

**1.3 14 DONALD STREET, CLAYTON
CONSTRUCTION OF TWO (2) DOUBLE STOREY DWELLINGS
(TPA/49894)**

EXECUTIVE SUMMARY:

This application proposes the construction of two double storey dwellings.

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

Key issues to be considered relate to the policy objectives of the planning scheme and the design objectives of the zone specifically that the proposed two double storey dwellings are considered to be an underdevelopment within this area of the municipality.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and Clause 55.

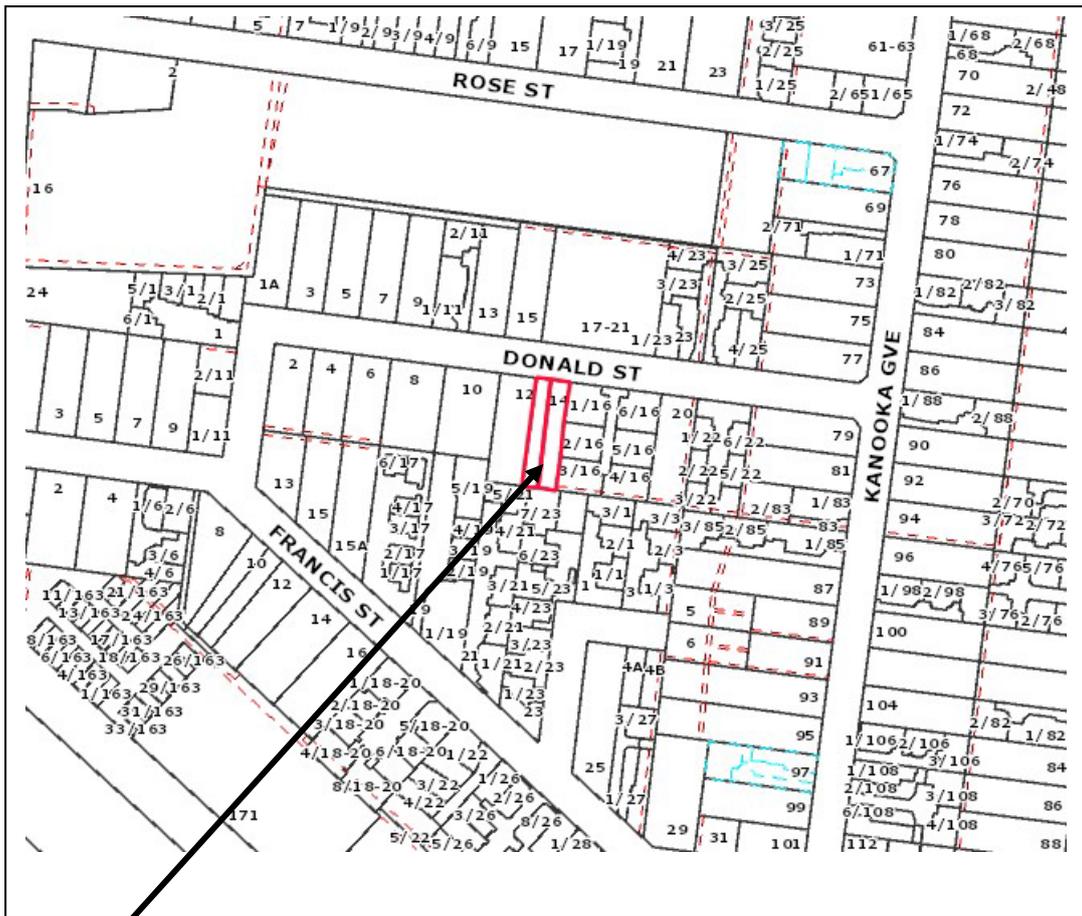
This application has been called in to Council by Cr Zographos.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Tiffany Dalgliesh
WARD:	Oakleigh
PROPERTY ADDRESS:	14 Donald Street, Clayton
EXISTING LAND USE:	Single Dwelling
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Nil
ZONING:	Residential Growth Zone Schedule 3
OVERLAY:	No overlays
Amendment C125 (Part 2)	Residential Growth Zone Schedule 3
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11 (Settlement)	<u>Local Planning Policy Framework</u> Clause 21 (Municipal Strategic Statement)

<p>Clause 11.01-1R (Settlement – Metropolitan Melbourne)</p> <p>Clause 11.03-1S (Activity Centres)</p> <p>Clause 15 (Built Environment and Heritage)</p> <p>Clause 15.01-2S (Building Design)</p> <p>Clause 16 (Housing)</p> <p>Clause 16.01 (Residential Development)</p> <p>Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne)</p> <p>Clause 16.01-2S (Location of residential development)</p> <p>Clause 16.01-3S (Housing Diversity)</p> <p>Clause 16.01-3R (Housing Diversity – Metropolitan Melbourne)</p> <p>Clause 16.01-4S (Housing Affordability)</p>	<p>Clause 21.04 (Residential Development)</p> <p>Clause 21.08 (Transport and Traffic)</p> <p>Clause 21.13 (Sustainability and Environment)</p> <p>Clause 22.01 (Residential Development and Character Policy)</p> <p>Clause 22.04 (Stormwater Management Policy)</p> <p>Clause 22.05 (Tree Conservation Policy)</p>
STATUTORY PROCESSING DATE:	7 May 2019
DEVELOPMENT COST:	\$470,000

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/49894)** for the construction of two (2) double storey dwellings at 14 Donald Street, Clayton subject to the following grounds:

1. The proposal does not adequately satisfy the design objectives of the Residential Growth Zone – Schedule 3 of the Monash Planning Scheme with regard to the style of development encouraged, having particular regard to the intention in this area to provide apartment style development.
2. The proposed development is contrary to the proposed policy of the Residential Growth Zone – Schedule 3 as part of Amendment C125 (Part 2) to the Monash Planning Scheme.
3. The proposed development is an underdevelopment.
4. The proposed development will have a detrimental impact on future development of the area.
5. The proposed development is considered a poor design outcome for the site.

BACKGROUND:**The Site and Surrounds**

The site is located on the southern side of Donald Street in the residential area of Clayton. It is a regular shaped allotment with a frontage of 13.72 metres, and a depth of 45.72 metres, yielding an overall site area of 627 square metres.

In terms of topography, the site is relatively flat with a fall of approximately 0.32 metres from the west to the east.

There are a few small trees that are located throughout the site and are of varying species. There is no easement that affect the site.

The site contains an existing single storey weatherboard dwelling. The site is located within the 'B' Character Area in the Monash Urban Character Study. Typically within this Precinct the dominant architectural framework is consistently setback post-War single storey weatherboard and brick houses of a common, functional architectural style.

The land to the north, south, east and west is zoned Residential Growth Zone Schedule 3. The surrounding area is characterised predominantly with the original post war single storey brick dwellings with pitched tile roofs. A number of

properties including to the immediate east and south have been developed to provide for multi-unit development. To the north of the site is the Saint Dominic Savio Centre which is a double storey child care centre and kindergarten with car parking at the front. To the west of the site are original post war single storey dwellings. Saint Peter's Primary School is located approximately 70 metres to the north.

The site is also well served by public transport and reserves within close proximity, and is located within proximity to the Clayton Activity Centre and within the study area for the Clayton Activity Centre Precinct Plan. The Activity Centre draws support for the establishment of medium to higher density housing from the Planning Policy Framework. As stated in Clause 11 of the Monash Planning Scheme 'Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure services. Clause 11.03-1S encourages a diversity of housing types at higher densities in and around activity centres and Clause 16.01-2S encourages higher density development in sites that are well located in relation to jobs, services and public transport.

Local policy also provides a similar level of encouragement for the establishment of additional and more diverse housing in and around the Clayton Activity Centre. State Government policy also encourages higher housing densities near transport hubs and activity centres. The retention of neighbourhood character in residential areas will be enhanced by the identification of preferred areas for medium to high rise residential development within the municipality. It is stated in Clause 21.04-3 that it is appropriate to direct high rise residential developments towards the activity centres as these centres are well serviced by public transport, commercial, recreational, community and educational uses. It is anticipated that the activity centre and its surrounds will continue to grow and change into the following years. Therefore, the Clayton Activity Centre is an appropriate location for the development of high rise residential development appropriate to the context where it sits.

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

STRATEGIC BACKGROUND:

Amendment C125 introduced the Residential Growth Zone to this neighbourhood as part of the Stage 1 implementation of the Monash Housing Strategy 2014.

The aim of this strategy is to be very directive about the location of housing growth within the municipality – identifying areas for future redevelopment opportunity, limited redevelopment opportunity, and incremental change.

One of the areas identified for future redevelopment opportunity is residential land within the Monash National Employment and Innovation Cluster.

Furthermore, future redevelopment opportunities were also present within and surrounding activity centres like Clayton.

The Residential Growth Zone - Schedule 3 was applied in Amendment C125 Part 1 to land that was within the Monash NEIC and was well-located either within short walking distance to Clayton Activity Centre or close to the Monash Medical Centre and/or Monash University.

The application of the Residential Growth Zone was a deliberate decision to direct higher density apartment style development into these well serviced locations. To further encourage apartment development it is significant to note that the objectives of the Residential Growth Zone do not include a reference to existing neighbourhood character. The specific local objectives set for the precinct include: *“To facilitate housing growth in the form of apartment developments of a high quality design and finish.”*

In addition to this zone and schedule, a Design and Development Overlay was also exhibited with Amendment C125 and adopted by Council, which was designed to allow greater height of apartment buildings on consolidated sites. However, the DDO was deleted by the Minister for Planning when he decided to split Amendment C125. No explanation was provided by the Minister for the removal of the DDO and it is noted that the DDO was similar to one which operates successfully for the Ringwood Activity Centre in the City of Maroondah.

The local policy that provides the future preferred character statements for the various housing areas was erroneously put in Part 2 of the amendment, which is currently awaiting approval by the Minister for Planning. The preferred future character statement in this policy reflects the Housing Strategy, and states:

“Development within the Cluster will respect the changing built form within the commercial areas. The scale of new residential development will generally comprise larger footprint apartment development of a high quality design and finish. Some infill development, town house and unit development, will also occur. Improved building density and quality will be encouraged, to maximise the comfort for future residents (and neighbours) as well as minimising running and maintenance costs.

Where possible on larger sites, developments will be multi-level, and set in open garden settings. Although setbacks from all boundaries will be less than is common in other parts of Monash, the developments will ensure the incorporation of landscaping to address the 'garden city character', albeit in a more urban form. Landscaping will be well maintained and amenity issues, including car parking, waste collection, and vehicle movement, will be well resolved within the developments proposed, to ensure additional dwellings do not create adverse impacts on the amenity of the area.”

While it acknowledges that some traditional infill development may occur, these should be limited to the outer parts of the zone (adjacent to GRZ6 and GRZ3 areas) and where land assembly is much harder to achieve due to strata subdivision.

The subject site is located less than 300m east of the Clayton Activity Centre and less than 300m south of the Monash Medical Centre, and is practically in the heart of the Monash NEIC. It therefore is in an area where substantial housing growth is envisaged.

Clayton Precinct Plan

Council is currently preparing Precinct Plans for Clayton and Huntingdale Activity Centres. This is similar to the development of an activity centre structure plan, except that both of these centres are considered to be precincts within a much wider cluster (i.e. the Monash NEIC).

A draft precinct plan is likely to be put out for consultation in the next few months (at the time of writing) and is likely to set a transformative direction for the centre and the surrounding residential areas. In some ways, an RGZ that allows apartment development of 4-5 storeys in height may look to be less ambitious than the precinct plan may offer in future.

It is therefore important to consider the strategic context of this site, containing a single dwelling, which is east of a row of other single dwellings along Donald Street. It is also important to consider that while infill development may be a possibility for some sites, such development should not lock out the potential to substantially transform this area and to provide a place that many more people can live.

Clause 65 of the planning scheme, clearly states that:

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.”

Based on the detailed zoning and policy framework that applies to the site, although the application can be made under the planning provisions, it does not produce an acceptable outcome that is consistent with or giving effect to the policy directions for apartment development in the activity centre.

History

No previous planning history.

PROPOSAL:

Approval is sought to construct two double storey dwellings on the land.

The proposal is summarised as follows:

- The design proposes a tandem configuration, one behind the other.

- Dwelling 1 proposes a front setback of 4 metres.
- Dwelling 2 proposes a rear setback of 6.9 metres.
- A common driveway to the western boundary provides access to both garages.
- A double garage to each dwelling located in between the two dwellings.
- Both garages will be built on the eastern boundary.
- Both dwellings contain an open plan living/family/kitchen area and one bedroom at ground floor and 3 bedrooms at first floor.
- A minimum of 75 square metres of open space is provided to each dwelling.
- Dwelling 1 will have a maximum building height of 7.99 metres and Dwelling 2 7.77 metres.
- The total site cover is 42.19% and permeability of 35.26%.
- 6 trees which are less than 10m in height are proposed to be removed.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The land is situated in the Residential Growth Zone (Schedule 3) under the provisions of the Monash Planning Scheme where a planning permit is required to construct two or more dwellings on a lot.

Overlays

The land is not covered by any overlays under the Monash Planning Scheme.

Particular Provisions

Clause 52.06: Car Parking

Prior to a new building being occupied the required car parking spaces must be provided on the land or as approved by the Responsible Authority.

Clause 55: Two or more dwellings on a lot and residential buildings (ResCode)

A development must meet all of the objectives of this clause and should meet all the standards.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 20 December 2018. In this letter, officers also raised the following preliminary concerns:

- The subject site is located within Residential Growth Zone. The proposal for construction of two (2) dwellings on the subject land is considered to be an under development of the land and inconsistent with State and Local objectives and purpose of the zoning set out at Clause 32.07 of Monash Planning Scheme.
- If you wish to maintain the proposal for two (2) dwellings, Dwelling 1 should have a front setback of 7.6 metres.
- It is considered that the first floor areas are excessive. The first floor should be further recessed and articulated in order to reduce the visual bulk to neighbouring properties.
- The ground floor west facing kitchen window for Dwelling 1 does not comply with Standard B15 of the Monash Planning Scheme.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

A meeting was held with the applicant to discuss the application and Council's concerns on 15 January 2019 and another meeting was held on 29 January 2019. During these meetings it was explained that the design objectives of the Residential Growth Zone Schedule 3 are to facilitate housing growth in the form of apartment developments of a high quality design and finish.

The Permit Applicant responded to the further information letter on 25 February 2019 by providing the requested information. In relation to the preliminary concerns, the Applicant amended the location of the kitchen window by setting it back 1 metre from the driveway to comply with Standard B15 of the Monash Planning Scheme. The applicant was not prepared to make any other changes to the proposal.

The Applicant has been advised that this application was coming to the May Council meeting, and a letter has been sent to the Applicant providing them of the details of the Council meeting. The Applicant has also been advised that this application is recommended for refusal.

Public Notice

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

No objections have been received.

Referrals

Drainage

Council's Drainage Engineer has no concerns and recommended standard conditions be included.

Traffic

Council's Traffic Engineer has no concerns and has recommended standard conditions be included.

DISCUSSION:**Consistency with State and Local Planning Policies and the Zoning**

It has been calculated that only 0.14% of the total land area in Monash Council is zoned Residential Growth Zone. Given the small percentage, higher density development should always be encouraged within this zone. The current application has not taken full advantage of the Residential Growth Zone provisions and as a result the proposed two dwellings are considered to be an underdevelopment within this zone.

By not taking full advantage of the Residential Growth Zone provisions in this instance, this will ultimately result in further pressure for higher density apartment style development being located on sites that are not located within proximity of the Activity Centre.

The purpose of the Residential Growth Zone is to provide for higher density development within the municipality. It is Council's preference for sites within this zone to be consolidated therefore taking full advantage of the design and policy objectives of the Zone. Consolidated blocks will enable developers to achieve a higher density.

The proposal does not adequately meet the relevant planning policies. One of the design objectives of the Residential Growth Zone is 'to facilitate housing growth in the form of apartment developments of a high quality design and finish'. The development, whilst contributing to the range of housing options available and contributing to urban consolidation, fails to achieve these policies as the site is envisaged for a higher density development. In particular the proposal is considered contrary to the existing and preferred neighbourhood character.

Although the proposal generally complies with the design standards of ResCode, it is deemed that two dwellings on the site is a poor design solution and will result in a detrimental impact on any future development within the area.

The proposal in its current form is contrary to the proposed policy requirements of the Residential Growth Zone – Schedule 3.

The Residential Growth Zone is applied to nominated areas of higher residential development within activity centres. Activity and neighbourhood centres provide attractive environments and a focus on community activities and social life within Monash. Activity and neighbourhood centres are considered to be important locations for residential development. This will ensure a range of housing types is available to satisfy the housing needs of the Monash population now and into the

future. Activity and neighbourhood centres are the preferred locations for residential growth.

It is acknowledged that this area is likely to undergo a period of regeneration, where a number of the existing dwellings have been and will continue to be replaced. However, it is considered that the development is not adequately site responsive or consistent with the desired future character outcome for the area, having particular regard to the intention in this area to provide apartment style development. The proposed development will therefore have a detrimental and underutilized impact on the future development of the area. As other apartment developments occur over time in these higher density preferred locations, the future amenity of these dwellings will significantly reduce.

The objectives of the Residential Growth Zone clearly encourage higher density residential development, and the design objectives of Schedule 3 to the zone are specific in their facilitation of *“housing growth in the form of apartment developments”*.

The site would be appropriate for an apartment style development but the proposal clearly fails to provide the type of housing envisaged for the area.

Assessment under Clause 55 (Rescode)

Neighbourhood character and Design Detail

The proposal does not meet the objectives of Council’s Neighbourhood Character Policy (Clause 22.01 - see above), and therefore Standard B1. The ‘town house’ style of development proposed is not consistent with ‘apartment development’ encouraged in the zoning objectives (as discussed above).

Street setback

The proposed minimum front building setback of 4.0 metres complies with Standard B6, although it is inconsistent with other front setbacks on adjoining properties.

Site coverage and permeability

The proposed site coverage of 42.19% meets the requirements of the Residential Growth Zone Schedule 3. The proposed permeability of 35.26% also meets the requirements of this zone.

Amenity

The degree of overshadowing to the secluded private open space of adjoining properties is reasonable as adequate sunlight will still be received through the day measured at the equinox. Solar access to habitable room windows on adjoining lots would not be unreasonably impacted.

Overlooking to the secluded private open space and habitable room windows of adjoining properties and within the site from first floor windows is minimised through the use of fixed obscure glazing to 1.7 metres above finished floor level

and highlight windows. The ground floor is not elevated above natural ground level to a height that would result in overlooking. Boundary fence heights are sufficient to limit overlooking from ground level.

Landscaping

Clause 22.05 Tree Conservation Policy seeks to promote the retention of mature trees and encourage the planting of new canopy trees 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 significant trees are proposed to be removed from the site. Sufficient space is available for landscaping to maintain the garden city character, including opportunity for canopy tree planting.

A garden area of 31.94% is provided in accordance with the requirement of the scheme.

Private Open Space

The proposal meets the requisite 40 square metres private open space to each dwelling. At least 35 square metres secluded private open space with a minimum width of 5 metres is provided to each dwelling. The secluded private open has reasonable solar access and convenient access from the dining/living areas.

Car Parking, traffic and access

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Three bedroom dwelling	2	(2 spaces/three bedroom	4	4

CONCLUSION:

The proposed development is considered unsatisfactory as a response to the relevant requirements of the Monash Planning Scheme including the State Planning Policy Framework, Local Planning Policy Framework including the Municipal Strategic Statement and Residential Development and Character Policy, along with the requirements of Clause 55.

The design response is inconsistent with the design objectives of the Residential Growth Zone Schedule 3.

It is recommended that Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, issue a refusal of the application.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.