

4 DEVELOPMENT OF TWENTY ONE (21) DWELLINGS, 360 PRINCES HIGHWAY OFFICER

FILE REFERENCE INT1726695

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Stephen Powell

RECOMMENDATION

That a Refusal to Grant Planning Permit T160600 be issued for Development of the land for 21 dwellings and associated works at 360 Princes Highway (proposed lot A PS738353A), Officer for reasons outlined in this report.

Attachments

- | | | |
|---|-------------------|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 5 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.: T160600

APPLICANT: Yeasmin Quiroga

LAND: 360 Princes Highway, Officer VIC 3809 (proposed lot A PS738353A)

PROPOSAL: Development of the land for twenty-one (21) dwellings and associated works

PLANNING CONTROLS: Urban Growth Zone Schedule 3
Development Contributions Plan Overlay Schedule 4

NOTIFICATION & OBJECTIONS: Pursuant to Clause 37.07-13 the application is exempt

KEY PLANNING CONSIDERATIONS: Officer Precinct Structure Plan & Compliance with Clause 55

RECOMMENDATION: Refusal

BACKGROUND:

The subject site has been subject to previous planning approvals including Planning permit T120482 issued on 11 May 2015 for the subdivision of land, titles for the subject site have not been issued. The endorsed plans for the subdivision permit have noted the site for medium density development. This development application was submitted on 16 September 2016 with further information requested and the applicant encouraged to redesign the proposal to address concerns with the proposed development. The applicant was provided with a number of opportunities to redesign the proposal with only minor alterations provided at the time of writing this report.

SUBJECT SITE

The subject site is known as proposed Lot A on Plan of Subdivision PS738353A created under planning permit T120482. The site is an irregular shaped allotment with an area of 3,529 square metres and is one of two lots within the subdivision earmarked for a future medium density proposal.

The site is currently vacant, with works commenced on the approved subdivision. The Officer Native Vegetation Precinct Plan does not show any protected native vegetation within the site or adjacent road reserve.

The site has a road frontage to Pioneer Way to the north boundary and a future arterial road along the eastern boundary, Ethan Road to the west and Heathcote Grove to the south. Pioneer Way is a connector street as identified in the Officer Development Contribution Plan (DCP). The future arterial road is also identified within the Officer DCP and the land will be vested with VicRoads.

PROPOSAL

The application is to develop the land with twenty-one (21) dwellings. The following is a summary of the proposed development:

- **Site Layout:** The overall layout incorporates dwellings designed to front Pioneer Way, and the future arterial road adjacent to the east boundary. It is proposed to have 11 attached dwellings extending along these frontages with nine attached dwellings located in a 'U' shaped arrangement in the south west corner portion of the site, including four dwellings fronting Ethan Road with remaining dwellings addressing the internal driveway and one additional dwelling fronting Heathcote Grove. The first floors are attached with some minor separation between two dwellings on Pioneer Way and the future arterial road.

The ground floor is generally setback 3 metres from the street frontages with dwelling 14 setback 1.7 metres from the Heathcote Grove frontage. The first floors include balcony areas setback between 1 and 2 metres from site frontages.

- **Vehicle Access & Parking:** The layout includes a common accessway with double crossover on Ethan Road and Heathcote Grove, a 5.5 metre wide accessway is proposed to service seventeen (17) dwellings. With four dwellings fronting Ethan Road to be provided with separate access, with two additional crossover proposed along this frontage.

The dwellings are provided with individual single garages and tandem space. The proposal has included the inclusion of 4 visitor car parking spaces.

- **Dwelling Design, Height and Form:** The development provides a mixture of three or four bedroom dwellings. The proposal includes double storey dwellings throughout the site. Interfaces to all roads contain balconies, with some living spaces at first floor level. Floor to Ceiling heights are typically 2.7 metres at the ground level and 2.4 metres to the upper level, with an overall maximum height of approx. between 6.4 and 6.9 metres above the natural ground level. The proposed dwellings are a contemporary design with flat roofs.
- **Colours and Materials:** Dwellings will be constructed using face render and timber cladding.
- **Private and Open Space:** The proposed dwellings are provided with private open space either to the rear of the dwellings or to upper balconies where fronting Pioneer Way, Ethan Road and Heathcote Grove and of the future arterial road.

PLANNING SCHEME PROVISIONS

The relevant clauses of the SPPF are:

- Clause 11 Settlement
 - Clause 11.02-2 Structure Planning
 - Clause 11.02-3 Planning for Growth Areas
 - Clause 11.02-4 Sequencing of development
- Clause 15.01-1 Urban Design
 - Clause 15.01-3 Neighborhood and Subdivision Design
 - Clause 15.01-4 Design for Safety
 - Clause 15.01-5 Cultural Identity and neighbourhood character
 - Clause 15.02-1 Energy and resource Efficiency
- Clause 16 Housing
 - Clause 16.01-1 Integrated Housing
 - Clause 16.01-3 Housing opportunity areas
 - Clause 16.01-4 Housing diversity
 - Clause 16.01-5 Housing Affordability
- Clause 19 Infrastructure
 - Clause 19.03-1 Development contribution plans
 - Clause 19.03-2 Water supply, sewerage and drainage
 - Clause 19.03-3 Stormwater
 - Clause 19.03-4 Telecommunications

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03 Settlement and Housing
 - Clause 21.03-1 Housing
 - Clause 21.03-2 Urban growth area
- Clause 21.05 Infrastructure
 - Clause 21.05-1 Infrastructure provision
 - Clause 21.05-3 Local roads
 - Clause 21.05-4 Public transport
 - Clause 21.05-5 Pedestrian and bicycle network
- Clause 21.06 Particular Uses and Development
 - Clause 21.06-1 Design and built form
 - Clause 21.06-2 Community Safety

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two dwellings on a lot
- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan (2011)
- Officer Development Contributions Plan (2011)

- Officer Native Vegetation Precinct Plan (2011)

Zone

The land is subject to the Urban Growth Zone Schedule 3

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay Schedule 4 (DCPO4)

PLANNING PERMIT TRIGGERS

The proposal for the development of the land for twenty-one (21) dwellings requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-4 of the General Residential Zone (GRZ) (applied zone under UGZ3) a permit is required to construct two or more dwellings on a lot. Pursuant to Part B of the UGZ where a structure plan applies (approved September 2008 and incorporated into the scheme), the provisions of Clauses 37.07-9 to 37.07-16 apply. Any permit issued must be generally in accordance with the precinct structure plan applying to the land.

PUBLIC NOTIFICATION

Pursuant to Clause 37.07-13 any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987.

DISCUSSION

State and Local Planning Policy Framework

The three issues that a design must satisfy in the planning policy include to urban consolidation, neighbourhood character and high quality design and built form. The assessment is to provide a balance of each of these issues resulting in a site responsive design that will integrate with the preferred neighbourhood character whilst providing high quality design for future residents.

The site is not unsuitable for medium density development although the clear objectives of housing design that is established within both the State and Local Planning Policy Framework does not provide 'preference' to these objectives. Urban consolidation should not be the sole driving force behind any development with a development required to integrate with the surrounds and provide for high quality design.

The proposed development provides key features that indicate the density or number of dwellings on the lot has been the focus rather than good site responsive design. In particular, the consistent built form along each street frontage, provides minimal separation distances and inappropriate front setbacks, excessive hard standing areas with the lack of landscaping opportunities through the minimal areas provided. This is combined with extensive areas of overhanging balconies, severely restricting the development to provide suitable integration with the surrounding preferred character. As such it is considered that the design is inconsistent with the State and Local Planning Policy Framework.

Urban Growth Zone Schedule 3 – Officer Precinct Structure Plan (September 2011) – Residential Area

As the Officer Precinct Structure Plan (PSP) 2011 applies, PART B of Clause 37.07 of the Urban Growth Zone (UGZ) is applicable. Clause 37.07-11 of the Urban Growth Zone (Building and works) states that the provisions of the applied zone within the Schedule. Schedule 3 to the UGZ identifies the applicable applied zone for the site as being General Residential Zone (GRZ - Clause 32.08).

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land; and
- Include any conditions or requirements specified in the schedule to the zone or precinct structure plan.

The subject site is located within the Residential Land area as shown on Section 2.1 of Schedule 3 of the UGZ. The Officer PSP Plan 8 Housing includes half of the site that is located within a Standard Density Residential area (average of 15 dwellings per hectare) and Medium Density Residential (average of 25 dwellings per hectare).

Section 4.2.3 Planning Design Guidelines Table 7 Medium Density notes guidelines that must be met include:

- *Additional sites for medium density and/or site that propose higher density will be considered provided that site are in strategic location and satisfy the objectives of 4.2 Housing*

The Officer Precinct Structure Plan (PSP) has sought to address a range of housing policy issues through the master planning and subsequent approval of subdivisions. The subdivision approval T120284 has provided an assessment of the overall subdivision of the land, accounts for the density requirement of the Officer PSP with a number of a smaller allotments proposed throughout the development and has provided two medium density sites with the subject site, noted as one of the two with the average lot size as:

‘Integrated medium density residential site estimated dwelling yield is 18 dwellings based on 25 dwellings per hectare’

The application proposes a density of 59.5 dwellings per hectare with an average lot size of 168 square metres, which is substantially above both the average density specified in the Officer PSP, the average lot size specified in Table 6 of the PSP and the yield shown in the approved overall subdivision of the site. Although the site has been noted for medium density development, the proposed design has not provided suitable urban design outcomes that would provide any justification for the increased density and yield proposed.

Section 4.2.1 of the Officer PSP specifies that objectives of housing to ‘provide residential neighbourhoods with attractive streetscape and high quality urban design and distinct urban character’. As detailed below, the proposal incorporates a number of design features that provide evidence that the proposal is an overdevelopment of the site and results in a design that will not result in a residential neighbourhood with attractive streetscape or high quality urban design as such is inconsistent with the objectives of Clause. Therefore, does not meet the planning design guidelines of Table 7 of the Officer PSP and is inconsistent with the purpose of the Urban Growth Zone.

Compliance with Clause 55 Two or More Dwellings on a Lot

Clause 32.08-4 states that a permit is required to construct two or more dwellings on a lot and a development must meet the requirements of Clause 55. The areas of non-compliance with Clause 55 objectives are highlighted as:

Clause 55.02 Neighbourhood character and infrastructure

- ***Standard B1 Neighbourhood Character:*** The following is summary of the developments failure to achieve the objectives of this standard:
 - The continuous double storey form, with limited breaks within the building result in continuous building form, this coupled with minimal setbacks from road frontages, presents a building form that is inconsistent with previously approved development in the area and the preferred neighbourhood character. The separation between the dwellings is minimal creating a 'clustered' form rather than the sense of spaciousness.
 - The proposed balcony areas of dwellings 1 - 11 extend into the front setback with a number of these balconies providing a setback less than 1 metre from the Pioneer Way and the Arterial road which is inconsistent with approved development within the immediate and wider site context. The inappropriate setbacks from road frontages providing a key feature that indicates an overdevelopment of the site.
 - The site layout has resulted in poor response to Heathcote Grove with the design resulting in the side of a number of dwellings presenting to the street frontage and the one dwelling orientated towards this frontage has been designed to provide a minimal setback from Heathcote Grove with overhanging first floor balcony. This results in an inappropriate presentation to this street frontage, another key feature that represents of an overdevelopment of the site.
 - The dwellings proposed on the corner of the subject site provide an inappropriate representation to the both street frontages. For example, dwelling 1 has been designed to provide a garage located on the west side of the dwelling resulting in the rear and side of the garage presented to the key corner location of the site. This clearly indicates an additional characteristic that shows the design in terms of its impact on the streetscape has not been fully considered and an overdevelopment of the site.
 - The proposed development provides for extensive hard standing areas and built form, that with limited areas for landscaping are constrained, which will limit the establishment of appropriate landscaping overtime due to the location of the overhanging balconies on the Pioneer Way and future aerial road.
- ***Standard B5 Integration with the street:*** As detailed above the proposed dwellings located along the site frontage continuous attached nature, with minimal front setback and lack of opportunity for landscaping, present an unresponsive design to the future streetscape character. The location of the garage of the dwelling on the corner of Pioneer Way and Eades Street clearly indicates the designs absence of respect to the future streetscape presentation of the development. Further the lack of consideration of the Heathcote Grove street frontage highlights the unresponsive design with this street fronting presented with the side of three dwellings with limited setbacks and articulation and the one dwelling that is fronting the street has minimal setback with overhanging balcony resulting in a poor streetscape presentation.

Clause 55.03 Site layout and building massing

- **Standard B6 Street Setback:** This standard requires a minimum setback of 4 metres for the street frontage and 3 metres for secondary frontages. The development provides a fairly consistent 3 metres on the Pioneer Way, Eades Street and future Arterial Road frontage with first floor providing 2 metre encroachment of the balconies into this setback. Further the dwelling fronting Heathcote Grove is setback 1.7 metres as such the standard or objective of this standard have not been achieved.
- **Standard B10 Energy Efficiency:** The proposed layout for the private open spaces of dwellings 12 – 21 provides courtyards with significant lack of sunlight with living spaces for dwellings 12, 13, 15, 16, 17 and 21 have no north facing windows and lack of consideration in terms of sunlight access to these ground floor spaces with a similar arrangement with upper floor bedrooms resulting in poor energy efficiencies.
- **Standard B11 Open Space & Standard B12 Safety:** The design proposes a rear accessway that results in creating a potentially unsafe space that provides multiples places for concealment and obstructed lines of sight due to the design providing service yards for the rear of dwellings 1 – 11. Although the design has provided for semi-transparent fencing in part to address this concern it is considered a more site responsive design could have ensured that this design element could be avoided.
- **Standard B13 Landscaping:** The design has provided limited setback treatments form site frontage with extensive hard surface areas which has limited opportunity for landscaping throughout the site. The proposal only includes one shade tree for the entire site, with the majority of planting low growing shrubs or ground covers with little height variation and is limited landscaping spaces. Further the ‘trees’ specified along the north of the site are all weeping cherries which will grow no larger than 2m tall and are deciduous so will not provide no screening between April and September. Additionally, there are a number of errors in the landscape plan including the mature sizes for plants are incorrect. Overall the lack of landscaping areas proposed combined overhanging balcony areas will severely restrict any landscaping on the site which is inconsistent with the objective of this standard. A reduction in the number of dwellings, would allow for greater and more opportunity for landscaping/open space areas to improve the visual outlook of the development.
- **Standard B15 Parking Location:** The proposed ‘visitor’ parking space are inconveniently located for future visitors and present concerns with regard to the distance between the car space, fence and accessway (See Clause 52.06 discussion below) which may result in vehicles overhanging the accessway and restricting access as such does not achieve the objective of this standard.

Clause 55.04 Amenity Impacts:

- **Standard B24 Noise Impacts:** The design has not provided any noise protection for future occupants along the future arterial road. With the dwellings providing a limited setback from the future road, with no detail of design treatments to minimise the future noise impacts of this road, providing an additional feature indicating an unresponsive design.

Clause 55.05 On Site Amenity and Facilities:

- **Standard B28 Private open space:** Although the development provides ‘minimum’ open space requirements for the majority of the dwellings with balcony areas proposed for dwellings 1 – 11 with some ground floor service yards. Dwellings 15, 16 and 19 do not provide the minimum

secluded opens space of 25 square metres and no detail with regard to the total area of ground floor open spaces for dwellings 12 – 21 have not been provided as such the overall development does not meet the requirements of this standard.

Clause 55.06 Detailed Design:

- *Standard B30 Storage:* No external storage area provided for dwelling 6 as such does not achieve this standard requirement.
- *Standard B31 Design Detail:* The objective of this standard to encourage design detail that respects the existing or preferred neighbourhood character, as noted above this has not been achieved by the proposed design as detailed above in the neighbourhood character section.
- *Standard B33 Common Property:* Location of the fencing along the common accessway and the proposed driveway arrangement to the north-east corner of the site presents some concerns with the functionality and efficient management of the site as such has not achieved the objective of this standard.

These features provide key indicators of an overdevelopment of the site and do not achieve the objectives of Clause 55. The proposal is unresponsive to the site and surrounds with the following features providing key indicators of an overdevelopment of the site are highlighted:

- The consistent attached form throughout the site with limited separation with the upper floor levels result in a façade treatment uniform and lacking in articulation.
- Inappropriate front setbacks and encroachment of the first floor balcony areas result in an unresponsive design and restricts the establishment of trees within the streetscape.
- The excessive hard standing areas throughout the site with lack of landscaping provided this coupled with inappropriate trees proposed.
- Dwellings located on the corner of streets are have not been designed to appropriately address both street frontages and results in a poor urban form.
- The design includes excessive building bulk and lack of articulation on the Heathcote Grove frontage this coupled with an inappropriate front setback highlights the overdevelopment of site.
- The provision of awkward ground level open space areas with a number of the spaces detrimentally impacted by overshadowing due to the intense nature of the design.
- The internal fencing provides a poor interface to the common property and obstructs passive surveillance from the habitable room windows facing the common property.

Although as noted above the proposed design is not site responsive, the reduction in the number of dwellings and alterations to the design to improve the response to the surrounding character and improve the internal amenity for future occupants it would be envisaged that a multi dwelling development could be accommodated on the site.

Clause 52.06 Car Parking

The proposed garages and tandem spaces for each of the individual dwellings comply with the requirements of Clause 52.06 although the design of the internal accessway and cluster of access points in the north-east corner of the site presents some on site traffic conflicts that may have been avoided with the reduction in the dwelling numbers.

The additional concerns with the proposal relates to the visitor parking spaces and the inconsistencies in the development plans. The plans dimension the spaces with 4.9 metres although additional text notes the length of 5.5 metres, this inconsistency does not give any confidence in the accuracy of the plans and if they have achieved the design standard. Additionally, the parking space adjacent to the electrical substation abuts a fence and only allows for a car parking space the length of 4.9 metres as such does not consider the potential vehicle overhang that may occur for this space. Further the location of the space adjacent to the substation presents safety concerns adjacent to the future substation as this is likely to be fenced and vehicles reversing from this space will have limited sight lines with this a potential vehicle conflict point.

As such the design does not achieve the purpose of this standard in that the design and location of car parking is not of a high standard and does not enable easy and efficient use of the parking areas.

CONCLUSION

The proposal is inconsistent with the State and Local Planning Policy Framework and is also an overdevelopment of the site therefore it is recommended that the application be refused.

It is recommended that a Refusal to Grant Planning Permit T160600 be issued for Development of the land for twenty-one (21) dwellings and associated works at 360 Princes Highway (proposed lot A PS738353A), Officer VIC 3809 on the following grounds:

1. The proposal is inconsistent with Clause 15.01-1 (Urban Design) and Clause 21.06-1 (Design and Built form) as the proposal does not promote good urban design that respects the preferred neighbourhood character and fails to achieve architectural and urban design outcomes that contribute positively to local urban character or enhance the public realm.
2. The proposal is inconsistent with the purpose of Clause 37.07 (Urban Growth Zone) as the proposed development does not achieve the objectives of Section 4.2 Housing of the Officer Precinct Structure Plan September 2009.
3. The proposal fails to satisfy the objectives and standards of;
 - a) Clause 55.02-1 (Neighbourhood character) as the design does not adequately address each street frontage and presents a continuous double storey built form with limited separation at upper level.
 - b) Clause 55.02-5 (Integration with the Street) as the proposal does not provide an appropriate presentation to the Heathcote Grove frontage and has a poor design response with garage located in key corner locations.
 - c) Clause 55.03-1 (Street Setback) as the proposed setbacks do not meet Standard B6 to Pioneer Way and Heathcote Grove and does not respect the preferred neighbourhood character resulting in a detrimental streetscape impact.
 - d) Clauses 55.03-5 (Energy efficiency) as dwellings 12 -21 are provided with poor energy efficiencies with limited sunlight access to the secluded private open space areas and the lack north facing windows.

- e) Clause 55.03-6 (Open space) & Clause 55.03-7 Standard B12 (Safety) as the design results in extensive fencing along the proposed accessway which restrict surveillance of this area and creates safety concerns.
- f) Clause 55.03-10 (Parking Location) as the proposed visitor parking spaces are not conveniently located for the majority of the dwellings and their design does not ensure that vehicles will not obstruct the adjacent accessway.
- g) Clause 55.04-8 (Noise Impacts) as the design has not provided any features that will protect future residents from the noise impact of the future arterial road.
- h) Clause 55.05-4 (Private Open space) Standard B28 as dwellings 15, 16 and 19 have not been provided with the minimum secluded open space areas and dwellings 12 and 16 do not meet the total minimum requirement of 40 square metres.
- i) Clause 55.06-1 (Storage) Standard B30 as dwelling 6 is not provided with any external storage are to meet the minimum requirements of this standard.
- j) Clause 55.06-2 (Design Detail) Standard B31 as the proposed development provides limited façade articulation and design that is inconsistent with the preferred neighbourhood character.
- k) Clause 55.06-4 (Common Property) Standard B33 as the common area will not achieve a functional area that can be efficiently managed as the design presents a number of conflict points at the north east corner of the accessway.

of the Cardinia Planning Scheme.

- 4. The site represents an overdevelopment of the site, in failing to respond appropriately to its opportunities and constraints resulting in unreasonable impact on the character of the area, streetscape and amenity for future occupants.
- 5. The proposal is inconsistent with the purpose of Clause 52.06 Car Parking as the visitor parking spaces have not been appropriately located or dimensioned to ensure that layout create a safe environment for the future occupants.

T160600 - Locality Plan - 360 Princes Highway (Lot











