

ADDRESS: 80 Severn Street, Box Hill North (Lot 17 LP 1879)  
 PROPOSAL: Construction of nine attached, three-storey dwellings, tree removal and buildings and works within 4 metres of protected trees

APPLICATION RECEIVED: 18/10/2018  
 APPLICATION NUMBER: WH/2018/1138  
 TITLE PARTICULARS: Volume 08306 Folio 896  
 COVENANT: Covenant 0265119 - *No brickmaking or noxious trade*  
 Proposal does not breach the covenant

ZONING: General Residential Zone, Schedule 1  
 OVERLAYS: Significant Landscape Overlay, Schedule 9  
 PLANNING POLICY: Clause 11 – Settlement  
 Clause 15 – Built Environment and Heritage  
 Clause 16 – Housing  
 LOCAL POLICY: Clause 21.05 – Environment  
 Clause 21.06 – Housing  
 Clause 22.03 – Residential Development  
 Clause 22.04 – Tree Conservation  
 Clause 22.10 – Environmentally Sustainable Development

CHARACTER OF CHANGE: Natural Change Area  
 NEIGHBOURHOOD CHARACTER AREA: Garden Suburban Precinct 11  
 PARTICULAR PROVISIONS: Clause 52.06 – Car Parking  
 Clause 55 – Two or more dwellings on a lot and residential buildings  
 Clause 65 – Decision Guidelines

GENERAL PROVISIONS:  
 PERMIT TRIGGER: **General Residential Zone, Schedule 1**

Under Clause 32.08-6 a permit is required for the construction of two or more dwellings on a lot.

Under Clause 32.08-4 a development must meet a minimum garden requirement of 35% (given the site area). The development plans indicate a percentage of 35.6%.

**Significant Landscape Overlay, Schedule 9**

Under Clause 42.03-2 a permit is required for tree removal and buildings and works with four metres of a protected tree.

CULTURAL HERITAGE: N/A  
 ADVERTISING: Not advertised  
 EXTERNAL REFERRAL AUTHORITIES: No  
 INTERNAL REFERRALS: N/A  
 CURRENT USE / DEVELOPMENT: Single dwellings  
 RECOMMENDATION: Issue Refusal to Grant Planning Permit

**BACKGROUND**

There are no previous planning applications for the subject site. However (PIR/136/2018) the applicant queried whether or not a three-storey built form with 4 dwellings and the removal of all vegetation would be supported. Council has informed the applicant the three-storey building form and removal of all vegetation is not supported.

**The Site and Surrounds**

The subject site is located on the north side of Severn Street, approximately 200 metres west of the intersection with Station Street. The site is rectangular in shape with a frontage of 20.12 metres to Severn Street, a depth of 48.77 metres and comprises an overall site area of 981 square metres. A 3 metres width road is located to the rear of the site.

The site contains a single storey brick dwelling with a vehicle crossover located to the south-east corner. The topography of the land has a slight crossfall from east to west of approximately 900m. The arborist report, prepared by *PSY Inv P/L*, provides an assessment of 31 trees, of which trees numbered 3, 4, 7 to 22, 24 to 30 are located within the subject site. Of these trees, those numbered 3, 4, 19, 11, 12, 14, 16, 18, 19, 26, 27, 28, 29 30 are protected under the Significant Landscape Overlay, Schedule 9.



Figure 1 – view of the subject site from Severn Street

The site is located within an established residential area, characterised by a mix of architectural style. Within the immediate context, the following is noted:

- To the east are two single storey older-style units.
- To the west is a complex of seven three larger double storey dwellings.
- To the north are three older style dwellings.

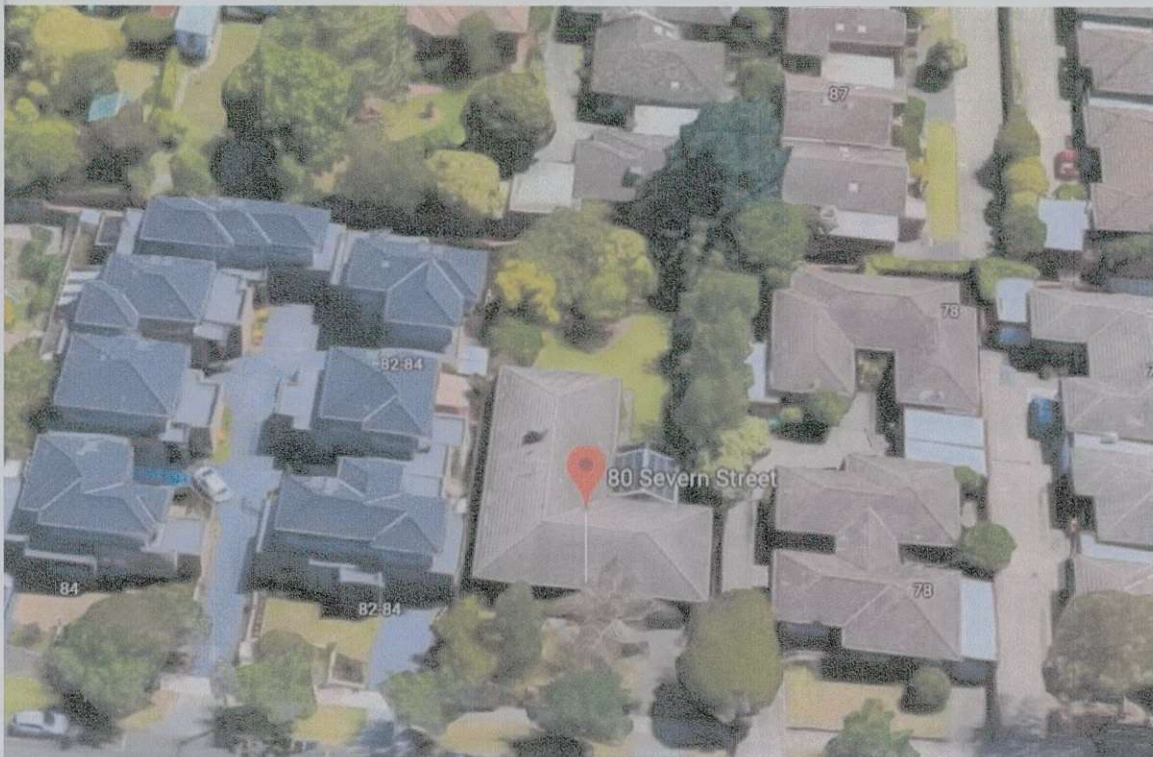


Figure 2 – aerial view of the subject site.

Medium density housing developments are common within the area, as evident within the aerial view above (Figure 2). Along the south side of Severn Street is the periphery of the Box Hill Activity Centre. This side of Severn Street is Precinct H (Residential Precinct) and Built Form Precinct A (Peripheral Residential Precincts: New Development supporting higher density consistent with the areas built form character).

### **Permit Trigger**

In accordance with Clause 32.08-6 (General Residential Zone), a permit is required for the construction of two or more dwellings on a lot. A development must meet the requirements of Clause 55 including those varied by Schedule 1 to the zone.

In accordance with Clause 42.03-2 (Schedule 9, to the Significant Landscape Overlay), a permit is required to:

- remove, destroy or lop any tree that has a height of at least 5 metres OR a minimum trunk circumference of over 1 metre when measured at a height of one metre above ground level (or both).
- undertake buildings and works, or construct a front fence, within 4 metres of any trees requiring a permit to remove.

The application proposes to remove all protected trees from the site and undertake works with 4 metres of street trees 2, 5, 6 and 23.

### **PROPOSAL**

The application proposes the removal of the existing dwelling and construction of nine, three-storey dwellings and associated removal of all trees. The key aspects of the proposal include:

- The dwellings are attached and arranged down the length of the site.
- The development achieves a setback of 7.7 metres from the front boundary and 3 metres from the west boundary at ground level. To the rear, the development is setback 2.58 metres.
- Vehicle access is via a common property driveway to the east provides access to a single garage to each dwelling.
- Pedestrian access is along the west boundary to each entrance.
- Each dwelling adopts the same layout including garage, entrance and study at ground level, open plan kitchen, meals and living area at first floor level and two bedrooms, ensuite and bathroom at second floor level.
- The areas of secluded private open space are in the form of an east-facing balcony at 8 square metres in size.
- External materials comprise brickwork, render, panel and timber cladding and obscure glazing to the balconies.
- The maximum height of the development is 9 metres.

For further details of the proposal, refer to plans prepared by *Bello Design Group, 17 October 2018*. The application was also accompanied by:

- Feature Survey Plan, prepared by *JCA Land Consultants, dated November 2017*.
- Arborist Report, prepared by *PSY Inv Pty/Ltd, dated 23 April 2018*

### **CONSULTATION**

The application was not advertised as Council has formed the view to refuse the application.

## ASSESSMENT

### Policy considerations

Clause 21.06 (Housing) of the Local Planning Policy Framework, which is informed by Council's *Housing Strategy, 2014*, identifies three categories of housing change:

- Substantial Change
- Natural Change
- Limited Change

The subject site is located within a Natural Change Area. Natural Change areas support increased housing choice by allowing for a diversity of dwelling types, sizes and tenures and seeks to ensure that new development contributes to the preferred neighbourhood character of the precinct.

The *Neighbourhood Character Study 2014* further defines the preferred future character of precincts within the City. Based on the *Neighbourhood Character Study 2014*, residential areas have been identified as being within precincts of the following neighbourhood character types:

- Garden Suburban Area
- Bush Suburban Area
- Bush Environment Area

Clause 22.03, the Whitehorse Residential Development policy, applies to all applications for development within the General Residential (including other residential zones). Development of land in these zones will need to demonstrate consistency with the attached Neighbourhood Character Precincts map (Map 1). The policy is used to supplement the neighbourhood character and residential policy requirements of Clause 55.

Clause 22.03 (Residential Development) Policy:

- Builds on the MSS objectives in Clause 21.06 – Housing relating to maintaining and enhancing the character of the City's residential areas.
- Ensures that residential development within the City of Whitehorse is consistent with the three categories of housing change and the housing objectives of Clause 21.06 – Housing.
- Specifies the preferred built form, landscape and neighbourhood character sought by Council and the community for each of the Character Precincts within the City of Whitehorse.
- Builds on the MSS objectives in Clause 21.05 – Environment relating to ensuring that development is of high quality and compatible with the character and appearance of the area and providing adequate open space and landscaping for new development.

The relevant objectives of Clause 22.03 are as follows:

- To ensure that residential development within the City of Whitehorse is consistent with the built form envisaged for the three categories of housing change, those being limited, natural and substantial change.
- To ensure development contributes to the preferred neighbourhood character where specified.
- To ensure that new development minimises the loss of trees and vegetation.
- To ensure that new development provides adequate vegetation and gardens consistent with the preferred neighbourhood character.

The preferred character statements for each character precinct are defined under Clause 22.03-5. The subject site is located within a Garden Suburban Area – Precinct 11. The preferred character statement for the Garden Suburban 11 Precinct is as follows:

- A variety of well-articulated dwelling styles will sit within compact garden settings. Infill development will be common, however new buildings and additions will be setback at upper levels to minimise dominance in the streetscape. The consistent front setbacks and spacing between dwellings will be retained, with buildings setback or appearing to be setback from at least one side boundary. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.

The *Neighbourhood Character Study 2014* document builds on this statement with specific Garden Suburban Precinct 11 Guidelines.

The Tree Conservation Policy at clause 22.04 states that in areas included in a Significant Landscape Overlay there should be a minimum of 50 square metres of open ground with a minimum dimension of 5 metres that is free of buildings and impervious surfaces. This policy (together with other provisions in the scheme) seeks to ensure a sense of spaciousness and vegetation for new development.

### **Assessment**

After a preliminary assessment of plans preliminary issues were outlined to the applicant dated **19 November 2018** (see correspondence on file for further details). The applicant was given until the **30 November 2018** to address the concerns by way of amended plans, however, no further correspondence or amended plan were received.

### **Discussion**

#### **Planning Policy**

The Whitehorse Local Planning Policy Framework accepts the need for residential intensification to accommodate population growth and the need for a balanced approach between urban consolidation and neighbourhood character objectives. The preferred character statement places an emphasis on future development being 'well-articulated' and the 'setback at upper level to minimise dominance in the streetscape'. Development is encouraged to maintain 'consistent front setbacks and spacing between dwellings'.

Under the Precinct Guidelines, the following is to be avoided:

- Inadequate space for tree planting around buildings.
- Loss of established trees.
- Use of an easement for planting.
- Car parking structures that dominate the view from the street.
- Inadequate private open space.
- Excessive areas of hard paved surfacing.
- Inconsistent siting patterns and a lack of space around buildings.
- Buildings that appear to exceed the predominant height of buildings in the street by more than one storey.

The proposed development does not represent a 'comfortable fit' when considered against the existing and preferred neighbourhood character objectives contained within the Garden Suburban Precinct 11 and the local planning policy framework. The presentation of the attached three-storey storey forms across the length of the site is uncharacteristic of the established pattern within Severn Street and the surrounding area. The area is characterised by modest detached dwellings with pitched roof forms when where medium density housing is evident. The continuous built form, three storey height, minimal articulation, lack of spacing at the ground and upper level produces an unacceptable dominating massing to the site and surrounding properties.

The key issues with the proposal include:

- The interface to Severn Street is particularly poor with very minimal upper level recession resulting in a three-storey sheer wall presentation. The development will be particularly dominant to the streetscape and adjacent dwellings due to its front setback of 7.7 metres (which sits forward of the adjoining development to the west) and its overall height. The extent of visual mass is clearly demonstrated on plan TP06, which highlights the dominating effect of the development to adjoining modestly scaled development, including the single storey dwelling to the east.
- The extent of un-broken, three-storey visual mass extends down the length of the site. The first floor level offers no recession from ground floor below and provides no articulation with a sheer length of wall at 38.1 metres. The second level offers some modulation and recession, however, is minimal and does not offer any form of visual relief.
- The lack of recession is further pronounced to the north elevation with no upper level recession. The development is setback approximately 2.7 metres at this interface which offers a little visual break to the adjacent development at 91 Medway Street, despite the break of the rear roadway.



- The development has little design variation or interest, (with replicated floor layouts and window placement), adopts flat roof forms and minimal material selection.
- Whilst it is acknowledged the site sits at the interface of the Box Hill Activity Centre, the interface to Precinct H requires development to reference the surrounding built form. The development does not suitably transition into the surrounding neighbourhood character.

The overall appreciation of the development is one of excessive visual mass, attached built form, lack of ground and upper level spacing. The development does not achieve favourable outcomes when considered against the existing and preferred neighbourhood character that calls for well-articulated dwellings and does reflect the surrounding neighbourhood character.

#### **Clause 55**

The development fails to address various objectives and standards of Clause 55 as follows (including those standards varied by the Schedule)

The objective of Standard B2 (Residential policy) is to:

- *To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.*

For reasons outlined above, the development does not meet the policy guidance outlined under the Planning Policy Framework.

The objective of Standard B7 (Building height) is to:

- *To ensure that the height of buildings respects the existing or preferred neighbourhood character.*

The planning report accompanying the application suggests that the proposal does not exceed 9 metres, whereas a review of the plans suggests that the height is 9.8 metres (west elevation). Further, the development does not offer a graduated height between existing buildings and does not meet local policy whereby development in natural change areas '*should not exceed two storeys in height*'.

The objective of Standard B8 (Site coverage) is:

- *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*

Under the varied Standard, the site coverage should not exceed 50%. The development proposes a site coverage of 51.3% which fails to address the Standard.

The objective of Standard B10 (Energy Efficiency) is to:

- *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*

The Standard encourages living areas and private open space to be located on the north side of the development. The development fails to address the site's northern orientation. Dwelling 9 has limited north-facing orientation and the areas of secluded private open space are to the east.

The objective of Standard B21 (Overshadowing):

- *To ensure buildings do not significantly overshadow existing secluded private open space.*

The development will cause significant overshadowing / loss of daylight to the secluded private open space / habitable room windows of the adjoining property to the west (1/82, 2/82, 3/82 Severn Street).

The objective of Standard B28 (Private Open Space) is to:

- *To provide adequate private open space for the reasonable recreation and service needs of residents.*

The use of the balconies for the provision of secluded private open space is contrary to the Standard as varied by the Schedule. The varied standard requires pockets of open space consisting of an area of 40 square metres and must not be in form of a balcony. The areas of 8 square metres are insufficient to meet the likely recreational needs of future residents and the extent of screening to the balconies has a significant effect of the amenity outcome for future residents. Further, the orientation of the balconies is not considered to meet the objective of Standard B29 (Solar access).

If the development didn't rely on large building footprints, a number of the issues identified above, could have been resolved. To this effect, the development represents an over-development of the site and fails to address a number of objectives and standards of Clause 55.

The objective of Standard B32

- *To encourage front fence designs that respects the existing or preferred neighbourhood character.*

The development plans indicate fencing as 'steel pickets on bricks at 1.8 metres' across the site frontage. This is contrary to Standard B32, as varied by the Schedule to the zone which provides for fencing no greater than 1.2 metres in height.

#### Tree Impact and landscaping

Clause 21.05 (Environment) and Clause 22.04 (Tree Conservation) identify trees as being an integral aspect of an existing and preferred character. The site is included within the Significant Landscape Overlay, Schedule 9. The Statement of nature and key elements of landscape under the SLO9 recognise:

- *Trees are significant to the landscape character of Whitehorse and the tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, reducing the urban heat island effect in more urbanised areas, improving air quality and energy efficiency, providing habitat for fauna, increasing the wellbeing of people and liveability of neighbourhoods.*

The landscape character objective to be achieved:

- *To encourage the retention of established and mature trees and to provide for the planting of new canopy tree.*

The subject site contains a number of trees that are protected under the Significant Landscape Overlay, Schedule 9. These trees are detailed as follows (data taken from the applicant's arborist report).

Tree	Species	Height	Significance
3	<i>Betula pendula</i> – Silver Birch	10	Large exotic greenery tree for frontage amenity with a low retention value (with good form and structure).
4	<i>Betula pendula</i> – Silver Birch	9	Large exotic greenery tree for frontage amenity with a low retention value (with good form and structure).
11	<i>Pittosporum eugenioides variegatum</i> – Variegated Pittosporum	5	Small ornamental tree with low retention value (fair health and structure)
14	<i>Betula pendula</i> – Silver Birch	10	Small ornamental tree with low retention value (fair good health and structure)
16	<i>Ligustrum lucidum</i> - Privet	5	Small exotic weed species – low retention value
18	<i>Ligustrum lucidum</i> - Privet	5	Small exotic weed species – low retention value
19.	<i>Alnus jorullensis</i> – Green Alder	10	Small exotic greenery shade tree – low retention value.

26	<i>Ligustrum lucidum</i> - Privet	5	Small exotic weed species – low retention value
27	<i>Cotoneaster spp</i> - <i>Cotoneaster</i>	6	Small exotic weed species – low retention value
28	<i>Cotoneaster spp</i> - <i>Cotoneaster</i>	6	Small exotic weed species – low retention value
29	<i>Melaleuca spp</i> - <i>Melaleuca</i>	6	Small native greenery tree – low retention value
30	<i>Melaleuca spp</i> - <i>Melaleuca</i>	6	Small native greenery tree – low retention value

The application proposes to remove all trees across the site which will lose the current vegetated character, contrary to the objectives of the SLO9 and the Precinct Guidelines. Preliminary issues were raised with the lack of space provided to achieve compliance with Clause 22.04, 22.03 and Standard B13. Standard B13 requires the provision of at least two trees per dwelling equating to a requirement of 18 trees. The development removes the capacity to accommodate trees, except for within the front setback which is a significant departure from the level of tree planting required under various policy objectives within the Scheme.

Upon consideration of the preferred character statement, the Tree Conservation Policy at Clause 22.04, and the provisions of the SLO9 overarching landscaping objectives that are strongly reinforced throughout the scheme cannot be achieved. The lack of space and attached built form does not achieve the 'open garden setting' called for in the Preferred Character Statement.

#### **Adequacy of car parking arrangement**

The development does not demonstrate vehicle-turning movements with the vehicle turning areas appearing tight, requiring a number of vehicle turning movements to enable vehicles to exit the site in a forward direction, therefore, failing to meet the design standards of Clause 52.06-9. The car parking areas are further compromised by the location of bins within the car parking areas and car spaces in garages are required to have at least 2.1 metres headroom.

#### **Waste Management**

The layout does not provide space for waste collection vehicle (a private collection is required for the proposal) to enter and exit the site.

#### **Environmentally Sustainable Development**

Whitehorse City Council is committed to creating an environmentally sustainable city. Critical to achieving this commitment is for development to meet appropriate environmental design standards. The local policy at Clause 22.10 aims to integrate environmental sustainability principles into land-use planning, new developments and redevelopment of existing infrastructure. The application was not accompanied by a Sustainable Design Assessment and therefore fails to address this local planning policy requirement.

#### **CONCLUSION**

The proposed development is inconsistent with the relevant planning controls and policies, including the Local Planning Policies and provisions of the General Residential Zone Schedule 3. The proposed form, siting and overall design of the development are considered to be inconsistent with the existing and preferred pattern of development and neighbourhood character for Natural Change, Garden Suburban Area Precinct 11.

The application has not been advertised and/or referred.

Given the development is an over-development on a small-size lot with excessive built forms, it is therefore considered that the application should be refused.




## RECOMMENDATION

Having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning and Environment Act 1987, that a **Refusal to Grant a Planning Permit** be issued to the land at 80 Severn Street, Box Hill North (Lot 17 LP 1879) for the construction of nine attached, three-storey dwellings, tree removal and buildings and works within 4 metres of protected trees, on the following grounds:

1. The proposal is contrary to the Local Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly in relation to the following Clauses:
  - a) Clause 21.05 (Environment).
  - b) Clause 21.06 (Housing).
  - c) Clause 22.03 (Residential Development).
  - d) Clause 22.04 (Tree Conservation).
2. The proposal fails to meet the landscape character objective and the decision guidelines of the Significant Landscape Overlay, Schedule 9. Specifically, the development fails to adequately provide an appropriate landscape response.
3. The built form, bulk and scale of the proposal is excessive with limited landscaping opportunity and is an over-development of the site.
4. The proposal is not in keeping with the existing and preferred neighbourhood character particularly in respect of built attached built form, lack of spacing around development, insufficient upper level recession and separation and landscaping.
5. The development fails to meet the following Standards of Clause 55 (including Standards as varied by the Schedule to the General Residential Zone):
  - B1 (Neighbourhood character)
  - B2 (Residential Policy)
  - B7 (Building height)
  - B8 (Site Coverage)
  - B10 (Energy Efficiency)
  - B13 (Landscaping)
  - B21 (overshadowing)
  - B28 (Private Open Space)
  - B29 (Solar access to open space)
  - B31 (Detailed Design)
  - B32 (front fencing)
6. The development fails to meet the policy requirements under Clause 22.10 (Environmental Sustainable Development).
7. The development fails to demonstrate how waste management and collection will occur.
8. The development fails to address and meet Design Standards under Clause 52.06-9 (Car Parking).

**PLANNING OFFICER:**   
Wick Abeyasinghe – Development Planner

**DATE:** 18/12/2018

**DELEGATE:**   
Karen Mealyea – Team Leader Statutory Planning

**DATE:** 3/1/19