

**1.6 179 CARINISH ROAD, CLAYTON  
CONSTRUCTION OF A THREE STOREY APARTMENT BUILDING COMPRISING 26 DWELLINGS  
AND BASEMENT CAR PARK AND WAIVER OF VISITOR PARKING  
(TPA/47018)**

**EXECUTIVE SUMMARY:**

This application proposes the construction of a three storey apartment building comprising 26 dwellings and basement car park and waiver of visitor parking.

The application was subject to public notification. No objections to the proposal have been received.

Key issues to be considered relate to building bulk and massing, landscaping opportunities, site integration with the street, private open space and car parking.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 55, consideration against adopted Amendment C125 and issues raised by objectors

**The reason for presenting this report to Council is the proposed development cost of \$4.5 million.**

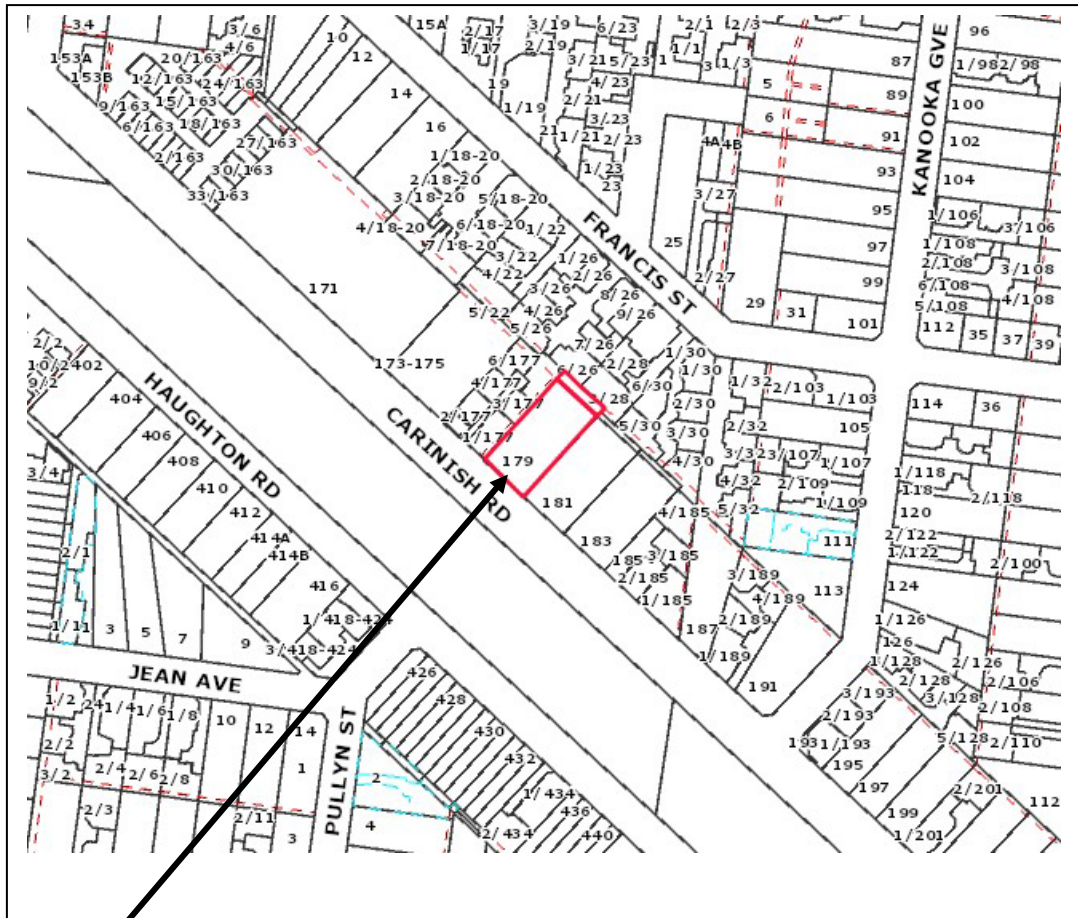
**The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Angela Hughes</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Craig Smith</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>179 Carinish Road, Clayton</b>
<b>PRE-APPLICATION MEETING:</b>	<b>No</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>None</b>
<b>ZONING:</b>	<b>General Residential Zone 2</b>
<b>EXISTING LAND USE:</b>	<b>Dwelling</b>
<b>OVERLAY:</b>	<b>None</b>
<b>AMENDMENT C125 (adopted)</b>	<b>Residential Growth Zone 3</b>
<b>RELEVANT CLAUSES:</b> <b><u>State Planning Policy Framework</u></b> Clause 10.01 (Purpose) Clause 10.02 (Goal) Clause 10.04 (Integrated Decision Making) Clause 11 (Settlement) Clause 11.04 (Metropolitan Melbourne) Clause 14.02-1 (Catchment Planning and Management) Clause 15 (Built Environment and Heritage)	<b><u>Local Planning Policy Framework</u></b> Clause 21 (Municipal Strategic Statement) Clause 21.04 (Residential Development) Clause 21.08 (Transport and Traffic) Clause 22.01 (Residential Development and Character Policy) Clause 22.04 (Stormwater Management Policy) Clause 22.05 (Tree Conservation Policy)

<b>Clause 16 (Housing)</b> <b>Clause 16.01-2 (Location of Residential Development)</b> <b>Clause 16.01-4 (Housing Diversity)</b>	<b>Particular Provisions</b> <b>Clause 52.06 (Car Parking)</b> <b>Clause 55 (Two or More Dwellings on a Lot)</b>
<b>STATUTORY PROCESSING DATE:</b>	<b>15 May 2017</b>
<b>DEVELOPMENT COST:</b>	<b>\$4.5 million</b>

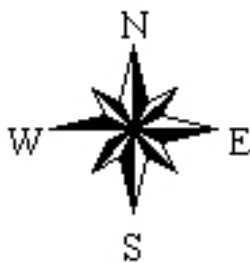
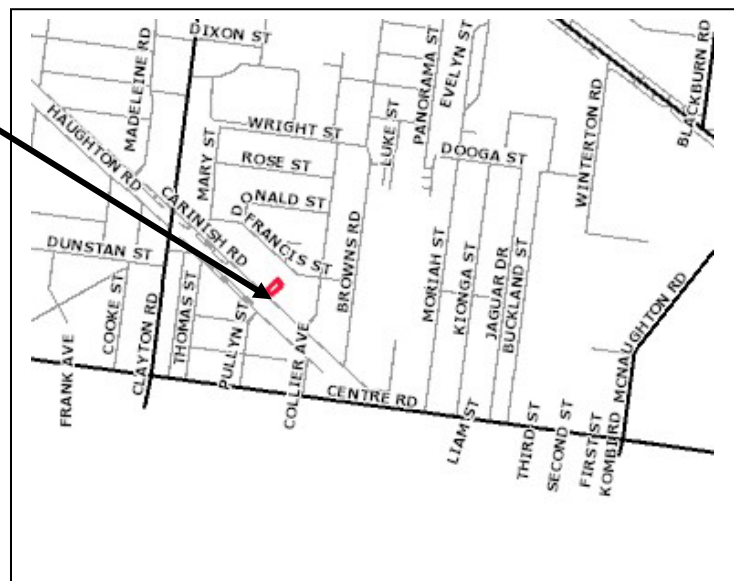
ATTACHMENT

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/47018)** for the construction of a three storey apartment building comprising 26 dwellings and basement car park and waiver of the visitor parking requirements of Clause 52.06 of the Monash Planning Scheme at 179 Carinish Road, Clayton subject to the following grounds:

1. The proposal does not meet the objectives of Clause 15 Built Environment and Heritage, Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 22.05 Tree Conservation Policy in terms of building bulk and massing, insufficient landscaping opportunities and site integration with the street.
2. The proposal does not meet the following objectives of Clause 55 of the Monash Planning Scheme:
  - Clause 55.02-1 Neighbourhood Character
  - Clause 55.02-5 Integration with the Street
  - Clause 55.03-8 Landscaping
  - Clause 55.04-1 Side and Rear Setbacks
  - Clause 55.05-4 Private Open Space
  - Clause 55.05-5 Solar Access to Open Space
  - Clause 55.06-1 Design Detail
  - Clause 55.06-2 Front Fences
  - Clause 55.06-4 Site Services
3. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to car parking.
4. The proposal is an overdevelopment of the site.

**BACKGROUND:****History**

Planning permit TPA/39297 was issued on 30 September 2011 for the development of a double storey apartment building comprising 19 dwellings.

The permit preamble refers to a three storey building, however this describes a modest basement projection above natural ground level at one corner of the building. Following subsequent extensions of time the permit expired on 30 September 2017. Another application to extend the permit is currently before Council.

**The Site and Surrounds**

The subject site is located on the north-east side of Carinish Road, 380 metres south-east of Clayton Road. The property has a site area of approximately 1,150 square metres with a 22.8 metre frontage and 45.7 metre length. The site falls from the rear to the front by approximately 2.8 metres.

The site currently contains a single storey dwelling, no trees and some shrubs. Vehicular access to and from the site is provided from a vehicle crossing on Carinish Road located at the north-east end of the front boundary.

The surrounding land is residential in nature. Features of adjoining sites are as follows.

**North-west:** The properties to the north-west are single storey units of brick veneer construction and pitched tiled roofs.

**North-east:** The properties to the north-east comprise single and double storey units of brick veneer construction and pitched tiled roofs.

**South-west:** The land to the south-west is the railway line.

**South-east:** The property to the south-east comprises single storey dwelling of brick veneer construction and pitched tiled roof.

The site is not affected by any covenants or section 173 agreements on title.

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

#### **PROPOSAL:**

This application proposes the construction of a three storey apartment building comprising 26 dwellings and basement car park and waiver of visitor parking.

The key features of the proposal are as follows:

- Three storeys with an overall building height of 10.8 metres.
- 5 one bedroom and 21 two bedroom apartments.
- Common pedestrian entrance and lobby at the front of the building.
- 26 car spaces located within basement car park, comprising 16 conventional and 10 stacker spaces.
- No visitor car spaces.
- Private open space in the form of courtyards at ground level and balconies at first and second floors.
- Ramp access and vehicle crossing located at the north-east end of the front boundary.
- Removal of shrubs from the site.

Attachment 1 details plans forming part of the application.

#### **PERMIT TRIGGERS:**

The proposal requires a planning permit under the following clauses of the Monash Planning Scheme.

- Clause 32.08 General Residential Zone – to construct two or more dwellings on a lot.
- Clause 52.06 Car Parking – waiver of 5 visitor car spaces.

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

### Amendment C125 and VC110

Amendment C125 was adopted by Council on 28 February 2017. The amendment proposes to include the site within the Residential Growth Zone 3. The new zone would include specific changes to several requirements. These include a minimum front and rear setback requirement of 3 metres, provision for canopy tree planting and a maximum front fence height of 0.9 metres. Balconies with a minimum area of 10 square metres are required or 40 square metres private open space.

The proposal does not meet the new zone provisions in terms of:

- Provision for canopy tree planting considering the basement car park footprint which occupies most of the site.
- High front fencing is proposed within the front setback.
- Secluded private open space is located within the front setback.
- Provision of balconies and private open space.

Further to this, the Minister for Planning introduced revised residential zones to all planning schemes throughout Victoria on 30 March 2017 (Amendment VC110). Transitional arrangements provide that the new garden area requirement does not apply to planning permit applications lodged before 27 March 2017. In this case, VC110 is not applicable as the application and amendment plans used to assess this application were submitted prior to 25 March 2017.

### **CONSULTATION:**

Further information was requested of the Permit Applicant on 11 January 2017. In this letter, officers also raised preliminary concerns relating to waiving of visitor parking, building bulk and massing, landscaping opportunities, high front fencing and private open space. The Permit Applicant responded to this letter on 15 March 2017 by providing the requested information. Amended plans were submitted on 15 March 2017 in response to the preliminary concerns raised.

The Applicant was advised that this application was coming to the January 2018 Council meeting. The Applicant was verbally advised that officers do not support the proposal and that it is recommended for refusal.

### **Public Notice**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* with notices sent to the surrounding property owners/occupiers and a sign displayed on the Carinish Road frontage of the site.

No objections have been received.

### **Referrals**

#### Traffic Engineers

The application has been referred to Council's Traffic Engineers who do not support the waiver of five visitor car spaces. The inclined stacker system is not supported as it does not provide convenient driver and passenger access. One of the car spaces is only 2.45 metres wide and constrained by a wall, which does not allow for effective vehicle movements or the ability exit or enter the driver's side door.

### Drainage Engineers

The application was referred to Council's Drainage Engineers who have provided a set of suggested conditions if a permit were to issue. These are standard drainage conditions relating to stormwater management.

### External Referrals

No external referrals were required.

## **DISCUSSION:**

### **Consistency with State and Local Planning Policies**

Clause 11.06 Metropolitan Melbourne and Clause 16 Housing of the Monash Planning Scheme seeks to provide housing choice close to jobs and services, increase the supply of housing and provide for a range of housing types to meet increasingly diverse needs.

The proposal would make a positive contribution to the supply and diversity of housing in the municipality and does so within reasonable proximity to services and public transport.

The Garden City Character of the municipality is identified under Clause 21 of the Municipal Strategic Statement as a core value held by the community and Council. Garden City Character Policy objectives are significant and important considerations in all land use and development decisions.

Clause 21.04 (Residential Development Policy) seeks to balance residential development within the city by providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

Council's Residential Development and Character Policy (Clause 22.01) aims to ensure that new development is successfully integrated into existing residential environments with minimal streetscape or amenity impact and to achieve outcomes that enhance the Garden City Character of the area.

The building bulk and massing is substantial and not sympathetic to the low scale character of the area. Insufficient landscaping opportunities are provided, failing to maintain the garden city character of the area.

### **Assessment under Clause 55 (ResCode)**

The proposal achieves some of the measurable standards of ResCode as set by the State Government, however in many respects it ignores the local requirements contained in the Monash Planning Scheme. Overall the proposal performs poorly to the requirements and does not provide a high amenity outcome for future residents. The proposal will have a negative impact on the amenity of the immediately abutting residential properties.

### **Neighbourhood character and built form**

The area is currently characterised by low scale unit and dwelling development. Amendment C125 provides opportunity for an apartment style development which respects the existing character of the area.

The building bulk and massing of the proposal is substantial and not sympathetic to the low scale character of the area or the desired future character of local policy and the proposed zone.

The massing of the ground floor and first floor footprints are significant. Built form is continuous and presents as a single building mass. There is insufficient upper level recession from the floors below, presenting sheer walls on all sides. Walls are not sufficiently articulated, with extensive lengths of unbroken walls and uninterrupted building lines.

The front and rear setbacks of 3 metres are designed to the minimum standard. The side setbacks do not comply with the relevant standard. At the south corner of the building the first floor has side setback of 2 metres, where a minimum of 3.1 metres required. The second floor has a side setback of 3 metres, where 5.8 a minimum of metres required. At the north corner of the building the first floor has side setback of 2 metres, a minimum of 1.7 metres required. The second floor has a side setback of 3 metres, where a minimum of 3.7 metres required.

Adequate landscaping breaks are not provided along the side boundaries to break up the built form. The adjoining properties either side would be presented with 20 metres of continuous built form immediately adjacent to the common boundaries. This extent of built form is uncharacteristic of the existing and future character of the area and would have a significant impact on the amenity of the neighbours.

High front fencing and secluded private open spaces are located in the front setback, failing to maintain site integration with the street and is visually obtrusive to the street. A large meter box is located along the front boundary which would be visually obstructive to the street.

An adequate mix of external colours and materials are not incorporated to break up built form and create visual interest. There is an overreliance on window louvres and balcony screens, resulting in limited window fenestration and outlook.

#### **Vegetation and landscaping**

Clause 22.05 Tree Conservation Policy seeks to promote the retention of mature trees and encourage the planting of new canopy trees throughout Monash to maintain and enhance the garden city character. Clause 22.01 Residential Development and Character Policy seeks to build upon the important contribution that landscaping makes to the garden city character.

No trees are proposed to be removed. Street trees and trees on adjoining lots would not be impacted by the proposal. However, there is insufficient space for landscaping of the development to maintain the garden city character, including provision for canopy tree planting, considering the basement car park footprint occupies most of the site.

#### **General on site amenity and facilities**

The proposed dwellings provide poor internal amenity given insufficient provision of private open space and car parking as discussed below.



Private open space

The proposal does not make sufficient provision for balconies or private open space. The Residential Growth Zone 3 (under Amendment C125) states that apartment developments have the option of providing either balconies or private open space. Balconies should have a minimum area of 10 square metres and width of 2 metres. Private open space should have a minimum area of 40 square metres including 35 square metres secluded private open space with width of 5 metres. Convenient access from living rooms and reasonable solar access is also required. Of the 26 apartments, only 6 meet these requirements by way of adequate balconies. The table below summarises the provision of private open space and balconies.

Dwelling	Private open space m <sup>2</sup>	Secluded private open space m <sup>2</sup>	Notes
G1	23	23	Located in front setback. Minimum width of 5 metres not provided. Poor solar access
G2, G3, G4	37	21	Minimum width of 5 metres not provided
G5	69	52	Minimum width of 5 metres not provided
G6	47	47	Minimum width of 5 metres not provided
G7	16	16	Minimum width of 5 metres not provided. Poor solar access
G8	32	32	Minimum width of 5 metres not provided. Poor connectivity to living area. Poor solar access
G9	57	33	Located in front setback. Poor solar access
1.01, 1.02, 1.03, 1.04, 1.05	-	Balcony	Complies
1.06	-	Balcony	Balcony less than 10 square metres
1.07, 1.09	-	Balcony	Balcony less than 10 square metres. Poor solar access
1.08	-	Balcony	Poor solar access
2.01, 2.08	-	Balcony	Poor solar access
2.02, 2.04, 2.07	-	Balcony	Balcony less than 10 square metres
2.03	-	Balcony	Complies
2.05, 2.06	-	Balcony	Balcony width less than 2 metres

Car Parking, traffic and access

Car parking spaces would be provided as shown in the following table. The requirements of Clause 52.06 Car Parking are also outlined.

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
One or two bedroom dwelling	26	1 space per dwelling	26	26
Visitor Parking	26	1 space for every 5 dwellings	5	Nil
<b>Total</b>			31	26

The application has been referred to Council's Traffic Engineers who do not support the waiver of five visitor car spaces. The inclined stacker system is not supported as it does not provide convenient driver and passenger access. Users must traverse the ramp and climb in to and out of vehicles at an incline. Inclined stackers are typically used to retro-fit existing buildings where floor to ceiling heights are restricted. They are not considered an appropriate parking solution for new buildings and are symptomatic of an overdevelopment of the site.

One of the car spaces is only 2.45 metres wide and constrained by a wall which does not allow for effective vehicle movements or the ability exit or enter the driver's side door. With the exception of this car space, vehicles can exit the site in a forward direction.

#### Amenity Impacts

The degree of overshadowing to the secluded private open space of adjoining lots is reasonable as adequate sunlight will still be received through the day at the Equinox.

Overlooking to the secluded private open space and habitable room windows of adjoining lots is minimised through the use of external screens and louvres to first floor balconies and windows. The ground floor is not elevated above natural ground level to an extent that would result in overlooking.

#### **CONCLUSION:**

The proposal does not meet with the relevant policies and objectives of the Monash Planning Scheme, including the State and Local Planning Policy Framework and Clause 55. The proposal is not sympathetic to the character of the area in terms of building bulk and massing and site integration with the street. There is insufficient provision for landscaping and private open space. Car parking outcomes are not satisfactory. The proposal is an overdevelopment of the site.

#### **LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.