

**1.2 71-73 BEDDOE AVENUE, CLAYTON  
USE AND DEVELOPMENT OF A FOUR STOREY BUILDING FOR A ROOMING HOUSE  
(STUDENT ACCOMMODATION) AND CONVENIENCE SHOP  
(TPA/49980)**

**EXECUTIVE SUMMARY:**

This application proposes the use and development of the land for a four storey building for a rooming house (student accommodation) and convenience shop.

The application was subject to public notification. Fourteen (14) objections to the proposal have been received.

Key issues to be considered relate to building scale, the use for student accommodation and a convenience shop, the adequacy of communal open space provision, vehicle access, internal amenity, external amenity impacts and impacts to trees, including street trees.

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

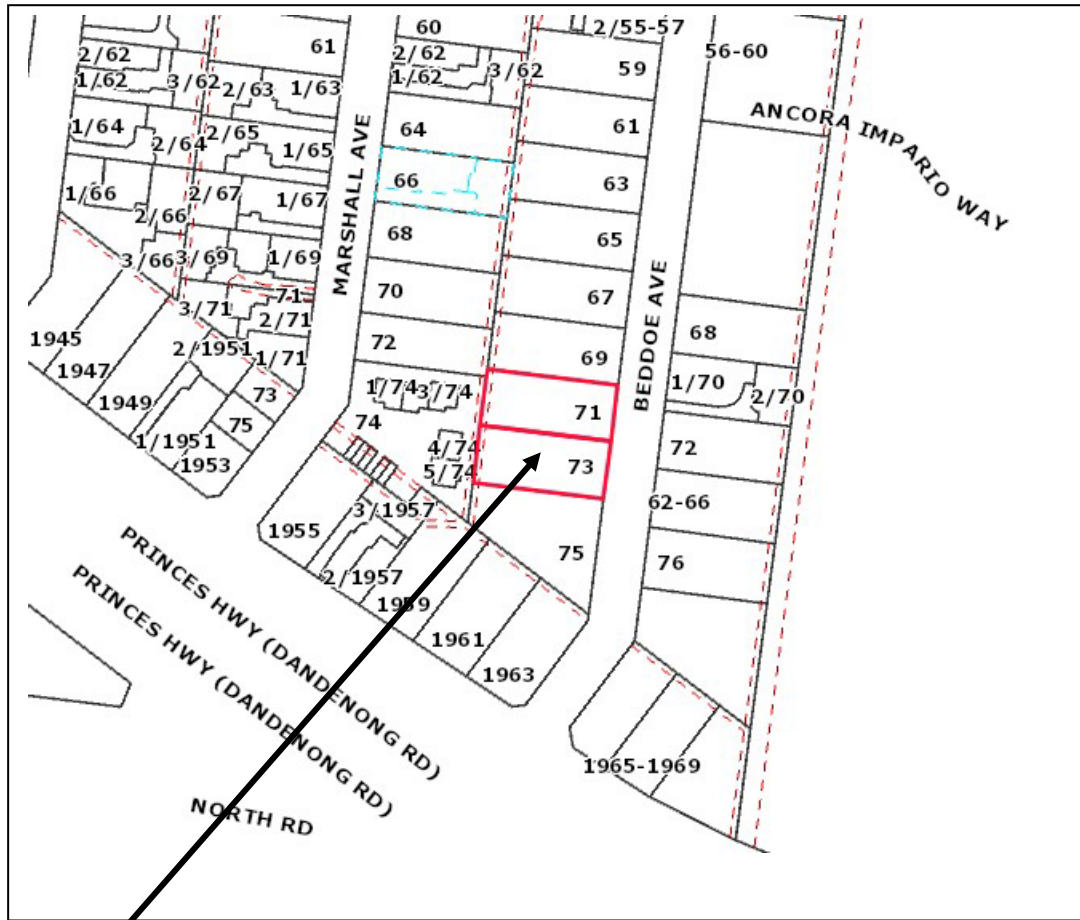
**The reason for presenting this report to Council is the proposed development cost of \$9.5 Million.**

**The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Jeanny Lui</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>71-73 Beddoe Avenue, Clayton</b>
<b>EXISTING LAND USE:</b>	<b>One dwelling on each lot</b>
<b>PRE-APPLICATION MEETING:</b>	<b>No</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Fourteen (14)</b>
<b>ZONING:</b>	<b>Residential Growth Zone, Schedule 3</b>
<b>OVERLAY:</b>	<b>Nil</b>
<b>Amendment C125 (adopted)</b>	<b>Policies under Clause 21 &amp; 22.01</b>

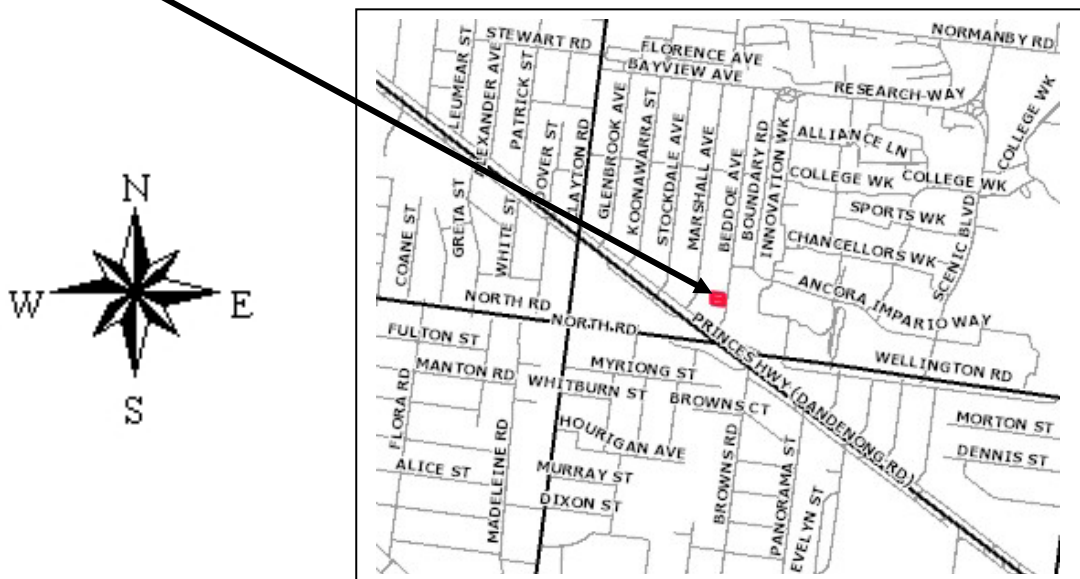
<p><b>RELEVANT CLAUSES:</b></p> <p><b><u>Planning Policy Framework</u></b></p> <p>Clause 11.01-1R- Settlement – Metropolitan Melbourne</p> <p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15- Built Environment and Heritage</p> <p>Clause 15.01-1S R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S &amp; R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16- Housing</p> <p>Clause 16.01-1S R- Integrated Housing</p> <p>Clause 16.01-2S- Location of Residential Development</p> <p>Clause 16.01-2R- Housing Opportunity Areas – Metropolitan Melbourne</p> <p>Clause 16.01-3S &amp; R- Housing Diversity</p> <p>Clause 16.01-4S- Housing Affordability</p> <p>Clause 17.01-1S &amp; R- Diversified Economy</p> <p>Clause 17.02-1S- Business</p> <p>Clause 18.01-1S- Land Use and Transport Planning</p> <p>Clause 18.02-1S &amp; R- Sustainable Personal Transport</p> <p>Clause 18.02-2R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Car Parking</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p><b><u>Local Planning Policy Framework</u></b></p> <p>Clause 21- Municipal Strategic Statement)</p> <p>Clause 21.04- Residential Development</p> <p>Clause 21.08- Transport and Traffic</p> <p>Clause 21.13- Sustainability and Environment</p> <p>Clause 22.01- Residential Development and Character Policy</p> <p>Clause 22.03- Industry and business development and character policy</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.09- Non-Residential Use and Development in Residential Areas</p> <p>Clause 22.10- Student Accommodation Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><b><u>Particular Provisions</u></b></p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.23- Rooming House</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 55- Two or more dwellings on a lot and residential buildings</p>
<p><b>STATUTORY PROCESSING DATE:</b></p>	<p><b>17 November 2019</b></p>
<p><b>DEVELOPMENT COST:</b></p>	<p><b>\$9,500,000</b></p>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49980)** for the use and development of the land for a four storey building for a rooming house (student accommodation) and convenience shop, at 71-73 Beddoe Avenue, Clayton subject to the following conditions:

**Amended Plans Required**

1. Before the development starts, amended plans drawn to scale and dimensioned 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 generally in accordance with the plans submitted to Council after public notification (TP099 Revision G; TP100 Revision J; TP101 Revision G; TP102 & 103 Revision H; TP120 Revision F; TP200, 201, 202 Revision H; TP300 & 301 Revision F; TP350 Revision G all dated 17 September 2019), but modified to show:
  - a) The basement plan corrected to read 'total 29 car parking spaces' with location of the car stackers.
  - b) Details of the proposed car stackers including sections of the car stackers.
  - c) Allocation of the car parking space for the convenience shop.
  - d) Dimensions to show all units to be minimum 3 metres in width.
  - e) Deletion of the fence along the front (east) boundary and the gate;
  - f) Details and elevation of fencing fronting Beddoe Avenues setback 2.5 metres from the front boundary enclosing the private courtyards.
  - g) Sliding doors or external doors to access the private courtyards/terraces/ balconies from the units.
  - h) Provision of laundry facilities on the ground level including drying facilities. This could be achieved by redesigning the 'store' room and concierge to accommodate a laundry room within the building.
  - i) Obscured glazing to habitable rooms to be 'obscure glazed (non openable and not film) up to 1.7 metres above finished floor levels' to prevent overlooking.
  - j) Details of all retaining walls within the subject site.
  - k) A schedule of construction materials, external finishes and colours.
  - l) All common boundary fences to be a minimum of 1.8 metres above the finished ground level. The fence heights must be

measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

- m) Location of signage to:
- Direct cyclists to the bicycle parking spaces;
  - Notify drivers that cyclists will be entering and exiting the site using the ramp access and sharing the car park at the entry to the car park on the ground level and within the car park;
- n) Details of any required fire services, electricity supply, gas and water meter boxes. These services are to be located and/or screened to compliment the development. The fire booster and pole substation are to be relocated to be less visible to the street and less impact to adjoining properties.
- A notation must be provided on the plans to confirm the locations of these services have been approved/ certified by the relevant Service Engineer/s or relevant Authorities.
- o) Tree Protection Measures for Trees No. 11 and 13, and changes required in the Tree Management Plan (required under Condition 8); and a notation to note Conditions 9 and 11.
- p) Changes required to satisfy requirements in the Sustainability Management Plan under condition 17 of this permit.
- q) The five north facing and five south facing self-contained student rooms on Level 2 to be setback a minimum of 4.5m from the respective side boundaries

All to the satisfaction of the Responsible Authority.

#### **No Alteration or Changes**

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

#### **S173 Agreement**

3. Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
- That no person may reside in the building unless that person is a bona fide student or academic whether part time, full time, short term or resides there in a supervisory, management or caretaker capacity;
  - Car parking spaces are only permitted to be used by the occupants of the units, their visitors and the convenience shop operator.

- Car spaces must not be individually subdivided, on-sold or leased to any other person other than an owner or occupant of the premises.
- Residents of the units will not be entitled to car parking permits for on street car parking.
- Should the land cease to be used for student housing, a new planning permit may be required for an alternative use. It should be noted that any dispensation for on-site car parking given to the student accommodation development is not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the Monash Planning Scheme;
- The student accommodation premises must be managed by a single entity.
- A management plan prepared and implemented to the satisfaction of the Responsible Authority.
- The cost of the preparation and review of the Section 173 Agreement and its registration on the title of the land must be borne by the owner of the land.

#### **Landscaping**

4. Concurrent with the endorsement of any plans pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated March 2019, Prepared by Zenith Concepts except that the plan must show:
  - (a) Amended building layout in accordance with the amended development plan (version J) dated 17 September 2019, and changes required under Condition 1 of this permit.
  - (b) Details of the proposed 'feature paving', 'concrete paving' and proposed permeable driveway.
  - (c) Location of external lighting (if any);
  - (d) The location of Tree Protection Zones of Trees 11 and 13 and Tree Protection Fencing required as outlined in the Tree Management Plan;
  - (e) Details of retaining walls.
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. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
7. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.

#### **Tree Management Plan**

8. Prior to the endorsement of plans, a Tree Management Plan by a suitably qualified arborist must be submitted to and approved by the Responsible Authority, to ensure neighbouring trees to be retained are protected.  
  
Once approved the Tree Management Plan will be endorsed to form part of the permit.

#### **Tree Protection**

9. Prior to the commencement of any works on the site (including demolition works) that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by a qualified landscape architect or horticulturist.
10. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.
11. All works (including demolition works) within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.

#### **Waste Management Plan**

12. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit. The Waste Management Plan shall provide for:
  - a) The time and method of collection of garbage and recyclables from uses;
  - b) Designation of methods of collection by the private contractor;
  - c) Appropriate areas for bin storage on site and areas for bin placement on collection days;

- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
  - e) The timing collection of all waste so as not to cause disruption to traffic and amenity of the area; and
  - f) Bins not to obstruct car parking or traffic movement.
13. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public (except on collection day/s) and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
14. Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:
- Monday to Saturday: 7:00am to 6:00pm
  - Public Holidays: 9:00am to 6:00pm
  - Sunday: No collection allowed
- To the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

15. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Measures to control noise, dust and water and sediment laden runoff;
  - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
  - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - f) Cleaning and maintaining surrounding road surfaces;
  - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
  - h) Public Safety and site security;



- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
  - j) A Traffic Management Plan showing truck routes to and from the site;
  - k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - m) Contact details of key construction site staff;
  - n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
  - o) 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 that does not exceed the EPA guidelines).
16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainable Design Assessment (SDA)**

17. Concurrent with the endorsement of any plans, a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.
  - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.

- c) Document the means by which the appropriate target or performance is to be achieved.
- d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
- e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainability Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

18. Prior to the occupation of any of the dwellings approved under this permit, a report from the author of the endorsed Sustainability Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to the relevant completed stage of the building ready for occupation) all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

#### **Car Parking**

19. All car parking spaces are to remain in common property for the communal use of residents.

#### **Convenience Shop Use**

20. The convenience shop may operate only between the hours of 6:00am to 10:00pm Monday to Sunday, unless the Responsible Authority gives consent in writing.
21. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste products;
  - (d) presence of vermin.
22. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

**Drainage and Stormwater**

23. Plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department 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.

**Boundary Fencing**

24. Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and in a good condition to the satisfaction of the Responsible Authority.
25. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must (at their own) cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

**Plant / Equipment or features on roof and balconies**

26. 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.
27. No air conditioning units are to be located on the balconies unless with the written consent of the Responsible Authority.

**Completion of Buildings and Works**

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

**Street Tree Removal**

29. The existing street tree *Allocasuarina turolosa* will be removed and replaced by Council at the cost of the developer.

**Time for Starting and Completion**

30. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before two (2) years from the date of issue.

- (b) The development is not completed 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:

- (i) within six (6) months afterwards if the development has not commenced; or  
(ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

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### **Permit Notes**

#### **Building Approval**

- A. Building Permit approval must be obtained prior to the commencement of the above approved works
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

#### **Street Tree Removal**

- C. Payment of \$22,488.61 is required prior to the commencement of the development.  
Note- This amount is valid for 6 months from the date of issue of the permit.

#### **Car Parking and Driveways**

- D. Approval of the proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
- E. The proposed crossing is to be constructed in accordance with the City of Monash standards.
- F. The existing redundant crossing in Beddoe Avenue is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

- G. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
- H. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

**Drainage**

- I. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- J. The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 450mm Council drain in the naturestrip via a Council approved saddle adaptor to be constructed to Council Standards.  
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- K. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$2,000 is to be paid prior to the drainage works commencing.
- L. Detention system requirements for above property are as follows:
- Minimum storage = 12.61 m<sup>3</sup>
  - Maximum discharge rate = 11.28 l/s
  - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.
- M. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
- N. 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.

**Underground services not to impact trees**

- O. 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.

#### **Street Numbering**

- P. 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.

#### **Variation to Planning Permit**

- Q. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

### **BACKGROUND:**

#### **The Site and Surrounds**

The site is located on the western side of Beddoe Avenue, approximately 90 metres north of Dandenong Road. The site is comprised of two lots with a total frontage of 35.96 metres and a depth of 41.15 metres, yielding a total site area of 1480 square metres. A 1.83 metre wide easement is located along the rear (western) boundary of the site.

The site currently contains two single storey weatherboard dwellings with pitched roof forms. Vehicle access for each property is located adjacent to their southern boundary of the site leading to a garage located to the rear of the dwelling. No. 71 Beddoe Avenue has a low picket fence along the frontage of the site whilst No. 73 Beddoe Avenue has no front fencing. One street tree is located in front of each site on Beddoe Avenue.

The site is within the Monash National Employment and Innovation Cluster (MNEIC). Monash University located approximately 60 metres east of the site. A number of non-residential use buildings are located on Beddoe Avenue, associated with the University including offices, childcare centre and a place of worship.

More specifically, details of adjoining properties are as follows:

**North:** 69 Beddoe Avenue contains a single storey brick dwelling. Vehicle access is located adjacent to the southern boundary which leads to a garage located to the rear of the dwelling. The site does not have any front fencing.

West: two properties including No. 72 Marshall Avenue which contains a single storey dwelling and No. 74-76 Marshall Avenue which contains five (5) single storey dwellings.

South: 75 Beddoe Avenue contains a single storey dwelling. The site is irregular in shape. Vehicle access is provided adjacent to the south-western corner of the site. There are two trees located within the site adjacent to the common boundary with the subject site including a large tree (Swamp Mahogany Gum) within the front setback area.

East: Beddoe Avenue which is a two-directional local road. On the opposite side of the street are:

- No. 70 Beddoe Avenue: contains two single storey dwellings in tandem layout. A common accessway is located adjacent to the southern boundary of the site. A low fence is located along the frontage of the site.
- No 72 Beddoe Avenue: is owned by Monash University and is currently vacant. There is no current or approved development for the land.
- No. 62-66 Beddoe Avenue: also owned by Monash University which contains a single storey building and is currently used as a childcare centre. Car parking is located in front of the building with a circular driveway accessed via two vehicle crossovers in Beddoe Avenue.

**HISTORY:**

Amended plans were formally lodged with Council dated 17 September 2019 after public notification to address the preliminary concerns raised by Council officers. The key changes of the amended plans are:

- Deletion of the units less than 3 metres in width and reconfiguration of other unit layouts to maintain the total number of units.
- Increasing the number of car parking spaces provided in the basement level with the provision of car stackers to meet the statutory requirement.
- Increasing the size of the ground level communal open space from 44.8 to 54.4 square metres and widening the area from 5.15 metres to 6.25 metres.
- Providing additional communal areas to Levels 01 and 02, with minimum width of 3 metres.
- Providing an additional open terrace to Level 03 (top level), with a width of 3.15 metres.
- Providing external doors on ground level to allow access to the communal open space areas between the northern and southern setbacks.
- Reducing the setback of the ground level middle section to the western boundary from 6.5 to 5.5 metres; and the Level 01 from 5.025 to 4.845 metres with the terraces deleted.
- Reduce the setback of the Levels 02 and 03 middle sections to the western boundary from 5.025 metres to 5 metres with the terraces deleted.

As a result of the amendments, the car parking provision is in accordance with the Monash Planning Scheme requirement.

The amendments overall are an improvement from the original application and are not expected to cause any further impacts to the adjoining properties. Re-advertising of the amended proposal is not deemed necessary in this instance.

This report is prepared based on the amended plans dated 17 September 2019. An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

**PROPOSAL:**

The proposal seeks to construct a four storey building to be used for a rooming house (student accommodation) including a convenience shop at the ground floor. A total of 29 car spaces is proposed within the basement car park, including the use of three car stackers.

Access to the residential units, the convenience shop and the basement car park will be via Beddoe Avenue.

Details of the proposal is summarised as follows:

- Four storey building having a maximum building height of 15.88 metres, (measured to the top of the lift overrun).
- 86 units for student accommodation including:
  - 59 self-contained units (studios);
  - 19 one bedroom units; and
  - 8 two bedroom units.
- A total of 29 car parking spaces (including one accessible space) and 47 bicycle spaces located within the basement. These spaces will be specifically allocated to the residential units and the convenience shop.
- The convenience shop is proposed at the ground level. Its entrance is in front of the building entrance and accessed from the shared pedestrian path from Beddoe Avenue. The total floor area of the convenience shop is 45 square metres. It is proposed to operate 24 hours a day, seven days a week and is not exclusive to the student accommodation.
- Communal open space areas are provided at the ground level, including approximately 85 square metres south of the driveway, and 54.4 square metres in the middle of the building. This middle area is 6.25 metres wide by 8.7 metres long. Approximately 2 metres of this area is under the roof of the level above. Sliding doors are on the northern and southern sides of this area to allow access from the building. Barbecue facilities are provided within this area.
- Additional communal open areas are provided on each level:
  - Level 01: 44 square metres (3 metres wide);
  - Level 02: 26 square metres (3 metres wide); and
  - Level 03 (Top level): an outdoor communal area of 26 square metres (3.2 metres wide).



- Private open space provision:
  - Each unit on the ground level is provided with a private courtyard of 5m<sup>2</sup> to 7m<sup>2</sup>;
  - 57% of the units on Level 01 are provided with balconies of 4.9m<sup>2</sup> to 5.2m<sup>2</sup>;
  - 72% of the units on the Level 02 are provided with balconies of 2.5m<sup>2</sup> to 5.4m<sup>2</sup>; and
  - 87.5% of the units on the top level are provided with balconies of 3m<sup>2</sup> to 7.3m<sup>2</sup>.
- A waste chute is provided at each level to the basement collection area.
- The development is proposed to be constructed with a mixture of materials including cement render and perforated metal mesh.
- The existing vehicle crossover to 73 Beddoe Avenue will be relocated slightly north to provide access to the basement car park. A street tree will be removed as a result of this proposal. The existing crossover to 75 Beddoe Avenue will be removed.
- All trees on adjoining properties will be retained.
- The street tree in front of 73 Beddoe Avenue will be removed to facilitate construction of the proposed vehicle crossover.

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### Zoning

The subject site is located within the Residential Growth Zone, Schedule 3 (RGZ3) under the provisions of the Monash Planning Scheme.

Pursuant to the Residential Growth Zone (Clause 32.07-2), a permit is required to use the land for a rooming house (Student Accommodation) and for a convenience shop.

A permit is also required to construct a building or construct or carry out works for these uses.

#### Overlay

The land is not affected by any overlays under the provisions of the Monash Planning Scheme.

#### Particular & General Provisions

Clause 52.06 applies as the proposal includes new uses of student accommodation and convenience shop. The number of car parking spaces required under Clause 52.06-6 must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- On the land; or

- In accordance with a permit issued under Clause 52.06-3 (reduce the number of car parking spaces required under Clause 52.06-5, including reduce to zero); or
- In accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

Council's Student Accommodation Policy at Clause 22.10-4 specifies car parking to be provided at a rate of 0.3 spaces per bed for the subject site.

Car parking requirements for a convenience shop is 3.5 car spaces to each 100 square metres of leasable floor area pursuant to Clause 52.06.

Clause 52.23 (Rooming House) - A permit is required for the use and development of the land pursuant to the requirement of Clause 52.23.

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

### **CONSULTATION:**

#### Further Information

The application was lodged with Council on 20 December 2018 and further information was requested of the Permit Applicant on 14 January 2019. In this letter, officers also raised the following preliminary concerns:

- Insufficient landscaping provision and space for canopy tree provision along the perimeter of the site.
- The height of the proposed front fencing exceeds 900mm (Schedule 3 to the Residential Growth Zone).
- Poor internal amenity outcomes. The narrow width of a large proportion of student accommodation units is considered inadequate for reasonable internal amenity.

The Permit Applicant responded to this request on 20 March 2019 by providing the requested information. The Applicant made various changes to the plans to demonstrate compliance with requirements of the Residential Growth Zone and to address the officer's concerns. Relevant changes included an increased capacity for landscaping and an increased internal width to the majority of the units.

Further amendments were made to the plans after public notification in response to Council officer's advice. The amendments on plans dated 17 September 2019 have been discussed in the previous section 'History' and the report is prepared based on this amended plan.

The Applicant has been formally advised that this application is coming to the October Council meeting and a letter has been sent advising them of the details of the Council meeting.



**Public Notice**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners and occupiers, and two (2) large signs displayed on the street frontage of the site during the notification period.

Objections received for the application included the following:

- Neighbourhood character and built form;
- No laundry facilities;
- Poor internal amenity;
- Inadequate communal areas;
- Waste collection;
- Difficulties for cyclists to exit the basement car park;
- The development should only provide a single vehicle crossover instead of a double crossover;
- Insufficient car parking provision and cause traffic congestion;
- Safety concerns and disruption during construction;
- Noise and crime impacts from proposed retail tenancy;
- Structural impacts from construction;
- Noise and visual impacts from pole mounted substation;
- Overlooking;
- Flooding and drainage impacts;
- Set precedent for other developments;
- Overdevelopment.

All the original objections remain valid to this application and process.

Attachment 4 details the location of objector properties.

**Referrals****External Referrals****Public Transport Victoria (FOL/19/40261)**

Pursuant to the provisions of Clause 66.02-11 the application was referred to the Transport for Victoria (TfV) who did not raise any concerns. They however suggested Council consider changes including additional signage, line-marking and lighting to encourage cycling as a viable transport option. They also suggested redesigning the size of the lift to accommodate bicycles. Given the generous width of the driveway and the gentle gradient this is not considered necessary.

These changes can be included as permit conditions if a permit was to issue.

**Internal Referral****Horticultural Services**

The application has been referred to Council's Horticultural Services as a street tree (*Allocasuarina turolosa*) in front of 73 Beddoe Avenue will be removed as a

result of the proposed vehicle crossover. Council's Horticultural Services has reviewed the proposal and agree to the street tree being removed subject to an amenity fee being paid which will form a permit condition if one was issued.

#### Traffic Engineer

The application has been referred to Council's Traffic Engineers who have provided advice and recommended conditions in relation to accessway grades, dimensions of car parking spaces, car parking layout and design standards for the accessible car space.

These requirements have been satisfied in the amended plans this report is based upon.

#### Drainage Engineer

The application was referred to Council's drainage engineers who have provided conditions for the permit if one were to issue. Of note is a condition requiring a detention system for the property given the proposed hard surface coverage exceeds 60%.

#### Waste Services

Given the scale of the development and the number of bins for on street Council waste collection, a requirement should be placed on any permit to require private collection within the property. Adequate space is provided within the basement and service areas for waste storage and collection.

### **DISCUSSION:**

#### **State Planning Policy Framework (PPF)**

Plan Melbourne Refresh is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

*"Understand and plan for expected housing needs."*

*"Reduce the cost of living by increasing housing supply near services and public transport."*

*"Facilitate the supply of affordable housing."*

Initiatives are to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Plan Melbourne Refresh also identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (MNEIC). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne's position as a global city and will be supported into the future. The MNEIC is Melbourne's largest established cluster,

representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses.

The subject site is located within the MNEIC as identified in Plan Melbourne Refresh, where the scale of new residential development will generally comprise larger footprint residential development of a high quality design and finish. This proposal to develop a four storey residential building meets the intent of the relevant strategic policies.

Clause 11.02-1S (Supply of Urban Land) seeks:

*“To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”*

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to:

*“Support the development and growth of Metropolitan Activity Centres by ensuring they:*

- *Are able to accommodate significant growth for a broad range of land uses.*
- *Are supported with appropriate infrastructure.*
- *Are hubs for public transport services.*
- *Offer good connectivity for a regional catchment.*
- *Provide high levels of amenity.”*

The subject site is located within close proximity to the Monash Medical Centre and Monash University, and it is also well serviced by public transport, amenities and services. It is an appropriate location for higher density developments such as the proposed multi-storey residential building.

Further to this, Clause 15.01-2S specifies the urban design principal for residential developments. The objective seeks to:

*“Achieve building design outcomes that contribute positively to the local context and enhance the public realm.”*

The applicable strategies include:

- Site analysis.
- Consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise detrimental impact on neighbouring properties, the public realm and natural environment.
- Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.
- Buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

- Development provides safe access and egress for pedestrians, cyclists and vehicles.

A site analysis has been provided with the application as the starting point, to identify the opportunities such as the proximity to Monash University, and limitations such as existing trees on adjoining properties. Considerations of the development's height, scale and massing and how it responds to the strategic direction and impacts on the neighbouring properties have been applied throughout the assessment of the application, which is discussed in the balance of this report.

Clause 16 of the Monash Planning Scheme seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

Housing policy at Clause 16.01 -2R seeks to:

*"Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne."*

*"Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are.....areas for residential growth....areas designed as National Employment and Innovation Clusters, metropolitan activity centres and major activity centres, neighbourhood activity centres especially those with good public transport connections, areas near existing and proposed railway stations that can support transport-oriented development."*

As mentioned previously, the subject site is located at an identified location to provide an increased housing diversity and density to support the MNEIC, where it is the primary strategic location for high technology research and development industries in Victoria.

State Planning Policy, including Clause 16.01-2S (Location of Residential Development), Clause 16.01-3R and S (Housing Diversity), Clause 16.01-4S (Housing Affordability), seeks to provide a diversity of housing types in and around areas which have good access to services and public transport.

The principal control affecting the subject site is the Residential Growth Zone, Schedule 3 which seeks to facilitate housing growth in the form of apartment developments. The site is located in an area which is expected to undergo substantial changes with the development of multi-storey buildings.

#### **Local Planning Policy Framework (LPPF)**

Relevant objectives and strategies of Clause 21.04-3 (Residential Development) seek:

*“To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.”*

*“Ensure that new residential development provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.”*

*“Direct medium rise development towards the Brandon Park, Clayton and Mount Waverley Activity Centres.”*

*“Promote and facilitate housing projects that will result in a mix of housing types including mixed use developments in appropriate locations, such as “shop top” dwellings within the retail and commercial centres of activity centres, as well as over car-parks and other appropriate areas.”*

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Clayton as a Major Activity Centre, which is an important location for residential development.

Clause 21.04 (Residential Development) identifies that a key issue for the City of Monash is demand for quality student accommodation which has resulted in housing shortages and a significant number of students living in substandard, shared housing facilities.

The subject site is within a short walking distance to Monash University (60 metres), and is well serviced by public transport. It also has good access to community services in vicinity of Monash University. It is an ideal location to provide accommodation for students or university staff, which is reflected in Clause 22.10 (Student Accommodation Policy) identifying this site within the ‘preferred location’ for student accommodation developments.

#### **Clause 22.10 Student Accommodation Policy**

This policy is to encourage student accommodation to locate in reasonable proximity to tertiary institutions with convenient access to public transport and a range of commercial, retail, entertainment and social facilities. It applies when a planning permit is required for the development of a residential building, in this case, a rooming house for student accommodation.

This policy requires student accommodation to be of high quality and well designed that respects the existing neighbourhood character and responds to the desired future character. The subject site is within the Residential Growth Zone where greater emphasis is for the development to respond to the future character statement, and to contribute to the garden city character along with built form policy objectives.

Residential buildings should be designed to include breaks and recesses in building mass to avoid large block like structures dominating the streetscape, and will not visually overwhelm the existing residential developments. Student accommodation



should be provided with adequate on site car parking and bicycle storage to minimise car parking impact on existing streets.

Proposals should include adequate and well-proportioned communal open space areas, and shared facilities or common areas integrated into the design, to meet the amenity and recreation needs of student residents.

This proposal will be assessed against the relevant requirements and policies in the balance of this report.

### Clause 32.07- Residential Growth Zone – Schedule 3

Schedule 3 to the Residential Growth Zone (RGZ3) applies to the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster (MNEIC). The design objectives are:

- 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.

RGZ3 nominates variations to Clause 55 (ResCode) applicable to the site. The submitted proposal generally complies with the varied requirements, with the exception of the proposed front fence which could be addressed via permit conditions. Details of assessment of the proposal against the RGZ3 are as follows:

REQUIREMENT	RESPONSE
Minimum front street setback of 4 metres	Compliance achieved  The proposed building has a front setback of 4 metres.
Minimum rear setback of 3 metres for the first 2 storeys plus 2 metres for the third storey.	Compliance achieved  The first 2 storeys (Ground Floor & Level 01) of the building are setback a minimum of 3 metres from the rear boundary, and the 3 <sup>rd</sup> and 4 <sup>th</sup> storeys (levels 02 & 03) of the building are setback a minimum of 5 metres from the rear boundary.
Landscaping – 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.	Compliance achieved  There are no significant trees on site. The front street setback of 4 metres is sufficient to accommodate a new canopy tree with a mature height equal to the height of the roof of the proposed building.
Front fence height – 0.9 metres	Variation required-  The proposal includes a front fence of 1.5 metres in height and a 1.7 metres high fence surrounding the private courtyards within the front setback area. The

	front fence should be removed for landscaping along the front boundary to help soften the streetscape as well as buffer the 1.7 metres high fence within the front setback. This could be achieved via permit condition.
Private/ communal open space	<p>Compliance achieved</p> <p>Communal open space areas are located at the ground level, including approximately 85 square metres south of the driveway, and 54.4 square metres in the middle of the building. In addition, communal areas of 26 to 44 square metres are provided on the levels above ground with a further 26 square metres of outdoor area on the Level 02.</p> <p>Each unit on the ground level is provided with a private courtyard and over 50% of the units above ground have been provided with balconies. Although not generous in size, these areas are in addition to the communal areas on the ground level and on each level which is deemed satisfactory.</p> <p>The proposal meets the requirements in Clause 22.10-4 Student Accommodation Policy.</p>
Preferred maximum building height of 13 metres	<p>Variation required-</p> <p>The proposed building generally has a building height of 11.8 to 14.8 metres. The maximum building height is 15.6 metres for the lift overrun.</p> <p>The building where it exceeds the preferred building height of 13 metres is limited to the front section of the building, where there will be minimal impacts to the adjoining sensitive properties. This will be further discussed in the balance of this report.</p> <p>The lift overrun will hardly be visible to any person due to its setback to all property boundaries.</p> <p>The proposal with variation to the preferred building height of 13 metres is acceptable given the minimal impacts likely by the variation.</p>

#### Monash Housing Strategy 2014

The Monash Housing Strategy 2014 (adopted by Council in October 2014) identifies this subject site as being located in Category 3 Residential Land in the Monash National Employment Cluster, the objectives and outcomes for which, among others, seek:

- *Housing change and diversification.*
- *Development will respond to the broader context, taking into account both commercial design and residential character as relevant.*

Residential outcomes include:

- *Higher density apartment development at the interface with the technology precinct.*
- *Lower density unit and townhouse style development at the interface with surrounding residential areas.*
- *Potential for lower to medium density apartment development in predominantly residential streets subject to careful design.*
- *On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of appropriate landscaped setbacks.*

The housing strategy identifies that there is increasing demand for student accommodation around the Monash University and a variety of affordable housing is encouraged to support the high technology research and development industries within the MNEIC. The proposal to use the subject site for student accommodation is an appropriate response to the Monash Housing Strategy.

## **ASSESSMENT**

### **Neighbourhood Character and Built Form**

New development must be designed to ensure that the design response respects existing neighbourhood character, contributes to the preferred future character and respond to the features of the site. The height and setback of buildings must also respect the preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

The subject land is located within the Residential Growth Zone between the Monash University to the east and established residential precincts further west within the General Residential Zone. The proposal responds to the features of the site and surrounding area by providing appropriate building setbacks, incorporating landscaping elements along the perimeter of the site and through the use of a diverse materials and finishes palette to break up building massing. The building design is a contemporary design response to the context.

It is considered that the development will sit comfortably at this location for the following reasons.

- The four storey graduated height of the proposed development is appropriate within the Residential Growth Zone, where its purpose is to provide housing at increased densities with buildings up to and including four storeys. In addition, the existing multi-storey buildings in Monash University are highly visible to Beddoe Avenue and the proposed four storey building will not be at-odds to the streetscape.
- The design response provides for a suitable street setback of 4 metres to Beddoe Avenue, consistent with the provisions of the Residential Growth Zone Schedule 3. There will be adequate landscaping opportunities along Beddoe Avenue.

- The rear setback between 3 to 5.5 metres is also consistent with the provision in Residential Growth Zone Schedule 3. It will allow additional landscaping along the rear boundary to soften the visual impact to the adjoining properties, and maintaining the Garden City character.
- Landscaping requirements will include planting of large canopy trees within the street frontage of the development. The provision of landscape buffers along the side (northern and southern) boundaries of the site, will also assist to soften the massing of the proposed building adjacent to neighbouring secluded private open space areas.
- The proposed 1.5 metres high front fence along Beddoe Avenue exceeds the preferred height of 900mm in the Residential Growth Zone Schedule 3. It could be removed to provide for a more open garden setting and generous landscaping edge to the development, as well as buffer the visual impact of the fencing for the ground level private courtyards face Beddoe Avenue.
- The top level is substantially recessed along all interfaces to minimise the perception of visual bulk and provide a capping element to the development. All floor levels are articulated and varied building setbacks to avoid flat and overwhelming facades.

#### *Eastern facade (Street façade)*

- The design of the building incorporates curved balcony balustrades and roofs that provide interruptions and visual interest to the building façade.
- The inclusion of communal open space area adjacent to the driveway to the basement car park will further soften the development at pedestrian level.
- The building is generally 13.8-14.8 metres in height (including parapets) due to the slope of the land. The lift overrun is approximately 15.6 metres in height however will barely be visible from the street given it is setback more than 15 metres from the front boundary.
- Proposed small convenience shop on the ground level is supported, as it will activate the street frontage and provide basic services to the residents.
- The convenience shop and residential entries to the building will share the same pedestrian path from Beddoe Avenue, but are clearly separated at the end of the path. The entrances are setback off the street yet easily identified from the street frontage.

#### *Northern and Southern facades*

- The building on the northern elevation is between 11.8 to 13 metres in height and southern elevation is 14-14.4 metres height due to the slope of the land. Even though the building is higher than the preferred height of 13 metres specified in the Residential Growth Zone Schedule 3, the higher side of the building remains towards the front section of the building and incorporated in the overall high quality architecture design. Building facades are well articulated with no sheer walls and the additional building height.
- The northern and southern adjoining properties either contains no window or a highlight window faces the subject site. Their secluded private open

space areas are located away from the higher side of the proposed building. The visual impact to the adjoining properties is not unreasonable given the expected developments within the Residential Growth Zone.

- The two top levels of the building are not setback sufficiently to meet Standard B18 (Side and Rear Setbacks) of Clause 55.04 of the Monash Planning Scheme however this is considered appropriate in this instance. This will be further discussed in the section 'Side Setbacks and Equitable Development'.

#### *Western Façade (Rear façade)*

- The proposed building is setback 3-5 metres to the rear boundary for the first two levels; and 5 metres for the top two levels. They meet the setback provision in the Residential Growth Zone Schedule 3, and are sufficient to avoid the building to be visually overwhelming to the adjoining properties.
- The rear setbacks respond well to the low scale single storey dwellings immediately to the west. It provides a gradual transition in building height, avoiding unreasonable visual bulk.
- The architectural design with curved walls will add visual interest to this façade. The rear façade is also broken with varied material treatments and provides vertical and horizontal fragmentation of the building façade.
- The general building height of the rear façade is 11.8- 13 metres which is less than the preferred maximum building height in the Residential Growth Zone Schedule 3. The lift overrun is 14 metres in height. Similar to the streetscape elevation, the lift overrun will be hardly visible to the adjoining properties as it is setback over 11 metres from the western boundary.

Overall, it is considered that the proposed four storey built form responds well to its sensitive interface to residential land through its setbacks, façade detailing and overall building scale.

#### **On site amenity, communal open space and amenities**

The proposed layout shows a good level of internal amenity for all units with relevant Clause 55 standards complied with, in particular:

- The entries to the student accommodation and the convenience shop are easily identifiable from Beddoe Avenue. Accessibility is achieved as there are no steps from the footpath.
- All habitable rooms are provided with direct access to daylight and ventilation, having no reliance on borrowed light, light corridors or light wells.

#### *Communal Open Space*

Clause 22.10-4 *Student Accommodation Policy* requires student accommodation facilities to provide a communal open space at ground level located to the side or rear of the building, with convenient access from the student amenities area, having a minimum area of 75sqm or 4sqm per student (whichever is the greater),

designed with a minimum dimension of 3 metres, including one area to the side or rear of the building of 35sqm with a minimum dimension of 5 metres.

The proposal will accommodate 94 students requiring 376 square metres of communal open space. The proposal provides an overall ground level communal open space of 415 square metres including an internal courtyard area of 54.4 square metres which is located centrally in the building. This area is rectangular in shape with a width of 6.25 metres and length of 8.7 metres.

Apart from the internal courtyard, an area of approximately 84 square metres is provided on the southern side of the site adjacent to the driveway; and more communal areas are located between the building and the northern, western and southern boundaries of the site. In addition to the front setback area which is approximately 65 square metres, the total communal open space area on ground level is approximately 469.4 square metres. These areas are minimum 3 metres in dimension and are adequate to allow for meaningful landscaping and planting of canopy trees.

The proposal satisfies the requirements of Clause 22.10-4 (*Student Accommodation Policy*). Detail discussion of the open space provisions are as follows:

- A central communal open space areas is provided on the ground level for outdoor recreation. This area will be accessed from the building. A barbecue is provided within this area along with a paved area and garden bed at the side, to provide a reasonable area for outdoor recreation.
- The location of this communal open space area is appropriate to promote use by all residents as it is easy to access. It will have minimal impacts to the adjoining properties given it is located centrally within the building. However this means that it will be overshadowed by the building throughout the day which is not ideal.
- To compensate the loss of daylight in the central courtyard, more communal areas are provided between the building and the northern and southern property boundaries. The northern communal area will receive adequate daylight throughout the day. These areas will provide additional communal garden area for residents, as well as providing room for landscaping. They are easily accessed via the two sides (northern and southern) of the building. Small plantings could be provided along the southern property boundary even though it is generally overshadowed by the building.
- In addition to the communal open space on the ground level, a common area is provided on each level to provide additional area for social activities. These areas are:
  - Level 01: 44 square metres (3 metres wide)
  - Level 02: 26 square metres (3 metres wide)

- Level 03 (top level): an outdoor communal area of 26 square metres (3.2 metres wide).

They are adequate in size and width in relation to the number of students on each level (i.e. 28 students on Level 01, 26 students on the Level 02 and 20 students on the top level).

- Along with the communal areas, a large proportion of the units also contains private terraces/ balconies to further improve amenity within the building.

All units on the ground level are provided with a private outdoor terrace, and an average of 70 percent of the units above ground level are provided with small outdoor balconies. Although the terraces and balconies are generally small sizes, they are sufficient as the majority of the units are either studio style or one bedroom.

The site is also benefitted from the proximity to Monash University where a variety of recreation facilities are provided within the campus.

### *Amenities*

Clause 22.10-4 *Student Accommodation Policy* recommends that a building used for student accommodation should incorporate the following amenities:

<b>Category</b>	<b>Requirement</b>	<b>Compliance</b>
Room size	Self-contained accommodation: minimum of 24 square metres floor area per unit.	Compliance achieved
Room Facilities	Separate sleeping area, study area with desk and seating, ensuite facilities, independent heating and cooling, inbuilt cupboards for storage of personal items, internet access, and for self-contained units, individual kitchen facilities	Compliance achieved with a variety of unit types including studio style, one bedroom, two bedrooms and one bedroom plus study.
Communal Amenities	Communal facilities should include individual mailboxes and a dedicated waste storage area  Unless provided to individual units common facilities should also include laundry, kitchen and meals area facilities.	Compliance achieved with the exception that no laundry facilities is provided which could be addressed via permit conditions.

- All units are self contained and they are a minimum 24 square metres in sizes, therefore meeting the requirements in Clause 22.10-4 *Student Accommodation Policy*. Although not regulated under Clause 22.10, all units are minimum 3 metres in width to provide functional layouts with limited corridor spaces. All units are regular in shape and generally well-proportioned.
- The proposal does not include adequate laundry facilities to service the development, and there are no sufficient spaces for drying given the small

size balconies/ terraces. This could be addressed via proposed permit conditions.

- The proposed substation within the front setback will impose an overwhelming visual impact to the streetscape. The adjoining property raised an objection about the location of the substation will cause visual impact to their property. Proposed permit conditions will require the substation to be relocated to a location that will cause less impacts to the streetscape and adjoining properties.
- Details of the water meter is required to determine if its location is appropriate. This will be requested via permit conditions.
- The stand-alone fire booster in the middle of the front setback after the deletion of the 1.5 metres high front fence will have a detrimental impact on the streetscape. Proposed permit conditions require it to be relocated closer to the building and incorporated with the 1.7 metres high fencing along the private courtyards if possible. Submission of the plans for endorsement will need to accompany with a written response from the relevant service engineer about the location of the fire booster.

Overall, the proposal will provide good on site amenity for future residents after satisfying the relevant permit conditions.

### **Off site amenity impacts**

#### **Side Setbacks**

Standard B17 of Claus 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 in Standard B17.

#### **Southern Setback**

	<b>Building Height</b>	<b>Setbacks Required</b>	<b>Setbacks Provided</b>
<b>Ground Level</b>	3-4.4m	1.1-2.4m	3.6-5.3m
<b>Level 01</b>	6.3-7.6m	1.8-2.7m	1.8m-3.16m
<b>Level 02</b>	9.4-10.7m	4.5-5.8m	3.78- 3.8m
<b>Level 03</b>	13.7-15.2m	8.8-10.3m	4.46-5.5m

#### **Northern Setback**

	<b>Building Height</b>	<b>Setbacks Required</b>	<b>Setbacks Provided</b>
<b>Ground Level</b>	2.6-4.3m	1-1.2m	1-4.64m
<b>Level 01</b>	4.3-5.9m	1.2-1.69m	1.84-3.2m
<b>Level 02</b>	7.5-9.1m	2.6-4.2m	3.82-5.43m
<b>Level 03</b>	11.8-13.5m	6.9-8.6m	4.5-5.5m



The first two levels of the proposed building are setback sufficiently to meet the Standard B17 requirement. Level 02 is setback 700mm to 2 metres less than the required setback to the southern boundary; Level 03 (top level) is setback 4.3-4.8 metres less to the southern boundary, and 2.4-3.1metres less to the northern boundary.

In order to assess if the variation of the side setbacks are adequate, Council is required to consider the height and setbacks of the new building in response to the neighbourhood character, and limits the impact on the amenity of existing dwellings.

In regards to neighbourhood character, the subject site is within the Residential Growth Zone. It is intended for higher density apartment developments up to four storey in height. The area is expected to undergo substantial changes in regards to building height and scale, and the consequential streetscape presentation of new developments. The proposed four storey building is a built form and height envisaged in this zone and the proposed building will be in keeping with the character of the area, anticipating other similar developments will occur within the Growth Zone. The architectural design of the building is high quality and the curved balconies also avoids unreasonable bulk impacts to neighbouring properties.

Alternatively, if the building was to increase to setback in accordance with Standard B17, level 02 will need to be setback an average of 1.4 metres more to the side boundary, and the top level will need to be setback an average of 7.4 metres more to the side boundaries. An increased setback of level 02 to the southern side, while the northern side of the building will remain at the proposed setback, will result in an unbalanced architectural presentation to the street. The architectural design of this building will not be balanced if one side of the setback was to be increased by 1.4 metres.

Similarly, the top level will become disproportionately small and will weaken the overall architectural presentation if the building were to be setback 7.4 metres from the side boundaries. In addition, after taking out the common area including staircase, lift and waste room, there will be minimal space left on the top level for accommodation which defeats the purpose of the zone to increase density by allowing four storey developments.

The proposal is able to provide a communal open space of 26 square metres on the top level with 16 units. This is a greater outcome to achieve a balance of higher density and good internal amenity, while there will not be unreasonable amenity impacts to the neighbours and in keeping with the neighbourhood character.

#### Equitable Development

Although it is appropriate to allow reduced side setbacks to the building, it should still be setback adequately to the side boundaries to ensure the proposed

development will not hinder future developments on adjoining land, to allow properties to be developed in an equitable manner.

Proposed conditions will require the top two levels of the building to be generally setback a minimum of 4.5 metres to the side boundaries. With anticipation of developments and setbacks on adjoining land, this will create a separation of 9 metres between the buildings. This is an adequate separation within the Growth Zone, and sufficient to avoid the need of screening to habitable room windows of these buildings for respectable internal amenity.

To satisfy the condition requiring a 4.5 metre side setback to the side boundaries, level 02 will result in the loss of the five (5) 2.5 square metres terraces on either side of the building in order to maintain the minimum room sizes of 24 square metres. The loss of these terraces are not critical due to their small sizes, and the units associated with these terraces are studio type. Any social activities are more likely to happen in the communal areas provided on each level.

It is preferred that the four (4) corner units to remain at a setback of 3.8 metres from the side boundaries to avoid a flat façade across the northern and southern elevations. This will be a better presentation to the street and adjoining properties compared to the minimal benefits of the additional 600mm setbacks, if the walls were to be setback 4.5 metres from the boundaries. In addition, habitable room windows in these units either face to the street or the rear where the 9 metre separation to the sides is not required to prevent overlooking.

Level 03 is currently proposed to be setback 4.46 metres to the side boundaries. The deficiencies of 40mm to achieve 4.5 metres is minimal and inconsequential.

#### Overshadowing

The applicant has prepared plans showing between 9am to 3pm shadowing cast by the proposed building. The 9am and 10am shadow will largely fall onto the three strata units to the west, known as Unit 3, 4 and 5/ 74 Marshall Avenue Clayton. Units 3 and 5 have their secluded private open space wrapped around the northern and southern sides of their dwellings. The overshadowing impacts to these two dwellings will not be unreasonable, as only a small section of their secluded private open space will be overshadowed between these two hours.

Unit 4 will receive less than five hours of sunlight between 9am and 3pm due to the shadow it casts on itself in the afternoon. The additional shadow caused by this proposal is mainly at 9am and from 10am onwards the shadow impact reduces. It is considered an acceptable outcome given the amenity of the adjoining unit will not be unreasonably compromised by the proposed development in the morning, and the adjoining neighbour did not raise concerns.

The plans show that at 11am and midday shadows fall onto the side of the dwelling at 75 Beddoe Avenue, where a highlight window exists and no shadow will fall

onto its secluded private open space area. The amenity of 75 Beddoe Avenue will not be compromised by shadows of the proposed building.

Afternoon shadows are largely confined within the front setback of the subject site, and onto Beddoe Avenue.

These properties are within the Residential Growth Zone, where higher scale developments are expected. This proposal is considered a balanced outcome of preferred higher density developments while minimising existing amenities.

#### Overlooking

Clause 55.04-6 *Overlooking Objective* requires that habitable room windows and balcony spaces should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres.

The proposed development generally complies with the overlooking requirements. Obscure glazing to 1.7 metres above finished floor levels has been provided to avoid overlooking of the adjoining properties to the north, south and west within 9 metres of the boundary. However permit conditions will require these obscured glazing to be non-openable up to 1.7 metres above finished floor levels and not film to effectively prevent overlooking.

#### Daylight access to existing windows

The building is setback adequately to not impact on the neighbour's north facing windows. The adjacent window to the south of the subject site is a highlight window which does not generate great internal amenity. The proposed building will not unreasonably compromise the amenity of the subject neighbouring room.

#### Convenience Shop Use

Clause 22.09 *Non-Residential Use and Development in Residential Areas* is to ensure development is appropriate having regard to the residential environment of the surrounds. This will be the only shop in an area with other services (e.g. child care centre) within close walking distance to the Monash University. The convenience shop will provide services to students and nearby residents, and is not expected to generate a high volume of traffic due to its small size. However, the proposed 24 hour operation is considered excessive given it is in a residential area and should be limited to protect the amenity of the nearby residents. Proposed permit conditions will require the convenience shop to reduce the hours of operation from 24 hours to 6.00am – 10.00pm seven days to better reflect the core shopping hours and key resident quiet times.

One car parking space is provided for the convenience shop is in the basement. This space should be clearly allocated to the convenience shop. Details of the car parking provision will be provided in the session below.

**Car Parking, traffic and access**

Clause 22.10 *Student Accommodation* states that car spaces should be provided on site at the rate of at least 0.3 car spaces per bed for sites located within Preferred Locations, and 0.4 car spaces per bed for sites located outside Preferred Locations. There is no requirement for visitor parking.

The subject site is within a Preferred Location identified in Clause 22.10 *Student Accommodation* and also within the Principal Public Transport Network (PPTN) area. The car parking requirements for the proposal are set out in the following table:

Use	Number of rooms / floor area	Clause 22.10/ 52.06 Requirements	Car spaces Required	Car spaces Provided
Student Accommodation	94 Bedrooms	0.3 car spaces per bedroom	28 car spaces	28 car spaces
Convenience Shop	45 square metres	3.5 spaces to each 100sqm of leasable floor area	1 car space	1 car space
Total			29 car spaces	29 car spaces

The proposal satisfies the statutory car parking requirement for both the student accommodation and convenience shop components. It is noted that the total number of car parking spaces on the basement plan is incorrectly notated at '26 car spaces' which has been confirmed by the permit applicant that it should be '29 car spaces'. This could be corrected via permit conditions if a permit was to issue.

Council's Traffic Engineers advised that the level of traffic generated by the proposed uses is considered to be low and would have minimal impact on the safety and operation of Beddoe Avenue and the surrounding road network.

Car parking spaces are proposed to be located within the basement car park. The location of the spaces satisfies the requirements of Clause 22.10 *Student Accommodation*, with the spaces being located well within the development and not visible from the street to any significant extent. The boom gate is located away from the front boundary to avoid vehicles overhanging the footpath whilst waiting for the gate to open.

The purpose of Clause 52.06 Car Parking is to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. The proposal will achieve this objectives after the conditions required by Council's Traffic Engineers are satisfied.

**Bicycle Parking**

Clause 22.10 *Student Accommodation* specifies that bicycle parking should be provided at a rate of 1 bicycle space for every 2 students. Bicycle space design

must comply with the requirements of Clause 52.34 *Bicycle Facilities* of the Monash Planning Scheme.

The proposed building provides a total of 94 bedrooms, therefore a minimum of 45 bicycle spaces are required. The proposal provides for 47 bicycle spaces within the basement level which exceeds this requirement.

There is no bicycle space requirement for the convenience shop as the leasable floor area does not exceed 1000 square metres.

### **Landscaping**

An arboricultural report has been submitted as part of the application. This report raises no concerns with the removal of existing vegetation on site as they are predominantly small fruit trees, and provides specific tree protective measures to ensure the good health and retention of trees on adjoining properties. These measures can be incorporated in any permit issued, and a tree management plan will be requested via permit conditions, as recommended in the arboricultural report.

The report identifies two significant trees located on the south adjoining properties. A 13 metres high *Eucalyptus robusta* is located within the front setback area adjacent to the driveway leading to the basement garage of the proposed building. The proposal will encroach into the tree protection zone mainly by the proposed vehicle crossover and the driveway. However, the report suggests it is not expected that roots of this tree will be significantly impacted due to the existing context. The works will be supervised on site at the time of excavation by a qualified arborist.

A 12 metres high *Eucalyptus nicholii* is located within the rear open space of the south adjoining property which has a small encroachment by the proposed basement. The encroachment is within the allowance in AS-4970 'Protection of Trees on Development Sites' and the tree can be retained in a healthy condition.

### **Objections not previously addressed**

#### **Rubbish in the street**

A waste chute and bin storage are provided within the building. Collection of bins will be managed through the Waste Management Plan. The concern about rubbish being left in the street when students vacate is not a planning consideration, and should this occur will be dealt with by the relevant Council departments.

#### **Difficulties for cyclists to exit the basement car park**

The application has been referred to Council's Traffic Engineer who did not raise any issues about bicycle access. The access ramp is double width and of a standard gradient and provides safe access for cyclists.

The development should only provide a single vehicle crossover instead of a double crossover

The proposed double crossover is supported by Council's Traffic Engineer due to the number of vehicles accessing the basement car park to ensure safe ingress and egress. A single crossover would not be supported as it would not allow for cars to pull off Beddoe Avenue to access the basement. Adequate area will remain for kerbside parking.

Insufficient car parking provision and cause traffic congestion

The proposal has been amended after public notification to provide additional car parking spaces, to satisfy the statutory car parking requirement for both the student accommodation and convenience shop components.

Council's Traffic Engineers advised that the level of traffic generated by the proposed uses is low and would have minimal impact on the operation of Beddoe Avenue and the surrounding road network.

It is worth noting that the subject site is located within the Principal Public Transport Network where it is well served by public transport.

Safety concerns and disruption during construction

Construction hours are governed by Local Law No. 3 – Community Amenity. A Construction Management Plan would be required to demonstrate traffic arrangement during construction, if a permit was to be issued.

Structural impacts from construction

The objector is concerned about impact of the construction may have on their building. The structure of the proposed building will be assessed by the relevant building surveyor during the process of the building permit application to ensure the construction of basement will not affect the structure of the adjoining properties.

Noise and crime impacts from proposed convenience shop

The convenience shop is modest in size and will not result in unreasonable amenity impacts.

Noise and visual impacts from pole mounted substation

A substation is required to provide electricity to the proposed building. The pole mounted substation within the frontage of the site is not considered an appropriate design response as it is an unpleasant structure exposed to the street and located close to the north adjoining residential property. The substation should be redesigned and relocated to be less visible from the street and further away from the adjoining properties. This could be achieved via permit conditions.

Flooding and drainage impacts

The proposal has been referred to Council's Drainage Engineer who did not raise concerns about flooding or stormwater drainage.

#### Set precedent for other developments

Each application is assessed on its merit against the relevant planning policy direction and controls in the Monash Planning Scheme and whether the proposal satisfactorily responds to the site location and context. The approval of one development does not mean that all future developments will be supported. It is noted however the proposal is consistent with the Council's future vision for change in this area.

The property is in a Residential Growth Zone where this type of development is envisaged as a result of the introduction of that zone. There was an exhaustive and protracted consultation process undertaken before being ultimately introduced by the minister for planning.

#### Overdevelopment

The proposal is not considered an overdevelopment. It responds to the strategic direction of the Residential Growth Zone, to increase density of residential development and to provide housing diversity. The subject site is a preferred location for student accommodation.

#### **CONCLUSION:**

The proposed development is considered appropriate given the locality and relevant objectives of state and local policies relating to housing, increased residential density and provision of student accommodation in appropriate locations. The design response has been developed having appropriate regard to objectives of the Residential Growth Zone Schedule 3.

The subject site is within the preferred location for student accommodation. The four storey built form is permissible and envisaged within the Residential Growth Zone. The proposed building will be setback adequately to property boundaries to allow for equitable development, and will not cause amenity impact to adjoining properties.

Adequate communal open space is provided for recreation and landscaping purposes and more than half the units are provided with individual small terraces or balconies. In addition, a common area is provided on each level to avoid social isolation. Internal amenity of the units is satisfactory.

The small convenience shop on the ground level of the building, ancillary to the student accommodation, is acceptable due to the subject site's location. It is not expected to generate an excessive amount of external customers due to its modest in size, and is not expected to unreasonably affect the amenity of area.

The car parking provision for the proposal satisfies the statutory car parking requirement. Overall, the proposal is considered appropriate in both its concept and design and it is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.