

**1.4 22 BURTON AVENUE, CLAYTON
AMENDMENT TO PERMIT TO ALLOW THE CONSTRUCTION OF A FOUR STOREY
APARTMENT BUILDING WITH BASEMENT PARKING AND WITHIN A SPECIAL
BUILDING OVERLAY AREA
(TPA/44769/A)**

EXECUTIVE SUMMARY:

Planning Permit TPA/44769 was issued on 3 May 2016 for a three storey apartment building with basement parking within a Special Building Overlay area.

This current application proposes to amend planning permit TPA/44769 to construct an additional storey to the approved three storey apartment building, with alterations to apartment and basement layouts, a further reduction in the front setback at both the ground floor and upper levels, and a revised façade design.

The application for amendment was subject to public notification. Two (2) objections to the proposal have been received.

The key issue to be considered is the appropriateness of the plan amendments in light of the significant planning changes that have occurred in the 6 years since the permit was originally granted in 2016.

These changes include the:

- rezoning of the land from General Residential 2 to Residential Growth Zone 3,
- introduction of the Principal Public Transport Network (PPTN) and reduction in car parking requirements,
- adoption of the Clayton Activity Centre Precinct Plan; and
- designation of Clayton as a “super hub” as part of the Suburban Rail Loop.

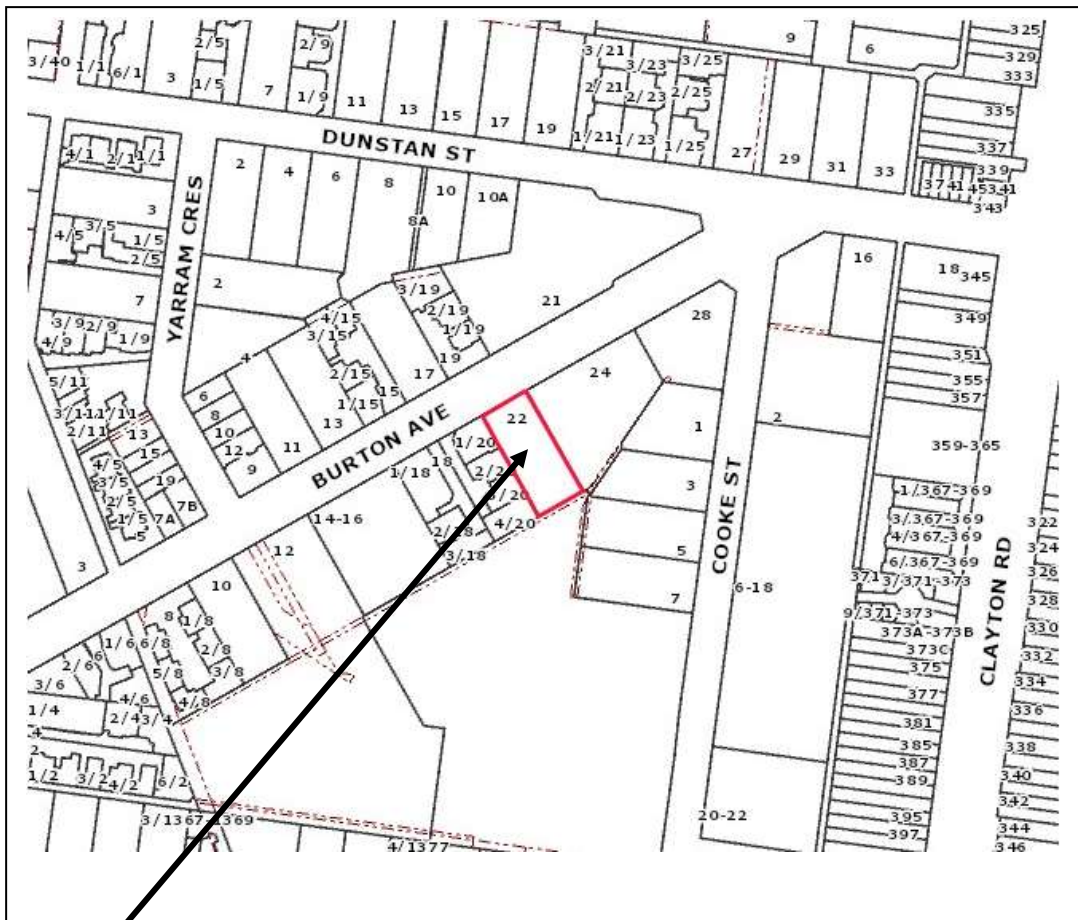
This report assesses the proposal against the current provisions of the Monash Planning Scheme, including the relevant state, regional and local planning policy framework, Clause 55 and relevant issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$6 Million.

The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issue a Notice of Decision to Grant an Amended Planning Permit subject to conditions.

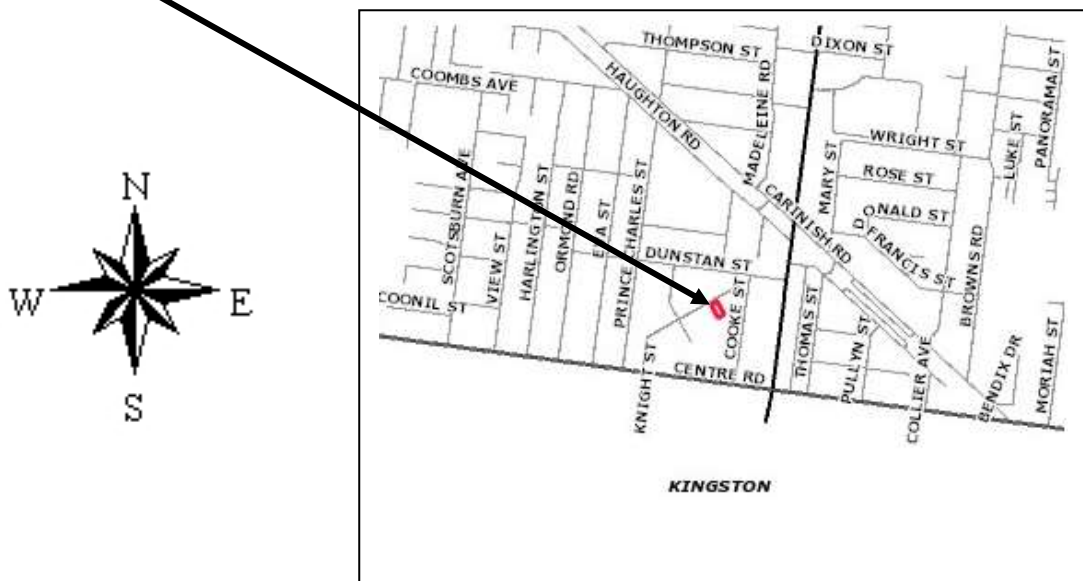
| | |
|---|---|
| RESPONSIBLE DIRECTOR: | Peter Panagakos |
| RESPONSIBLE MANAGER: | Catherine Sherwin |
| RESPONSIBLE PLANNER: | Celia Davey |
| WARD: | Oakleigh |
| PROPERTY ADDRESS: | 22 Burton Avenue, Clayton |
| EXISTING LAND USE: | Residential |
| PRE-APPLICATION MEETING: | Yes |
| NUMBER OF OBJECTIONS: | Two (2) |
| ZONING: | Residential Growth Zone 3 |
| OVERLAY: | Special Building Overlay |
| RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 15 - Built Environment and Heritage Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16.01-1S &R- Housing supply Clause 16.01-2S- Housing Affordability Clause 18.02-3R – Principal Public Transport Network Clause 19.03-3S- Integrated Water Management | <u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.06 – Major Activity and Neighbourhood Centres Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.34- Bicycle Facilities Clause 55- Two or more dwellings on a lot and residential buildings Clause 65 – Decision Guidelines |
| STATUTORY PROCESSING DATE: | 13 January 2022 |
| DEVELOPMENT COST: | \$6 Million |

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Amend Planning Permit (TPA/44769/A)** for a ~~three~~ four storey apartment building with basement parking within a Special Building Overlay area, at 22 Burton Avenue, Clayton subject to the following conditions (changes underlined or ~~deleted~~):

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) The fence in front of Apartment ~~GO1~~ to have a maximum height of 1.8 metres and to be setback from the front property boundary a minimum of 5.0 metres relocated in line with the front façade of the building
- b) An additional 600mm deep planting area in front of ~~the front fence of~~ Apartment G01.
- ~~c) Increased setbacks to dwellings at Levels 1 and 2 (excluding the lift core and stairwell) to ensure that the overshadowing impact of the development on the secluded private open space of the adjoining properties is no greater than that cast by the existing south western property boundary fence from 10am onwards on 22nd September.~~
- ~~ec)~~ The car park entry ramp modified to reflect the flood proof apex requirements contained in Melbourne Water's conditions.
- ~~e)d)~~ Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending to at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- ~~f)e)~~ Balconies for Apartments 101, 104 and 108 to have a minimum width of 1.6 metres for at least a total of 8 square metres.
- ~~g)f)~~ Reduction of the utility services structure to no more than 5 metres in length and 1.245 metres in height. Design detail of the services "cupboard" on the Burton Street frontage must also be provided, including dimensions and colours, showing

that the services are incorporated into the overall design of the development to minimise the visual impact.

g) Deletion of all paving within the front setback, except for the driveway and pedestrian entry path with a commensurate increase soft landscaping.

h) Redesign of the bicycle parking area, or relocation to the basement, to increase soft landscaping.

i) Installation of a minimum of two electric vehicle charging ports.

~~h)~~ Any changes as a result of the requirements of conditions a) to ~~g)~~ i) above, 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. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.
4. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
 - an additional deep planting area in front of ~~the front fence of~~ Apartment G01
 - the location of all existing trees and other vegetation to be retained on site
 - provision of canopy trees with spreading crowns at the front of the site with at least one of the canopy trees with a minimum mature height of 10 metres
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - the location and details of all fencing
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - details of all proposed hard surface materials including pathways, patio or decked areas

- When approved the plan will be endorsed and will then form part of the permit.
5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
 7. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
 - a) trench grates (150 minimum internal width) located within the property; and/or
 - b) shaping the driveway so that water is collected in a grated pit on the property: and/or
 - c) another Council approved equivalent
 8. The nominated point of stormwater connection for the site is to the north-west of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Melbourne Water Drain in the naturestrip to Melbourne Water and Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately
 9. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Please refer to the Notes section of this permit for additional details. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.
 10. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518 3555)
 11. Any redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
 12. The proposed crossing is within 1.5 metres of an adjoining crossing and shall be converted to form a double crossing.
 13. All new crossings must be a minimum of 3.0 metres in width.

14. The proposed vehicle crossing will affect the on street line marked parking bays. The existing line marking in front of the site is to be removed and new marking installed 1m north-east from the north-east splay on the new vehicle crossing. All works are to be done to the satisfaction of Council's Engineering Department at the full cost to the developer.
15. The development is to provide car parking for residents ~~and visitors~~ in accordance with the provisions of Clause 52.06-5 of the Monash Planning Scheme.
- ~~16. On-site visitor parking spaces are required to be clearly marked.~~
- ~~17. Car spaces 21 and 22 are to be allocated to visitor parking.~~
- ~~18.~~ 16 The layout of the development shall follow the design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
- Driveway to be at least 3 metres wide.
 - Driveway to have an internal radius of at least 4 metres at changes of direction or intersection.
 - Driveway to provide at least 2.1 metres headroom beneath overhead obstructions.
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles or to the satisfaction of the Responsible Authority.
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - (i) Maximum grade 1 in 4,
 - (i) Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
- ~~19.~~ 17 Plans for the car stacker detail design and associated features (including plan and model numbers) are required to the satisfaction of the Responsible Authority.
- ~~20.~~ 18 Car stacker modules are required to cater for the following:
- a) Independent operation for each parking space.

- b) A minimum ground level overhead clearance of 1.8 metres to the satisfaction of the Responsible Authority.
- c) A car/van up to 175 cm height on the upper level.
- d) A clear/usable platform width of at least 230cm.
- ~~e) Minimum pit length of 520cm.~~
- f) Loading weight per platform of at least 2000kg.
- g) A minimum aisle width adjacent to the stacker system of 6.4 metres.

~~21.~~
19 The stacker system is to provide a “hold-to-run” switch to ensure that the system immediately stops when released. It should also provide an acoustic warning signal which sounds while the system is in operation.

~~22.~~
20 The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

~~23.~~
21 Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

~~24.~~
22 Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:

- a) The method of collection of garbage and recyclables for uses;
- b) Designation of methods of collection including the need to provide for private services or utilisation of council services;
- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- e) Litter management.

A copy of this plan must be submitted to Council and approved by Council.

~~25.~~
23 As the development has an enclosed bin storage arrangement, the following measures are required:

- a) Appropriate ventilation.
- b) Bin washing facility.
- c) Suitable capacity to store all bins.

~~26.~~
24 No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

~~27.~~
25 No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

~~28.~~
26 Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

~~29.~~
27 Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;
- a) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- b) the location of where building materials are to be kept during construction;
- c) site security;
- d) maintenance of safe movements of vehicles to and from the site during the construction phase;
- e) on-site parking of vehicles associated with construction of the development;
- f) wash down areas for trucks and vehicles associated with construction activities;
- g) cleaning and maintaining surrounding road surfaces;
- h) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

~~30.~~
28 The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:

- Monday to Friday (inclusive) – 7:00am to 6pm;
- Saturday – 9am to 1pm;

- Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);

unless otherwise approved in writing by the Responsible Authority.

~~31.~~
~~29~~ Tree protection measures, including tree protection fencing and management, are to be implemented in accordance with the Aboricultural Assessment report recommendations prepared by Tree Logic dated 30 October 2015.

~~32.~~
~~30~~ No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

~~33.~~
~~31~~ Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

Conditions ~~34-43~~ ~~32 – 41~~ required by Melbourne Water (Ref: ~~261300 MWA-1242965~~)

~~34.~~
~~32~~ Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

~~35.~~
~~33~~ Finished floor levels of the ground floor must be constructed no lower than 54.81 metres to Australian Height Datum (AHD).

~~36.~~
~~34~~ Finished floor levels to the services area must be constructed no lower than 54.66 metres to AHD.

~~37.~~
~~35~~ The entry/exit driveway of the basement carpark must incorporate a flood proof apex constructed no lower than 54.81 metres to AHD.

~~38.~~
~~36~~ The buildings including the basement and footings, eaves, etc must be set outside any drainage easement or a minimum ~~1.5~~ 2.0 metres laterally clear of the outside edge of the main drain, whichever is greater.

~~39.~~
~~37~~ The services area located on the front boundary must be setback a minimum of ~~1.5~~ 2.0 metres from the Melbourne Water drain or relocated.

~~40.~~
38 Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building, services area and driveway ramp to the basement.

~~41.~~
39 Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services team.

~~42.~~
40 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

~~43.~~
41 Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

~~44.~~
42 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

~~45.~~
43 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:

- The development is not started ~~before 3 May 2020~~ before two (2) years from the date of issue.
- The development is not completed ~~before 3 May 2022~~ before four (4) years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES-

1. The applicable flood level is 54.51 metres to Australian Height Datum (AHD). ~~If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 261300.~~
2. Three printed copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient

- information to determine that the drainage works will meet all drainage conditions of the permit.
3. An on site detention system for storm events up to the 1% AEP event is to be retained on site for the basement carpark. The retention system for the basement is to be separate from the detention system for the property, which is to be at ground level and discharge by gravity.
 4. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
 5. Tree planting should be kept clear of the drainage easement.
 6. The proposed crossings are to be constructed in accordance with City of Monash standards.
 7. The developer is to notify Council to request the existing parking restriction in front of the site to be changed (if required). Any change to parking restrictions will be done by Council at the cost to the developer.
 8. All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.
 9. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.
 10. In the event that any parking restrictions are introduced in the surrounding area, occupants of this development will not be granted parking permits.

BACKGROUND:**History**

Planning permit TPA/44769 was issued on 3 May 2016 for a three storey apartment building with basement parking within a Special Building Overlay area.

An appeal against the conditions of the permit was lodged by the applicant, however, following submission of amended plans a consent arrangement was agreed upon and a permit was issued at the direction of VCAT on 17 August 2016.

Two permit conditions, relating to overshadowing and visitor car parking (conditions 1c and 15), were amended.

The permit has also been extended on 2 occasions, with the development currently required to commence by 3 May this year.

The applicant has been advised that the permit is due to expire and if works are not commenced prior to this date, they will need to lodge a separate application for an extension of time to the permit. The consideration and potential granting of the request amendment or otherwise does not predetermine what Council may determine should an application to extend the permit for a third time be received.

A copy of the current endorsed development plans are provided within Attachment 3.

The Site and Surrounds

The subject site is located on the south-east side of Burton Avenue, approximately 100 metres south-west of the intersection with Cooke Street. The site is rectangular in shape, with a frontage of 21.33 metres, a depth of 48.77 metres and an overall site area of 1040.26 square metres. The site is relatively flat.

The site has been cleared, except for some insignificant vegetation.

Abutting the site to the north-east is a contemporary three storey apartment building. This site contains a number of trees in close proximity to the boundary. The site to the south-west is developed with four single-storey units with a common driveway on the far side of the site. The garages and secluded private open space of these dwellings abut the common boundary.

To the rear (south-east) is a car park which services the Clayton Community Centre and broader Clayton commercial area.

Opposite and to the west of the site are single and double-storey residential dwellings, with the Clayton Church of Christ Fellowship to the north-east.

The land at 19 Burton Avenue is the subject of an application for the construction of eight townhouses (TPA/52274). The four-storey townhouses are proposed to

be setback from the Burton Avenue frontage 4 metres at ground and first floor levels, 4.8 metres at the second level and 6 metres on level three. The maximum building height proposed is 12.3 metres. Planning Officers are currently assessing this application.

Council issued planning permit TPA/51731 for the construction of a four-storey residential building for the use of student accommodation at 13 Burton Avenue. The building, which will contain a total of 49 units, will be setback from Burton Avenue a minimum of 4.5 metres at ground level, graduating back to 16.2 metres on level 3. It will have a maximum height of 12.7 metres.

The site is located within the Monash National Employment and Innovation Cluster (MNEIC). It is also identified as being within the Principal Public Transport Network (PPTN).

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 4).

PROPOSAL:

The application proposes amendments to the building design, endorsed plans and the permit preamble to allow the construction of a four storey apartment building with basement parking within a Special Building Overlay area. The amendments proposed to the plans comprise:

- The addition of a recessed fourth storey, comprising the upper level of four split level/double-storey apartments. This additional level will be setback 6 metres from the Burton Avenue front boundary.
- A corresponding increase overall building height from 9.7 metres (excluding lift overrun) to 12.7 metres.
- Alterations to the layout of the dwellings, including the creation of split level/double-storey apartments over the second and third floor levels.
- Alteration to the configuration of apartments as follows:

| | Number of Apartments | One bedroom | Two bedroom | Three bedroom |
|-----------------|-----------------------------|--------------------|--------------------|----------------------|
| Approved | 20 | 6 | 14 | 0 |
| Proposed | 20 | 5 | 9 | 6 |

- Alterations to the basement layout to reflect the revised apartment sizes, including:
 - Alterations to the basement levels and ramp grades in order to accommodate an additional car stacker.
 - The provision of an additional car parking space and storage unit.
 - The deletion and reallocation of the visitor car parking spaces to dwellings. There are now no on-site visitor spaces.

- Alterations to the ramp grades at ground floor level as a consequence of the changes to the basement layout.
- An increase in building footprint and reduction to the front setbacks at the ground, first and second floor levels, as follows:
 - Provision of a minimum building setback of 4.8 metres rather than 8.2 metres at ground floor level;
 - Provision of a minimum setback of 4.4 metres rather than 6.95 metres to the building wall at first and second floor levels.
- Relocation of the bicycle parking spaces to the frontage of the building and partially within the front setback.
- Alterations to the landscape scheme and location of fences at ground floor level as a consequence of the revised built form envelope.
- Alterations to the façade design, including the location of windows and screening, as a result of the revised apartment sizes and layouts.
- Increase to the extent of building services located along the street frontage.
- Minor increase in the overall site coverage from 63% in the approved scheme to 65% in the revised scheme.
- Minor reduction in the overall permeable area from 18% in the approved scheme to 17% in the revised scheme.
- No further encroachments into the tree protection zones of key identified trees.

A number of planning permit conditions are proposed to be amended or deleted as a consequential result of the amendment to the plans.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

An application for amendment to a planning permit (including plans) is subject to the provisions of Section 72 of the *Planning and Environment Act, 1987*.

Sections 47 to 62 of the Act (with any necessary changes) apply to an application as if the application were an application for a permit.

Zoning

The subject site is located within the Residential Growth Zone Schedule 3. A planning permit is required to construct two or more dwellings on a lot pursuant to Clause 32.07-5 of the Scheme.

A permit is also required to construct a front fence within 3 metres of the street if the fence exceeds 0.9 metres in height.

Clause 32.07-9 specifies the preferred maximum building height of 13.5 metres. The proposed building has a maximum building height of 12.7 metres which does not exceed the preferred height of the zone.

Overlay

The subject site is located within the Special Building Overlay. A planning permit is required to construct a building or to construct or carry out works pursuant to Clause 44.05-2 of the Scheme.

Particular & General Provisions

Clause 52.06 and Clause 52.34, the Car Parking and Bicycle Facilities provisions apply to the application.

The provisions of Clause 55 apply to an application to construct or extend an apartment development in the Residential Growth Zone, with the exception of Clauses 55.03-5 (Energy Efficiency), 55.03-6 (Open Space), 55.03-8 (Landscape Objective), 55.04-8 (Noise Impacts), 55.05-1 (Accessibility Objective), 55.05-2 (Dwelling Entry Objective) and 55.05-6 (Storage Objective).

It is noted that the application enjoys transitional provisions in accordance with Clause 32.07-5. Therefore, Clause 55 (ResCode) as written prior to 20 December 2021 (gazettal of Amendment VC136) continues to apply for this application.

Attachment 5 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Further information was requested of the Permit Applicant on 14 October 2021. Council officers identified the following issues including:

- The waste room shown in the plans was not consistent with the Waste Management Plan specifications.
- Water quality needs to be considered where trafficable areas are drained to tanks which are plumbed to toilets.

The broader issues of the proposed height increase, front setback reduction, new shadows, permeability and small room dimensions were already considered and identified during pre-application consultation. The lodged plans addressed the issues identified during the preapplication discussions.

The Permit Applicant responded to this letter on 14 November 2021 by providing the requested information. In relation to the preliminary concerns, the Applicant amended the plans to address some of the concerns raised.

The Applicant was advised in writing that this application was coming to the April Council meeting, and a letter was sent to the Applicant with the details of the Council meeting.

The Applicant has been advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by way of 94 letters sent to the surrounding property owners/occupiers, and a sign displayed on the frontage of the site.

Two (2) objections were received. Issues of objection included the following concerns:

- Lack of electric vehicle charge outlets to meet environmental guidelines for the Council to become a greener liveable area.
- Setback is too close to the street and not in keeping with overall look of the street.
- Increase shadow into 24 Burton lawn make it hard to maintain.
- Reduction in property value.

Attachment 6 details the location of objector properties.

Referrals

External Referral

Melbourne Water

The application was referred to Melbourne Water pursuant to Clause 44.05. Melbourne Water has no objection to the amended proposal subject to some additional conditions and modifications to the existing conditions.

The applicable flood level and minimum finished floor level required have not changed since the original issue of the permit.

Internal Referral

Drainage

There are no changes to the drainage proposed in this amendment so further referral is not required. Existing permit conditions will remain, including the requirement to submit engineering plans for approval.

Traffic

The amendments to the stacker arrangement and driveway gradient have been considered by Council's Traffic Engineers who advise:

- The use of a driveway gradient of less than 1:10 within the front 5 metres of the site of is not supported.
- There are concerns about the physical enclosure of the car stackers. All access points to the mechanical parking system require the provision of a

- gate/door which is to be fully automated and linked to the operating system to ensure that there is no inadvertent access when the system is in motion.
- The specifications for the proposed car stackers do not mention meeting Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD).
 - A minimum ground level overhead clearance of 1.8 metres applies to all stackers.

Waste Management

Existing permit conditions will remain, including the requirement to submit a Waste Management Plan for approval prior to commencement of the development. The refuse area on the plans have been increased in size in response to new guidelines.

DISCUSSION:

Since the issue of the original planning permit in 2016, the planning environment and specific planning controls which apply to the subject site and proposal, have undergone significant changes.

The most notable changes are the rezoning of the land from the General Residential Zone 2 (GRZ2) to the Residential Growth Zone 3 (RGZ3), and the modification of the Car Parking provisions at Clause 52.06, which incorporated design standards and revised parking rates for sites identified within the PPTN.

The key differences in the controls between the GRZ2 and RGZ3 are detailed below:

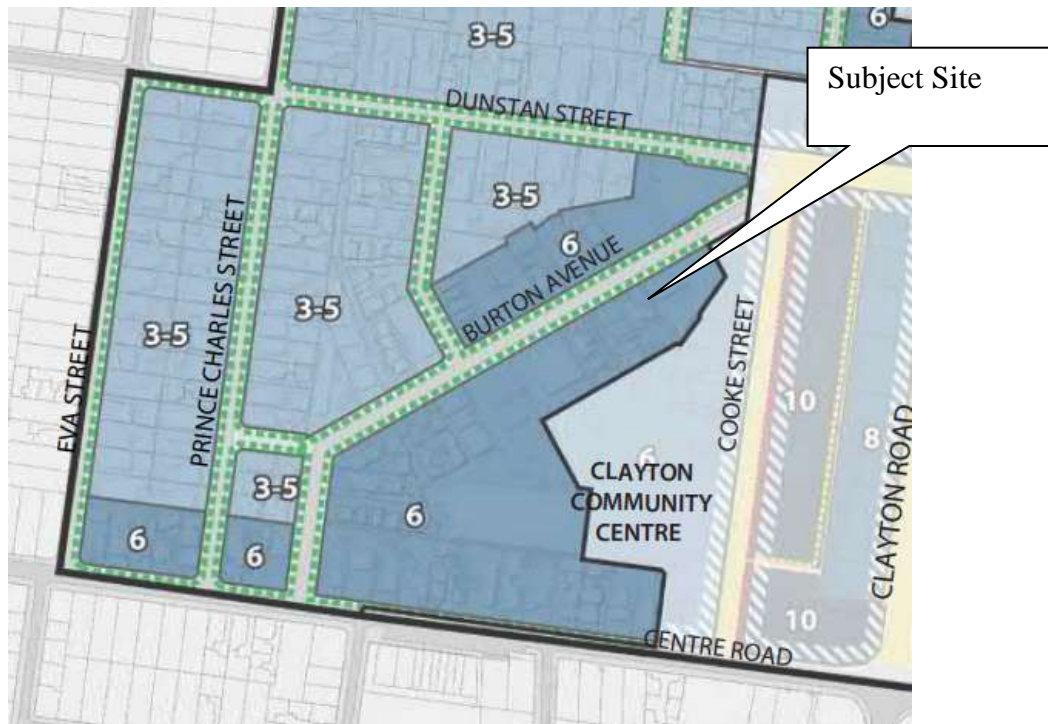
| | GRZ2 | RGZ3 |
|----------------------|---|--|
| Height | 11 metres and not to exceed 3 storeys | 13.5 metres |
| Front setback | 7.6 metres | 4 metres |
| Side Setback | 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres | 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. |
| Rear Setback | 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres | 3 metres for the first 2 storeys plus 2 metres for the third storey. |
| Open Space | <ul style="list-style-type: none"> • 75 square metres with one part of the private open space at the side or the rear of the dwelling with a minimum area of 35 square metres, a minimum width of 5 metres and | An area of 40 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 3 |

| | | |
|--------------------|---|--|
| | convenient access from a living room; or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or • A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room | metres and convenient access from a living room. |
| Front fence | 1.2 metres in height | 0.9 metres in height |

On 28 January 2020, Council adopted the Clayton Activity Centre Precinct Plan providing a clear framework outlining where and how growth and change should occur.

The site is now located in Precinct 3 (surrounding residential) where residential intensification is sought to provide a range of housing types within the Activity Centre. The objectives of which include to *encourage high-quality buildings that contribute positively to the streetscape through the use of innovative architectural responses and to encourage development that contributes to creating an attractive skyline when viewed within Clayton Road and surrounding residential areas*. In Precinct 3, the preferred building height sought for this site is 4 storeys (13.2 metres) based on site width.

Clayton Precinct Plan



The Policy envisages development in this location will have a 4 metre front setback from the street (up to 9.9 metres in height), with an additional 3 metre setback for

the levels above. Development outcomes seek to avoid unarticulated façades that give a bulky appearance, especially from oblique views and avoiding repetitive stepped ‘wedding cake’ profiles. Rear setbacks are proposed to be 3 metres (up to a height of 9.9 metres) with an additional 1 metre setback for every metre of height over 9.9 metres.

The proposal generally satisfies the objectives of the Clayton Activity Centre Precinct Plan, being compliant with the Built Form and Development requirements and supporting the provision of a range of housing types in the Activity Centre.

Planning Policy Framework (PPF)

The amended proposal continues to support the Planning Policy Framework.

At Clause 11 of the Monash Planning Scheme (Settlement Policy Planning) is to recognise the need for and contribute to a high standard of urban design and amenity, whilst also facilitating sustainable development taking advantage of existing settlement patterns.

The objective of the Activity Centres Policy at Clause 11.03-S is *to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community*. Strategies include providing different types of housing in activity centres, including forms of higher density housing, and encouraging a diversity of housing types.

The Built Environment and Heritage Policy at Clause 15 calls for planning to *ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context*.

Clause 16 of the Scheme (Housing Policy) aims for housing diversity, sustainability, including the walkability to activity centres, and the provision of land for affordable housing. Residential Development at Clause 16.01-1S further expands on this with strategies that include encouraging *higher density housing development on sites that are well located in relation to jobs, services and public transport*.

At Clause 18.02-2R the Principal Public Transport Network Policy *seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network*.

Local Planning Policy Framework (LPPF)

The amended proposal continues to support the Local Planning Policy Framework.

Clause 21.01-3 of the Monash Strategic Statement seeks to direct residential growth to neighbourhood and activity centres, the Monash National Employment and Innovation Cluster and the boulevards. The City of Monash’s Strategic Framework Plan identifies Clayton as a ‘Major Activity Centre’.

The Residential Development Policy at Clause 21.04 sets a development framework based on the Monash Housing Strategy 2014 having regard to issues such as neighbourhood character, environmentally sustainable development, accessibility, diversity and affordability.

The site is identified as being 'Residential Land within the Monash National Employment Cluster', and an 'Accessible Area'.

The relevant objectives of the policy are:

- *To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality.*
- *To encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs and preferences that complement and enhance the garden city character of the city.*

The Residential Development and Character Policy at Clause 22.01 anticipates that residential growth will be directed to activity and neighbourhood centres that are well serviced by public transport, commercial, recreational, community and educational facilities to make optimum use of the services available.

The site is located in the 'Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster' character area. It is envisaged in the Future Character Statement at Clause 22.01-4 that the scale of new residential development will generally comprise *larger footprint apartment developments of a high-quality design and finish. Some infill town house and unit development will also occur.*

In addition, the Statement seeks that *where possible on larger sites, developments will be multi-level, and set in open gardens. Although setbacks from all boundaries will be less than is common in other parts of Monash, the developments will ensure the incorporation of well-maintained landscaping to address the garden city character, albeit in a more urban form.*

Zoning

The proposal is consistent with the objectives of the Residential Growth Zone which are (amongst others):

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*

Schedule 3 expands on the design objectives to be achieved in the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster including

- *To facilitate housing growth in the form of apartment developments of a high quality design and finish.*
- *To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.*
- *To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.*

The requirements of Clause 55 are varied in the Schedule as follows:

| | Clause 55 Variation | Assessment |
|-------------------------------------|---|--|
| Minimum Street Setback (B6) | Minimum setback from front street – 4 metres | <u>Complies</u> The proposal provides a minimum setback of 4 metres, providing a setback of 4.4 metres at ground, first and second floor levels, with the third floor setback 7.59 metres. |
| Landscaping (B13) | Retain or provide at least one canopy tree with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater. | <u>Does not Comply</u> There are 6 proposed canopy trees with a maximum height of 8 metres high. A 10 metre tree will be required as a permit condition. |
| Side and rear setbacks (B17) | Side setbacks – 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Rear setback – 3 metres for the first 2 storeys plus 2 metres for the third storey. | <u>Does not comply</u> The proposed second and third stories have minimum side setbacks of 4.1 metres and 6 metres respectively, where setbacks of 4.9 metres and 7.9 metres are required. It is noted that level 2 is no closer to the boundaries than already approved. The setbacks comfortably meet the preferred setbacks as outlined in the Draft Clayton Activity Centre Strategy. The rear setback is encroached by a wing wall at 2.55 metres on the first floor which was also part of the original approval, however had shifted slightly further north. The non compliance is therefore considered satisfactory in this instance. |
| Private Open Space (B28) | An area of 40 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 3 metres and convenient access from a living room. | <u>Does not comply</u> The open space at ground level consists of areas ranging from 24.1 square metres to 47.2 square metres which are consistent with the spaces currently approved. As such, the non compliance is considered satisfactory in this instance. |

| | | |
|---------------------------------|------------|--|
| | | All upper level apartments have balconies. |
| Front Fence Height (B28) | 0.9 metres | <u>Does not comply</u> The proposed front fence is 1.8 metres in height, consistent with the approved application on the site. A proposed condition will require the fence to be set back in line with the building to enable it to still provide privacy for the secluded private open space behind but also reduce its dominance. |

The standards that are not met, in addition to neighbourhood character and amenity, are discussed in detail below.

Assessment under Clause 55 (Rescode)

The proposal has been assessed against the provisions of Clause 55, exhibiting a high level of compliance with the Objectives and Standards. The areas warranting discussion are:

Neighbourhood Character

The larger footprint and scale of the 4 storey apartment building is generally in keeping with preferred character statement for the Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster’ character area, where multi-level developments of a high quality design and finish are sought. Whilst setbacks will be less than other parts of Monash, well maintained landscaping will be incorporated and generally comply with the provisions for the zone.

The additional 4th level is well setback from the boundaries to minimise the impact of its scale and massing. It is setback a minimum of 8.3 metres, with the bulk of the level over 10 metres, from the south-west boundary and abuttal with single storey dwellings. There is sufficient articulation in the building to respect the prevailing and emerging scale of the adjoining dwellings and the neighbourhood.

Whilst sitting forward of the adjoining properties, the proposed 4.4 metre minimum front setback is consistent with the reduced setback provisions of the Residential Growth Zone, as well as with recent approvals within Burton Avenue and Precinct 3 of the Clayton Activity Centre Precinct Plan. Furthermore, it is not significantly further forward than the adjoining single storey dwelling which is setback approximately 5.5 metres. The area for landscaping within the front setback, however, will be significantly impacted by the high front fencing, increased width services cupboard, bicycle parking, retaining walls and paving. This is not consistent with character policy, which envisages multi-level buildings set in open gardens. Conditions have been included to address these issues.

The built form is not negatively impacted by the additional level. The fourth level is modest in size with a narrow width presenting to the street of only 7 metres,

compared to the lower level widths of up to 17.5 metres. The fourth level is also well setback from lower levels with a proposed front setback of 7.59 metres. This ensures that it fits well within the overall building design and built form.

The level of fenestration is increased in the amended elevation, with formerly blank sections of wall provided with glazing. Proposed material and finishes will remain generally as approved, comprising of a contemporary mix of exposed concrete, standing seam and aluminium cladding, and perforated aluminium screens in grey tones.

The previously approved 1.8 metre high front fence is proposed to be moved forward, to be setback 2.75 metres from the street and to continue to screen the secluded open space for apartment G01. It was previously setback 5 metres. Character policy requires that front fences respect the character of the area, limiting their height to maintain open streetscapes and low fencing patterns. Properties in the immediate area are generally provided with no, or low, fencing with open gardens visible from the street.

It is considered, that the fencing should be removed from within the setback to be more consistent with the character of the street and allow a greater area of visible landscaping. The fence should be setback in line with the front façade of the building. Whilst this would reduce the secluded area for apartment G01 it would be no less in area than any of the balconies provided for most of the dwellings in the development. The orientation to the north and connection to the living areas of the dwelling will ensure a high level of amenity.

The proposal is generally consistent with the objectives and the relevant preferred character of the Residential Development and Character Policy. Whilst there is a change in height and front setbacks, these remain aligned with the changed zoning of the land and policy direction in the Clayton Activity Centre Precinct Plan. The landscaping and fencing treatment within the front setback could be amended by permit condition to result in a development that more positively contributes to Garden City Character.

Site Coverage and Permeability

The proposed site coverage will increase from 63% to 65%. It is noted that Standard B8 requires that site area covered by buildings does not exceed 60%. This additional coverage of 18 square metres above the approved level (and 56 square metres above the Standard) is acceptable because all of the building setbacks are compliant, and there is no excessive visual bulk.

Permeability is reduced by 1% to 17% and equates to an additional 17 square metres of impervious surface (and 33 square metres more than the Standard requiring permeability of 20%). Whilst this is also a minor non-compliance, the location of the additional hard surface within the front setback impacts on the ability to provide soft landscaping. This is particularly problematic as the

additional paving is also located over the deep planting beds where on-site stormwater infiltration (and meaningful planting) will occur.

The paving within the front setback should be reduced by permit condition to increase permeability. This will bring the permeability back up to the previously approved 18%.

Landscaping

Standard B13 seeks appropriate landscaping that respects the landscape character of the neighbourhood. The submitted landscaping plan proposes a good selection of shrubs and ground covers consistent with landscaping in the area. There are 6 trees proposed, including two 8 metre high crepe myrtles within the front setback. It is considered that these trees will not be sufficiently tall to soften the appearance of this 4 storey building, and contribute to the garden city character.

The landscape condition of the permit should be amended to require the planting of at least one 10 metre tall tree in the front setback consistent with the varied Standard.

External Amenity Impacts

Side & Rear Setbacks

Standard B17 of Clause 55.04-1 requires new buildings not on or within 200mm of a boundary to be adequately setback from the side or rear boundaries. The table below shows the proposed setbacks and the setbacks required.

| | Minimum Setbacks Required | Minimum Setbacks Provided | Compliance |
|---------------------|---------------------------|---------------------------|-----------------|
| Ground Level | 1 metre | 1.9 metres | Complies |
| Level 01 | 1.9 metres | 1.9 metres | Complies |
| Level 02 | 4.9 metres | 4.1 metres | Does not comply |
| Level 03 | 7.9 metres | 6 metres | Does not comply |

The setbacks sought in the Built Form and Development requirements in the Clayton Activity Centre Precinct Plan are less restrictive to support increasing residential intensification as follows:

| | Minimum Setbacks Required | Minimum Setbacks Provided | |
|---------------------|---------------------------|---------------------------|----------|
| Ground Level | 1 metre | 1.9 metres | Complies |
| Level 01 | 1.9 metres | 1.9 metres | Complies |
| Level 02 | 2.9 metres | 4.1 metres | Complies |
| Level 03 | 5.9 metres | 6 metres | Complies |

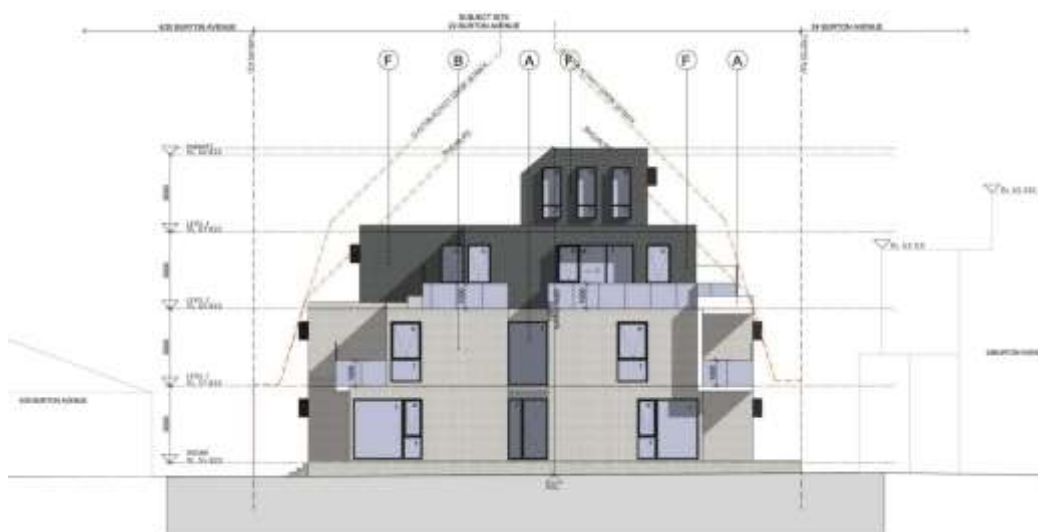
Whilst the minimum setbacks at levels 2 and 3 do not meet Standard B17, in respect of level 2 this is a very minor non-compliance as can be seen in the elevations below detailing a comparison of Rescode and Clayton Activity Centre Precinct Plan building envelopes.

Level 3 encroaches the Rescode setback to a larger degree, however it is considered an acceptable response. The top level is located to the eastern side of the building, further away from the adjoining single storey built form, and results in an asymmetrical façade, avoiding a repetitive stepped / ‘wedding cake’ appearance. There will be no detrimental impact on the apartment development to the east. The objective of the Standard is met as the height and setback of the building from the boundary respects the preferred neighbourhood character and limits the impact on the amenity of existing dwellings. It is also consistent with the Council’s policy which envisages a higher built form for the area.

Front Elevation



Rear Elevation



The proposed rear setback complies with both the Standard and the Clayton Activity Centre Precinct Plan, with the exception a wing wall at first floor level that encroaches the 3 metre minimum requirement. This wall is similar in location, height and setback to one already approved, having a 2.55 metre rear setback. It will have no implication on the amenity or character of the adjoining car park to the rear and the variation is therefore supported in this instance.

It is noted that balconies encroach the side and rear setbacks at level 2, however, none are closer to boundaries than already permitted by the existing approval.

Walls on Boundaries

An additional pillar is required on the western boundary to support the increased upper levels over the basement entry ramp. The pillar is 1 metre wide and 3.6 metres high. Under Standard B18 it should not exceed an average height of 3.2 metres. It is considered the proposed wall would not be unacceptable in the setting. It is only 1 metre wide, no higher than the maximum permitted wall height, and adjacent to a driveway and brick garage wall abutting the boundary on 1/18 Burton Avenue. There will be no impact on the amenity of that property.

Overshadowing Open Space

Additional shadowing will occur to the front yard of the neighbour to the south-west (1/20 Burton Avenue) due to the building moving closer to the front boundary. This is contrary to condition 1c) of the permit which requires shadows from the upper levels are no greater than that cast by the existing south-western property boundary fence from 10am onwards on 22nd September.

Standard B22 requires consideration of the impact of shadows on secluded private open space. The front yard area receiving the minor additional shadowing, although fenced, does not appear to function as secluded private open space. It has minimal privacy due to the fence height and a lack of connection to the living areas of that dwelling. It is noted that no objection was received from the owners or occupiers of this affected property, and it is considered there will be no loss of amenity due to the overshadowing in the front.

Condition 1c) could be deleted as the submitted plans indicate there is no additional shadow to secluded areas.

One of the grounds of objection is the impact of overshadowing on the lawn of 24 Burton, 'making it hard to maintain'. There will be no increase in over-shadowing to the east from what was already approved due to the proposed setbacks from that boundary. It is noted that the shadow diagrams demonstrate that the adjoining garden area to the east will not be impacted within the hours detailed in the Standard. As such it is considered the shadow cast by the proposed amendment is appropriate.

Overlooking

The proposal complies with the Overlooking Standard, with all balconies and upper level windows appropriately screened.

Low finished floor levels at the ground floor ensure there will be no overlooking to the secluded open space areas of abutting properties.

Internal AmenityDwelling configuration

The layouts of the dwellings have been improved as a result of the additional floor level and reduced front setback.

Whilst seven (7) of the dwellings have an increased number of bedrooms, the bulk of the additional floor area has been used to increase room sizes. The new level provides for split level dwellings at the upper floors, and improves access to daylight and cross ventilation for those dwellings.

A number of the bedrooms now have a minimum dimension of 3 metres, compared to the 2.7 metres detailed for bedrooms in the approved plans. Circulation space within the dwellings is also improved.

Private Open Space and Solar Access

Due to the transitional provisions at Clause 32.07 (RGZ), the variation to Private Open Space Standard B28 does not apply, with the following open space required:

- 40sqm with one part at the side or rear of the dwelling with a minimum dimension of 3 metres, a minimum area of 25sqm and convenient access from a living room
- Balconies of a minimum of 8 square metres with a minimum width 1.6m and accessed from living room.

The open space for the ground level units generally remains the same, with only the area for apartment G01 reduced by 2.4 square metres. Conditions requiring the removal of the fencing within the front setback will result in an even lesser area for this dwelling. It is considered this could be supported as the space will be well orientated and connected to the dwelling. There would be scope to increase the secluded area by deleting one bedroom, without impacting on the construction of upper levels.

The balconies of 5 apartments at level 1 (104 to 108), and 1 apartment at level 2 (205) have been reduced in area and minimum dimension from what was previously approved. With the exception of Apartment 106, they all comply with the current open space area requirement, noting that the non-compliant balcony of Apartment 106 is 7.9m². All balconies have a minimum dimension of 1.6 metres.

Apartment 205 has been reorientated resulting in its balcony being located on the south-west side of the building. It is considered that the balcony will have a reasonable level of amenity due to its larger size of 16.6 square metres, and access to afternoon sunshine.

On balance the proposed amendments to the ground level open space and balconies will still satisfy the objectives to provide for the reasonable recreational needs of residents, and allow adequate solar access.

Site Services

The utility services structure is proposed to increase in length from the approved 5 metres, by 1.3 metres to 6.3 metres, and in height from 1.245 metres by 280mm to 1.525 metres. It is considered this amendment will make the already large structure too visually dominant, particularly given it will comprise almost one third of the frontage. A reduction in the size of the structure should be required by condition, allowing no greater length than the previously approved of 5 metres and 1.245 metres in height.

Car Parking, traffic and access

There is a total of 25 car parking spaces provided for the 20 dwellings in the approved development, including 4 visitor parking spaces.

After a state wide planning scheme amendment to Clause 52.06, which deleted the visitor parking requirement for dwellings in the PPTN, these 4 visitor spaces have been re-allocated to the dwellings, which in turn have allowed an increase in bedroom numbers for some apartments.

The requisite car parking spaces required under Clause 52.06, for a site located within the PPTN, are shown in the following table:

| Use | Number of Dwellings | Clause 52.06 Requirement | Car spaces required | Car spaces provided |
|-----------------------------|----------------------------|---------------------------------|----------------------------|----------------------------|
| One or Two bedroom dwelling | 14 | 1 space per dwelling | 14 | 14 |
| Three bedroom dwelling | 6 | 2 spaces per dwelling | 12 | 12 |
| Visitor Parking | | None required | 0 | 0 |
| Total | 20 | | 26 | 26 |

The proposed number and layout of car parking satisfies the current provisions of Clause 52.06.

Accessways are required to comply with the design standards at Clause 52.06-9. The proposed variation to the driveway gradient to less than 1:10 is not supported

by Council's Traffic Engineers because it will be too steep at the front of the site. Existing condition 18 requiring compliance with the standards must remain.

The amendments to the specification of the mechanical stackers are also not supported, with permit condition 20 detailing the required standards to remain. Condition 19 requires the submission of specifications for the stackers, and these finer details can be further considered prior to commencement of the development.

It is noted that Condition 20e) is proposed to be deleted, which references a car stacker pit which is no longer proposed.

Objections

The grounds of objection not already considered are:

- Lack of electric vehicle charge outlets.
Council's Environmentally Sustainable Development Policy at Clause 22.13, which encourages innovative technology and design in developments, came into effect after the issue of the original permit. Applications lodged after June 2016 should consider the policy. Whilst the applicant has attempted to incorporate energy efficient design into the redesigned units consistent with objectives of Clause 55.07-1, the provision of at least 2 electric vehicle charging ports would bring the already approved development closer in line with current ESD design standards.
- Reduction in property value.
A reduction in property value is not a planning consideration.

Explanation of Changes to Permit Conditions

The proposed amendment will result in changes to the permit as follows:

- Permit preamble amended
- Superseded and irrelevant conditions deleted.
- New conditions to address the changes to fencing, paving and services cupboard discussed, it is also proposed to modify the wording of several existing conditions.
- Amended conditions required by Melbourne Water.
- Consequential renumbering of the permit.

The proposed changes to the existing permit are summarised as follows:

- Permit preamble amended from three to four storeys.
- Modification to condition 1a to relocate the front fence of apartment G01 behind the front façade of the building.
- Modification to condition 1b to provide a 600mm deep planter box in accordance with the currently endorsed plans, removing reference to the fence.
- Deletion of condition 1c as the submitted plans demonstrate that the shadows are within acceptable limits.

- Modification to condition 1f to reduce the length of the services cupboard to no greater than what was already approved
- Addition of condition 1g to reduce paving, increase permeability and visible landscape areas within the front setback.
- Addition of condition 1h to require modification to the bicycle parking.
- Addition of condition 1i to require the provision of two electric vehicle charging ports.
- Modification to condition 1j to include reference to Melbourne requirements.
- Amendment to landscape plan condition 4 to align with alterations to paving required under condition 1 and provide a 10 metre high canopy tree.
- Amendment to condition 15, and deletion of conditions 16 and 17, which relate to visitor car parking no longer required for land within the PPTN.
- Consequential renumbering of permit due to deletion of conditions 16 and 17.
- Amendment to some of Melbourne Water's conditions.
- Alterations to the permit expiry dates for policy consistency.

CONCLUSION:

The proposed amendments are consistent with the provisions of the Residential Growth Zone and the Clayton Activity Centre Precinct Plan, and overall Policy direction of the Monash Planning Scheme.

There is a high level of compliance with Clause 55 resulting in residential development that contributes to a preferred neighbourhood character and provides reasonable standards of amenity for new residents.

Amendments to the plans will address the concerns regarding the fencing, paving and services cupboard within the front setback.

The car parking provision and layout satisfies the statutory car parking requirements.

There will be no significant loss of amenity to adjoining land through overlooking, overshadowing, built form, bulk and mass.

Overall, the proposal is considered appropriate, and it is recommended that a Notice of Decision to Grant an Amended Permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Copy of Current Permit

Attachment 3 – Copy of Endorsed Development Plans

Attachment 4 – Aerial Photograph (January 2021).

Attachment 5– Zoning and Overlays Map.

Attachment 6 – Objector Properties Location Map.