

1 <u>CONSTRUCTION OF FOUR (4) DWELLINGS ON A LOT, 49 HOWEY</u> ROAD, PAKENHAM

FILE REFERENCE INT1867212

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180096 be issued for Construction of four (4) dwellings on a lot at 49 Howey Road, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

1T180096 - Locality Plan1 Page2T180096 - Development Plans4 Pages3T180096 - Copy of Objections, circulated to Councillors only12 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.: T180096

APPLICANT: Mr Indra Kurniawan

LAND: 49 Howey Road, Pakenham VIC 3810

PROPOSAL: Construction of four (4) dwellings on a lot

PLANNING CONTROLS: General Residential Zone

Development Contributions Plan Overlay Schedule 1, Special

Building Overlay

NOTIFICATION & OBJECTIONS: Notice of the application has been given by sending notices to the

owners and occupiers of adjoining land and placing two (2) signs on

site

11 objections have been received to date

KEY PLANNING CONSIDERATIONS: Neighbourhood character, amenity impacts, bulk and scale of

development

RECOMMENDATION: Approval

BACKGROUND:

There is no relevant planning history for the subject site.

SUBJECT SITE:



The site is located on the west side of Howey Road, opposite the intersection of Parman Avenue, Pakenham.

A crossover is located on the north-west side of the frontage of the site. There are no easements shown affecting the property

The site currently contains an existing single storey brick veneer dwelling with a front setback of approximately 9 metres. The front yard contains a manicured garden with a mix of exotic plant species and paved paths. The rear yard contain an outbuilding and a few small trees.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- Residential development predominately single dwellings on lots of approximately 800 m2
- Some infill development and multi unit development on lots down to as small as 200 m2.

The subject site has 5 property abuttals which consist of:

- To the east is number 47 Howey Road which contains a single storey attached dwelling which is built boundary to boundary and shares a party wall with No.2/47 Howey Road. The dwelling has a front setback of 11.2 m and a small area of secluded private open space to the rear.
- To the south is No.3 Hennessy Street, Pakenham. The site contains a double storey dwelling with a number of outbuildings and a swimming pool within the rear private open space.
- To the west there are three dwellings which share the side property boundary with the subject site. No's 10, 12 and 14 all contain a single storey brick veneer dwellings with rear setbacks from the shared boundary of 7.6, 12.2 and 11.5 metres respectively. Various outbuildings can be found in the rear private open spaces of these properties, however there is very little vegetation.

The subject site is located approximately 2 km from the Pakenham train station and the town centre and 5.5 km from the Cardinia Station. There are numerous primary and secondary schools within close proximity of the site.

PROPOSAL

The application proposes the construction of four (4) dwellings on the lot. The existing dwelling will be demolished to make way for the development. There are no controls over the existing dwelling such as heritage. The development can be described as follows.

Dwellings 1 and 2 will be constructed as 1 double storey building with a central party wall. Each dwelling will have a frontage and direct vehicular access off Howey Road. The accessway for Dwelling 1 will be shared with the access for Dwellings 3 and 4 which are located to the rear of the site. The floor plans of Dwelling 1 and 2 are essentially the same and are a mirrored layout consisting of the following:

Ground floor

- Front porch sheltering the entry and hall with a small study at the front
- Small bathroom with hidden laundry and linen storage under stair well.
- Large open plan kitchen and living/meals area with direct access to the rear secluded private open space.
- Attached single garage with tandem space in front.
- Front setback of 9 metres.

Upper floor

- Master bedroom with walk in robes and ensuite
- Two additional bedrooms and a second bathroom
- Front setback of 9.7 metres, northern side setback of a minimum of 1.8 metres and a southern side setback of a minimum of 4.7 metres.



Dwellings 3 and 4 will also be constructed as a single double storey building with a shared party wall. While the dwellings will be attached, dwelling 3 will have an orientation towards the internal accessway to the east and dwelling 4 will be orientated to look towards the site to the north. The dwellings can be described as follows:

Dwelling 3

Ground Floor

- Front porch leading to small study
- Bathroom, laundry and linen storage opening out onto modest open plan kitchen and living /meals area with direct access to the rear secluded private open space.
- Attached single garage with internal access to the dwelling and secluded private open space.

Upper floor

- Master bedroom with walk in robe and ensuite, additional bedroom and bathroom.
- Side setback of 3.5 metres from western boundary.

Dwelling 4

Ground floor

- Porch leading to entry and living room, open plan kitchen/meals area with direct access to secluded private open space.
- Attached double garage with internal access to secluded private open space and dwelling.

Upper floor

- Master bedroom with walk in robe and ensuite and two additional bedrooms and a bathroom.
- Rear setback of a minimum of 1.9 metres and a side setback from the eastern boundary of 1.8 metres.

General

- The subject site has an overall area of 810 m²
- The site coverage will be 321.7 m² (39.7%)
- The permeable are will be 260 m² (32.11%)
- The garden area will be 35%
- All dwellings will have an area of private open space over 40 m² and an area of Secluded Private open space of over 30%
- Seven car space will be provided onsite.
- The maximum building height will be less than 7.3 metres above natural ground level.
- Materials and finishes will consist of:
 - Brick work finish on the lower level
 - Render finish to the upper levels
 - Tiled roofs with a 22.5 degree pitch.

Obscured glazing will be utilised on particular windows to ovoid overlooking.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11 Settlement
- Clause 11.02 Urban Growth
- Clause 11.04 Metropolitan Melbourne
- Clause 15 Built Environment and heritage



- Clause 15.01 Urban Environment
- Clause 15.02 Sustainable Development
- Clause 16 Housing
- Clause 16.01 Residential Development
- Clause 16.02 Housing Form
- Clause 18.01 Transport
- Clause 18.01 Integrated transport
- Clause 18.02 Movement networks

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.05 Infrastructure

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Improved safety in that the proposal utilises clear accessways for vehicles and pedestrians. The
 development enables the two rear dwelling to enter and exit the site in a forwards direction. The
 dwellings also have good passive surveillance of the street.
- Reduce obesity in that the development is with walking distance of public open spaces, shopping centres and public transport.

Zone

The land is subject to the General Residential Zone

Overlays

The land is subject to the following overlays:

Development Contributions Plan Overlay – Schedule 1



Special Building Overlay

PLANNING PERMIT TRIGGERS

The proposal for the construction of four (4) dwellings on a lot requires a planning permit under the following clauses of the Cardinia Planning Scheme:

 Pursuant to Clause 32.08-6, Construction and extension of two or more dwelling on a lot, a planning permit is required to construct two or more dwellings on a lot.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site

Council has received 11 objections to date. Of the 11 objections received 9 were copies of a single objection signed by the parties.

The key issues that were raised in the objections are:

- Four double storey dwellings represents an over development
- The bulk and scale of the development is inconsistent with neighbourhood character
- The additional traffic generated and the proximity to the roundabout will create a traffic hazard
- No visitor parking has been provided
- The development will reduce property values in the area
- There will be amenity impacts such as overlooking, over shadowing and excessive noise generated
- The double storey element will block views of the surrounding area
- The increased population will impact on services such as telephone, drainage and electricity networks
- The development will lead to an increase in local pollution
- The development does not comply with certain objectives and standards of Clause 55.

An assessment of the issues raised in the objections has been include later in this report.

DISCUSSION

State and Local Planning Policy Framework

A number of state and local policies are relevant to this application, such as Clause 15.01 (Built environment), Clause 16.01 (Residential development) and Clause 21.06-1 (Design and built form), which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and liveable neighbourhoods.

At a local level, Clause 21.03-1 (Housing) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.

Clauses 16.01-1 (Integrated housing) and 16.01-2 (Location of Residential Development) are also relevant to this application. These clauses aim to prevent inappropriate development and provide housing diversity close to jobs and services. More specifically, these clauses include strategies that seek to facilitate increased housing in the established areas and in areas with appropriate infrastructure and access to jobs and public transport and deliver a diverse mix or housing types.



Clauses 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The proposed development responds to these clauses as it will support the increase of housing within an established area of Pakenham within close proximity to commercial centres, main roads and public transport. The proposal also contributes towards a diversity of housing types and sizes, with the proposed including a mixture of two and three bedrooms dwellings. The proposal respect the character of the existing area, with the use of features and materials that are consistent with what is found in the wider area, such as brick cladding, concrete tiled hip roofing, eaves and open areas for landscaping.

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of the proposed dwellings and associated private open spaces, and including appropriate areas for landscaping and permeability.

As such the proposed development achieves the objectives of the State and Local Planning Policy Framework.

General Residential Zone - Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

While the use of the land for dwellings does not require a planning permit under the zone, a permit is required to construct two or more dwellings on a lot under clause 32.08-6.

The proposal reinforces the residential nature of the area and supports housing growth in an area that is well served by infrastructure and located close to the commercial centre of Pakenham.

Clause 32.08-4 requires a minimum percentage of a lot to be aside as garden area when constructing or extending a dwelling or residential building on a lot. For a lot exceeding 650 square metres (such as the subject site), 35 per cent of the land must be set aside as garden area. The proposal meets this requirement, with 35 per cent of garden area.

A summary of the assessment against the requirements of Clause 55 is shown below, with the proposal meeting all relevant objectives.

Accordingly, the development is considered responsive to the existing character of the area, while achieving the zone's objective for housing diversity and growth in appropriate locations.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing neighbourhood character of the area. The proposal reinforces the residential character of the area, and uses appropriate design, materials and siting to complement the area. The development is well integrated with the streetscape and of an appropriate scale given its associated services and infrastructure. While the development is for 4 double storey dwellings, they have been designed to read as two separate buildings. The sharing of party walls has enabled the development to reduce the ground floor foot print and allow for more separation at ground and upper floor level. This has reduced the extent of the bulk when viewed from the adjoining lots and provided separation in the built form. The upper levels are also well articulated on all elevations.



The development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The proposed site layout and building massing is consistent with relevant standards and integrates well with the surrounds.

The two dwellings at the front of the site have been provided with front setbacks of 9 metres which meets the standard and allows room for landscaped gardens capable of accommodating a canopy trees which will soften the two storey built form. Garages have been slightly recessed and are only single width, as such they will not dominate the front facades and the dwellings will have an appropriate sense of address.

While the dwellings are double storey, the maximum building heights are not unreasonable within a residential setting. The surrounding area predominately consists of single storey dwelling however there is an emerging trend toward double storey dwellings which aim to reduce the ground floor footprints to accommodate the garden areas required by the zone. The adjoining property to the rear of the subject site contains a double storey dwelling. The upper level of the proposed dwellings have been given appropriate setbacks from boundaries so as to not impact on the amenity of the residents.

Site coverage and permeable surface areas are well within the required standards and are consistent with surrounding properties, even those which only contain a single dwelling. The development has provided adequate permeable areas and with appropriate conditions to be applied with regard to stormwater runoff, Council Drainage Engineers have no objection to the proposal.

Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards subject to the alterations noted above.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries, side and rear setbacks, daylight to existing windows, overshadowing and overlooking. While the double storey development does cast some shadows into the rear yards of the adjoining properties, the shadows fall within the levels allowed by the standard. On the upper level of all the dwellings, windows which provide the opportunity for overlooking have been treated with obscured glazing to a height of 1.7 m above floor level and the ground floor, standard 1.8 m high fences will be sufficient to protect the privacy of the adjoining properties.

Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

Clause 55.05 On-Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling with the provision of porches and landscaping which does not obscure any views from the public realm or internal accessway. Adequate open space areas have been provided in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

Clause 55.06 Detailed Design:

The development is consistent with the neighbourhood character of the area. While the dwellings are double storey which is less common in the area than single storey, the development has incorporated substantial front setbacks to allow landscaping, materials and finishes which are reflective of those used in the area and roof forms and pitched consistent with the surrounding area. Garages are single width and do not dominate the streetscape being recessed behind the main building line. As the built form of the four dwellings has been designed as two separate buildings there is good separation at the ground floor level as well as the upper levels to provide some separation.



The proposed access way is functional and capable of efficient management. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Development Contributions Plan Overlay - Schedule 1

The Development Contributions Plan Overlay identifies areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Pursuant to Clause 45.06-1, a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan; and
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

A condition requiring the payment of this contribution will be placed on any planning permit.

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 3 three-bedroom dwellings and 1 two bedroom dwelling, and pursuant to Clause 52.06-5, dwellings with three bedrooms are required to provide a minimum of two car parking space and two bedroom dwellings with 1 space.

The development includes double garages or single garages and tandem spaces for each three bedroom dwelling and a single garage for two bedrooms with a total of 7 spaces provided, consistent with these requirements. The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths, turning areas and car park space sizes.

Clause 65 Decision Guidelines

The proposal is consistent with the SPPF and LPPF, the purpose of the zone and is consistent with the orderly planning of the area and not expected to have any unreasonable impact on the amenity of the surrounding area subject to the amendments to the currently proposal detailed above.

Objectors Concerns

11 objections were received to this proposal. Of those 8 were the same document signed by the concerned residents and three additional separate objections were submitted. Many of the issues that have been raised that relate to matters of compliance with objectives and standards of the planning scheme, in particular Clause 55, two or more dwellings on a lot, have been assessed above. Those areas not covered above are assessed below:

Four double storey dwellings represents an over development

While the development is double storey, it is considered that double storey in a predominately single storey area, does not equate to an over development. Double storey dwellings are common in all residential areas across the shire, with a double storey dwelling present on the adjoining property to the rear of the subject site. The overall height meets the relevant standard and appropriate side and rear setbacks have been provided to ensure compliance with the standards and to reduce the bulk and scale of the development. The upper levels are well articulated to add visual interest and the private open spaces are sufficient in size to allow the provision of canopy trees capable of softening the built form.



The bulk and scale of the development is inconsistent with neighbourhood character

While there are no multi unit development within the immediate vicinity, there are certainly many within a very short distance. The scale of this proposal is very consistent with the immerging character of the area and proposals such as this will become more common in the area.

• The additional traffic generated and the proximity to the roundabout will create a traffic hazard and no visitor parking has been provided.

The development has been referred to Councils traffic engineers who did not object to the proposal. It is considered that the addition of the traffic generated from this scale of development will not impact on the local traffic conditions. The proposed crossover is located furthest away from the roundabout and two of the dwellings utilising this accessway will be able to manoeuvre and exit the site in a forwards direction.

The development has provided the required number of car spaces as set out within the planning scheme. No visitor's spaces are required to be provided for less than 5 dwellings.

The development will reduce property values in the area

There is no way to determine that this is the case and an argument could just as easily be made that the development potential of similar lots would increase the property values in the area. Regardless this point is regularly dismissed at VCAT as not being able to be quantified nor being a consideration under the planning scheme.

The double storey element will block views of the surrounding area

While the double storey element will be obvious from the adjoining lots, the planning scheme does not protect views unless there is a significant landscape overlay or similar. The development is not excessively high and double storey dwellings are not unreasonable in a residential zone. In addition, the applicant made significant changes to the proposal from what was originally submitted. By presenting the development as two buildings, significant separation at the upper level has been provided. Landscaping within the secluded private open spaces will be able to soften the built form from the surrounding area.

 The increased population will impact on services such as telephone, drainage and electricity networks

It is not anticipated that the development will impact in any way on the provision of any of these services. The application was referred to Councils engineers who did not object. Conditions relating to drainage and stormwater will be applied to the permit which will ensure that these matters are appropriately dealt with.

The development will lead to an increase in local pollution

While this statement may be true it would be at an extent that would not be possible to recognise or would be not be unreasonable in a city which is experiencing such high levels of population increases.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the relevant State and Local Planning Provisions, the purpose of the general Residential Zone and the objectives and standards of Clause 55 of the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T180096 be issued for the construction of four (4) dwellings on a lot at 49 Howey Road, Pakenham subject to the following conditions:

CONDITIONS

1. Before the use or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the



plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:

a. The tandem car parking spaces within the frontage of dwellings 1 and 2 are to be shown with a different coloured finish to the remainder of the accessway.

Landscape Plan:

- b. A landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and show the following features:
 - i. A survey (including botanical names) of all vegetation to be retained and or removed (including street trees).
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surfaces finishes of pathways and driveways.
 - iv. A planting schedule of all proposed trees, shrubs, and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plan.
 - v. Landscaping and planting within all open spaces of the subject land.
 - vi. The provision of a minimum of one canopy tree, with a minimum mature height of 10 metres, within the front setback of dwellings 1 and 2 and the rear yards of all dwellings capable of softening the built form of the dwellings, from the streetscape and adjoining lots.

All species selected must be to the satisfaction of the Responsible Authority

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
- 5. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
- 6. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
- 7. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to



Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

- 8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 9. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
- 10. Before the development is occupied a residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- 11. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
- 12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
- 13. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Expiry:

This permit for development will expire if:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.









