider road network via Golf Road, to North Road. The proposed development is expected to generate a total of 35 vehicle trips per peak hour (343 movements per day) to Golf Road, north of the site access, and 18 vehicle trips per peak hour (186 movements per day), south of the site access. Golf Road is operating as a connector road, and can accommodate between 3,000-7,000 vehicles per day. The predicted increase in traffic is within the capacity of Golf Road and is expected to have a minor impact on its traffic movement and flow.
- The traffic report notes that ‘the subject site formerly operated as a primary school, which would have generated more than 53 vehicle trip-ends during the peak hour and accordingly the proposed use is less intense and will generate less impact on the surrounding road network and intersections compared to the former use of the site’.

Council's Traffic Engineer agreed that traffic generation will be a minor impact on local roads as discussed in the Traffic Report provided.

Pedestrian Links and Permeability

Requirements of DPO5 seek to:

“Create opportunities for improved local permeability through provision of new pedestrian/cycle pathways or new local street networks where appropriate.”

The current development plan proposes two pedestrian links from the internal road through to Bakers Road and Beryl Avenue. These links are over 10 metres wide, visible from the street with good surveillance. These links provide good connection between the development and Beryl Avenue, the width of these links are adequate for pedestrian access as well as to provide additional landscaping opportunities. Design detail would be required to demonstrate pedestrian safety.

Similar to the previous development plan, numerous submissions received from the community highlighted the lack of a pedestrian path within the internal road. The provision of a pedestrian path would improve pedestrian access within and through the site but would also compromise the space for landscaping and reasonable dwelling sizes. The lack of a pedestrian path through and around the site is further evidence of the development plan seeking to maximise dwelling and built form yield at the expense of pedestrian amenity and landscaping provision. A less intensive proposal would be capable of accommodating a pedestrian path and meaningful landscaping throughout the site.

Environmental Sustainability Assessment

An Environmental Sustainability Assessment was submitted as part of the current application. The assessment shows an overall BESS Score of 68% which exceeds the minimum requirement of 50% and achieved compliance.

Risk assessment given proximity to a nearby landfill

The DPO5 requires the applicant to undertake and submit to Council a risk assessment detailing the risk of landfill gas migration from nearby landfills. The risk assessment must be conducted by a suitably qualified professional, having regard to the relevant EPA Publication to the satisfaction of the responsible authority.

Prensa Pty Ltd has prepared a Landfill and Gas Risk Assessment for the site (dated 7 December 2018) and this forms part of the supporting documentation for the Development Plan. The report concludes that the risk of landfill gas migration occurring and causing an unacceptable human health or environmental impact on the proposed residential development is low and that no further landfill gas investigation or assessment is warranted.

CONCLUSION:

Whilst the proposal would satisfy the increased density objectives of the Monash Planning Scheme, it would do so at the expense of the existing and future neighbourhood character of the area. The proposal has not been significantly amended to address the issues raised for the previous proposal.

Whilst some changes have been made to the current proposal, the majority of the concerns still remain unresolved including neighbourhood character, built form, landscaping and streetscape integration. If the proposed marginal changes were sufficient to address the issues raised, VCAT would have supported the previous proposal with conditions. Instead of picking out elements of changes from the previous proposal, a holistic different design response should have been taken.

Overall the current proposal does not sufficiently demonstrate an appropriate response to neighbourhood character of the surrounding neighbourhood. The massing, proportion, scale, rhythm and spacing of dwellings along Beryl Avenue and Golf Road frontages should be more reflective of dwellings within the opposite side of Beryl Avenue and the surrounding area. Other issues such as attached narrow form across the site, over tandem car parking and minimal opportunities for landscaping along the internal road are still unresolved.

It is recommended that Council not support the proposed Development Plan and that it advises VCAT and the applicant of its position.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Submission Properties Location Map.