

**1.7 179 CARINISH ROAD, CLAYTON
CONSTRUCTION OF A THREE STOREY APARTMENT BUILDING COMPRISING
26 DWELLINGS AND BASEMENT CAR PARK
(TPA/47018)**

RECOMMENDATION

That Council:

- Authorises officers to negotiate an appropriate outcome for the redevelopment of the land at 179 Carinish Road, Clayton generally in accordance with the revised proposal tendered at VCAT and outlined in this report; and
- Notes with disappointment that the applicant only revised the development in response to Council's concerns once the matter was before VCAT.

BACKGROUND

Application TPA/47018 for the construction of a three storey apartment building comprising 26 apartments and waiver of visitor parking was received by Council in December 2017.

No objections were received to the application during the advertising period.

The application was considered and refused by Council at the 30 January 2018 meeting.

The grounds of refusal are summarised as follows:

- Building bulk and massing.
- Landscaping opportunities.
- Private open space.
- Car parking.
- Site integration with the street.

An appeal was lodged at the Victorian Civil and Administrative Tribunal. As no objections were received to the original proposal, the applicant and Council are the only parties to the proceedings.

As part of Amendment C125 (Part 1) the zoning of the land changed from General Residential Zone 2 to Residential Growth Zone 3 on 19 April 2018.

A compulsory conference was held on 30 April 2018 at which parties discussed potential design changes in light of the refusal.

Following the compulsory conference the applicant submitted *without prejudice* plans on 11 May 2018 reflecting the issues set out in the Refusal to Grant a Planning permit and other changes discussed at the compulsory conference.

ISSUES/DISCUSSION

Since the refusal of the application the applicant has made significant changes to the design of the proposed development. These design issues and changes were highlighted to the applicant in the initial assessment of the application, however the applicant declined to make any changes at that time.

The design changes are summarised as follows:

- No. of apartments – Reduction to the number of apartments from 26 to 20.
- Car parking – Change from 26 resident car spaces and no visitor spaces to 21 resident car spaces plus 4 visitor spaces. A waiver to the car parking requirements of the planning scheme is no longer sought.
- Basement – Reduction to the size of the basement footprint along north, south, east and west boundaries to improve opportunities for canopy tree planting.
- Ground floor and first floor
 - Increase to the front setback from 3 metres to 4 metres.
 - Increase to the building south boundary setback from 2 metres to 3 metres.
 - The stairwell south boundary setback increased from 3 metres to 5 metres.
- Second floor – The second floor footprint significantly reduced with increases to the north, south, east and west boundary setbacks and the creation of a heavily recessed, podium style level.
- Private open space – Increase to the size of the G06, G07 and G08 and private open space.
- Front fence – Reduction to front fence from 1.8 metres high solid fence to combination fencing ranging from 0.6 metres to 1.8 metres.

The proposal has addressed the grounds of refusal passed at the January 2018 Council meeting.

- Building bulk and massing is sympathetic to the character of the area. The building footprint has been reduced, boundary setbacks increased, wall articulation increased and the upper level heavily recessed to a podium style level.
- Sufficient landscaping opportunities are now provided along north, south, east and west boundaries, including opportunity for canopy tree planting.
- There is sufficient provision for private open space with the exception dwelling G02, G03 and G04 for which only 31 square metres secluded private open space is provided (or 25 square metres excluding areas with a width

less than 3 metres) A condition of permit is recommended to require a minimum of 35 square metres secluded private open space with a minimum width of 3 metres to these dwellings.

- The car parking requirements of the planning scheme are met and no waiver is sought.
- The reduction to the fence height has adequately improved site integration with the street.

Process of planning application

Whilst the revised design is considered generally acceptable and addresses the substantive concerns of officers that resulted in the refusal of the application in January. It is disappointing that the applicant, when advised of these concerns early in the process, declined to adjust the design and instead pursued the inferior proposal until the matter was presented to VCAT.

Had the revised design that the applicant has now submitted to VCAT been submitted in response to officers initial request for changes, the application is likely to have been recommended for approval and the need for a VCAT hearing avoided. This would have saved both the applicant and Council considerable effort and resources. It is appropriate that this disappointment be raised with both the applicant and the VCAT member.

CONCLUSION

As noted in the report the proposal has addressed the grounds of refusal identified in the January 2018 Council report.

The revised proposal is consistent with the future character of the area in terms of building bulk and massing and site integration with the street. There is now sufficient provision for landscaping and private open space. Car parking outcomes are satisfactory. It is recommended that Council authorise officers to negotiate an appropriate outcome for the redevelopment of the land at 179 Carinish Road, Clayton generally in accordance with the revised proposal tendered at VCAT and outlined in this report.