

**1.4 428-430 HAUGHTON ROAD, CLAYTON  
CONSTRUCTION OF A 4 STOREY RESIDENTIAL BUILDING  
AMENDED PROPOSAL FOR VCAT HEARING  
(TPA/50934)**

**EXECUTIVE SUMMARY:**

Planning Application TPA/50934 sought approval for the construction of a 4 storey residential building, at 428-430 Haughton Road, Clayton. Council at its meeting of 31 March 2020 determined to refuse the application.

An appeal has been lodged with Victorian Civil and Administrative Tribunal (VCAT) against Council's Notice of Refusal to issue a Planning Permit.

As part of the VCAT appeal process Council officer's attended a compulsory conference. Following the compulsory conference amended plans have been formally lodged with VCAT which seek to address the concerns raised within Council's grounds of Refusal, primarily internal amenity, neighbourhood character and presentation to the streetscape, quality of materials, concerns relating to vehicle movement within the site and failure to support equitable development outcomes for adjoining properties.

Council must form a position on the amended plans provided.

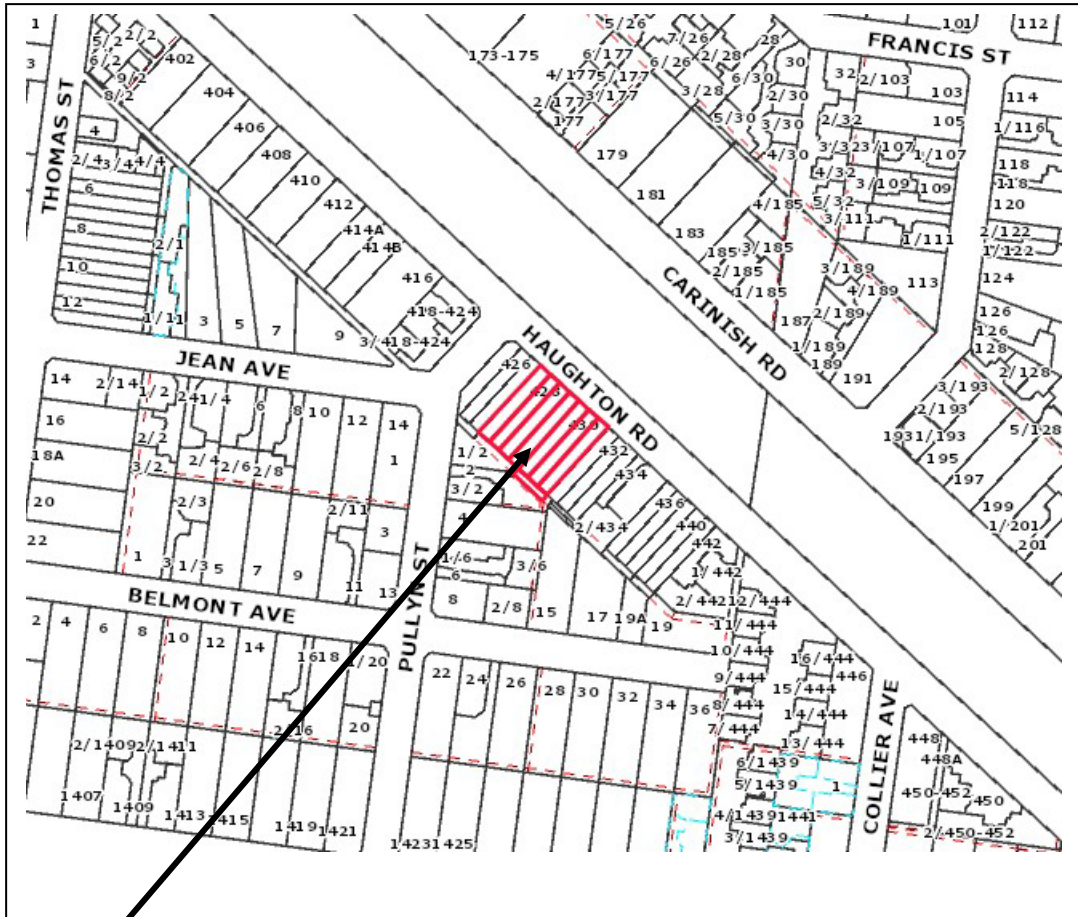
In the event that Councillors are supportive of the amended plans and the recommendation of Council officer's, it is proposed to resolve the matter by consent order. If Council are not supportive of the amended plans, the application will proceed to a full hearing on 15 October 2020.

**The amended plans are considered to be generally acceptable and it is recommended that the amended proposal be supported subject to conditions. It is recommended that Council officers resolve the matter by consent order.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Alexandra Wade</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>428-430 Haughton Road, Clayton</b>
<b>EXISTING LAND USE:</b>	<b>Two single dwellings</b>
<b>PRE-APPLICATION MEETING:</b>	<b>No</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Four (4). No objectors sought to be parties to the appeal.</b>
<b>ZONING:</b>	<b>Residential Growth Zone, Schedule 3</b>

<b>OVERLAY:</b>	<b>Nil</b>
<b>RELEVANT CLAUSES:</b> <u><b>State Planning Policy Framework</b></u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S – Supply of Urban Land Clause 11.03-1S & R – Activity Centres 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- Housing Clause 18.01-1S- Land Use and Transport Planning Clause 18.02-1S & R- Sustainable Personal Transport Clause 18.02-2R– Principal Public Transport Network Clause 18.02-4S- Car Parking Clause 19.03-3S- Integrated Water Management	<u><b>Local Planning Policy Framework</b></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><b>Particular Provisions</b></u> Clause 52.06- Car Parking Clause 52.34 – Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development Clause 55- Two or more dwellings on a lot and residential buildings Clause 65 – Decision Guidelines
<b>STATUTORY PROCESSING DATE:</b>	<b>N/A</b>
<b>DEVELOPMENT COST:</b>	<b>\$9,114,000</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to consent to the amended plans and support the application via consent order to **(TPA/50934)** for the construction of a 4 storey residential building, at 428-430 Haughton Road, Clayton subject to the following conditions:

**Amended Plans Required**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Life Design Architecture 17 September 2020 but modified to show:
  - a) Bedroom 2 eastern facing window of Apartment 1.09 and Bedroom 2 western facing window of Apartment 1.02 to be screened in accordance with Standard B22 of Clause 55.04-6 or further details showing that no unreasonable overlooking will occur.
  - b) All balconies which have an outlook within 9 metres of adjoining habitable room windows and secluded private open space to be screened as required in accordance with Standard B22 of Clause 55.04-6.
  - c) Natural Ground Level to be clearly identified on all elevations.
  - d) The location and height of all retaining walls within the site to be detailed on the ground floor plan.
  - e) The area of hard paving associated with Apartments G.01, G.02 and G.11 to be reduced to not extend past the line of the basement (except for any pedestrian pathway).
  - f) The area of hard paving associated with Apartment G.04 to be no greater in width than 2.2 metres.
  - g) Screening between balconies at the upper level facing Haughton Road to be obscure glass or other lightweight material to the satisfaction of the Responsible Authority.
  - h) The Materials Schedule to correctly identify material AA being Metal Cladding.
  - i) Details of any recommendations as required by the Acoustic Report prepared in accordance with Condition 9 of this Permit.
  - j) A Waste Management in accordance with Condition 4 of this Permit.
  - k) A Sustainable Management Plan in accordance with Condition 7 of this Permit.
  - l) A Landscape Plan in accordance with Condition 11 of this Permit.

- m) A Tree Management Plan in accordance with Condition 14 of this Permit.

**Layout not to be Altered**

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

**Satisfactory Continuation**

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

**Waste Management**

4. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by One Mile Grid dated 18 December 2019, but showing to the satisfaction of the Responsible Authority:
- a) Any changes as required by Condition 1 of this Permit.
  - b) Clearance heights required for waste collection.
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. 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.

**Amended Sustainable Management Plan (SMP) Required**

7. Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Green Rate and dated 2 December 2019 but modified to reflect the amended plans dated 17 September 2020 and any changes as required by Condition 1 of this Permit.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Amended Acoustic Report Required**

9. Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics dated 19 December 2019, but modified to reflect the amended plans dated 17 September 2020 and any changes as required by Condition 1 of this Permit.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Landscape Plan**

11. 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 prepared by Outward Design, dated 29 November 2019, except that the plan must show:
  - a) Any changes required by Condition 1 of this Permit.
  - b) Paving finishes associated with pathways to individual apartments to differ to the main entrance of the building.
  - c) Material finishes of all hard paved / decked areas.
  - d) Screen planting located in front of balcony spaces associated with Apartments G.01, G.02 and G.11 to provide for privacy of these spaces.
  - e) Climbing plants to be provided over the pergola to the pedestrian entrance and beams over the vehicle accessway.
  - f) The proposed lawn areas within the front setback of the site to be revised and replaced with low level planting.
  - g) The deletion of any clothes lines for apartments fronting Houghton Road, and the location of any clothes lines for any remaining ground floor open spaces to be located away from the main area of secluded private open space where practicable.
  - h) The existing street tree adjacent to the proposed accessway to be shown to be removed.
  - i) The Tree Protection Zones of all trees to be retained adjoining the property.
12. 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.

13. An in-ground, automatic watering system connected to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

#### **Tree Management**

14. Concurrent with the endorsement of any plans pursuant to Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 2, 3 and 10 as identified in the Arborist Report prepared by TreeMap dated December 2019).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
  - i. Tree protection zones and structural root zones of all trees to be retained,
  - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
  - iii. The type of footings within any tree protection zones;
  - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
  - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- c) Supervision and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must

reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

#### **Tree protection during construction**

15. Before any development (including demolition) starts on the land, a tree protection fence must be erected around the Street Trees (Trees 2 and 3) to be retained and the tree located within the rear SPOS of 426 Haughton Road (Tree 10) to define a "Tree Protection Zone" as detailed in the endorsed Tree Management Plan. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.

#### **Construction Management Plan**

16. 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) Except with the prior written consent of the Responsible Authority, 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).
    - No works are permitted on Sundays or Public Holidays.
17. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Car Parking and Driveways to be Constructed**

18. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- a) constructed to the satisfaction of the Responsible Authority;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
  - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

19. Before the use starts or any building is occupied:
- a) Traffic signals must be installed on or near each basement access ramp. Such traffic control measures must include appropriate hold points and detector loops; and
  - b) A convex mirror must be installed at the top of the two access ramps within the basement.
- to the satisfaction of the Responsible Authority.

20. The traffic signals must be routinely serviced and maintained to the satisfaction of the Responsible Authority.

#### **Vehicle Crossovers**

21. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
22. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

#### **Drainage & Stormwater**

23. The site must be drained to the satisfaction of the Responsible Authority.
24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
25. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.
26. A plan detailing the drainage works must be submitted to 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 requirements of this permit.

#### **Privacy screens**

27. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

#### **Plant / Equipment or features on roof**

28. 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.

**Service Location**

29. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

**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 2 years from the date of issue.
- b) The development is not completed before 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.

**BACKGROUND:**

The Planning Permit application was originally lodged in October 2019.

A total of four (4) objections were received for the application. The objections raised the following concerns:

- Height;
- Not in keeping with the character of the neighbourhood;
- Excess traffic generation and car parking overflow;
- Overlooking;
- Noise from future residents;
- Structural damage to adjoining properties;
- Overshadowing and impact to daylight; and
- Devaluation of property.

Council at its meeting of 31 March 2020 determined to refuse the application subject to the following grounds:

1. The proposal fails to be in keeping with the surrounding neighbourhood character and will result in a poor quality outcome.

2. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 of the Monash Planning Scheme.
3. The proposal will result in unreasonable bulk impacts to adjoining properties to the north-west and south-east.
4. The proposal fails to ensure equitable development opportunities for adjoining properties to the north-west and south-east.
5. The proposal will result in a poor level of internal amenity for future residents.
6. The proposal fails to provide an appropriate level of natural surveillance, activation and sense of address to Haughton Road.
7. The proposal results in unreasonable overlooking to adjoining habitable room windows and secluded private open space.
8. The proposal will result in unreasonable overshadowing to the secluded private open space of 1/2 Pullyn Street.
9. The proposal does not provide for an efficient car parking layout.

In Council's decision however, it was determined that the proposed development being four storeys in height with a mixture of 1, 2 and 3 bedroom dwellings, located within the Clayton Major Activity Centre and within the Monash National Employment and Innovation Cluster within an accessible area satisfies the objectives of the Planning Policy Framework and Local Planning Policy Framework, subject to an appropriate design response.

Council's decision was appealed to the Tribunal. One statement of grounds was received from an objector, however they did not seek to become a party to the appeal.

Following two Compulsory Conferences (14<sup>th</sup> August 2020 and 28 August 2020), amended plans have been lodged with the Tribunal (on 17 September 2020) which seeks to vary the plans proposed to address Council's concerns. Amended plans have been provided in accordance with the Tribunal's order, which required plans to be circulated by 17 September 2020.

The applicant was required to serve the amended plans on all parties to the proceedings. As there were no other parties to the appeal, the circulation included only the Tribunal and Council. The plans were not required to be advertised to all those originally notified of the application as it was determined that there would be no additional material detriment to surrounding property owners and

occupiers from the amending plans (in comparison to the decision plans). However, the plans have been published on Council's website as required by the orders of the Tribunal.

The hearing is scheduled for 15 October 2020 for 2 days, should Council not resolve the matter via consent.

### **The Site and Surrounds**

The Subject Site is located on the south-western side of Haughton Road, approximately 20 metres south-east of Pullyn Street, Clayton. The site comprises two parcels of land being 428 and 430 Haughton Road.

The site is generally rectangular in shape with a frontage of 38.41 metres to Haughton Road with a depth of 38.10 metres. In 2018, a laneway to the rear of the site was discontinued and therefore an additional parcel of land is located to the rear of 430 Haughton Road which measures 3.05 metres x 16.46 metres. The site has a combined area of 1513.47 square metres.

The land has a slope of approximately 1.1 metres from the northern corner to the southern corner of the site. It is noted that No. 428 Haughton Road is wider than traditional sites along Haughton Road, being 21.95 metres in width.

Three street trees are located along the frontage of the site.

The site is located within the residential component of the Clayton Metropolitan Activity Centre (MAC). The site is also located within the Monash National Employment and Innovation Cluster.

North-east of the site is a public car park associated with Clayton Train Station, and the newly constructed sky rail.

South-east of the site is a single storey detached brick dwelling with a pitched roof form. A driveway and garage are located along the north-west interface abutting the subject site. A brick and iron fence is located along the frontage of the site. An area of secluded private open space is located to the rear of the dwelling.

South-west of the site are three double storey dwellings which front Pullyn Street. The dwellings were constructed in 2017. Two of the dwellings (Unit 1 and 2) have secluded private open space located along the rear boundary of the site which abuts the subject site.

North-west of the site is No. 426 Haughton Road which supports a single storey brick dwelling located on the corner of Haughton Road and Pullyn Street. A low brick with iron fencing above is located along the frontage of the site, with a timber paling fence located towards the rear of the site facing Pullyn Street. Vehicle access to the site is via Pullyn Street to the rear of the site leading to a garage towards the rear of the dwelling. The primary area of secluded private open space is also located to the rear of the dwelling.

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

### **PROPOSAL – AMENDED PLANS FOR VCAT:**

The application seeks to modify the previous proposed development as detailed in the following table:

	<b>ORIGINAL PROPOSAL PREVIOUSLY REFUSED BY COUNCIL (Attachment 1a)</b>	<b>AMENDED PROPOSAL (Attachment 1b)</b>
Number of Apartments	A total of 40 Apartments including: <ul style="list-style-type: none"> <li>• 4 x 1-bedroom apartments</li> <li>• 32 x 2-bedroom apartments</li> <li>• 4 x 3-bedroom apartments</li> </ul>	A total of 39 Apartments including: <ul style="list-style-type: none"> <li>• 2 x 1-bedroom apartments</li> <li>• 33 x 2-bedroom apartments</li> <li>• 4 x 3-bedroom apartments</li> </ul>
Number of car spaces	44 car parking spaces	43 car parking spaces
Site Coverage	60%	60%
Permeability	24%	23.9%
Materials	Fibre Cement Sheeting and Metal Cladding.	Brick veneer, cement render, axon texture board and colourbond cladding.
Front Fencing	900mm high front fence along street frontage with 1.8m high screens between open space areas within the front setback	1.2m high metal fencing, set back a minimum of 2 metres from the street.
Building Height	4 storeys, 12.7 metres.	4 storeys, 12.7 metres.

The plans have also incorporated the following changes:

- A traffic light system for each of the proposed accessways.
- Basement configuration improving efficiency of vehicle movement.
- Reduction in the length of the service cabinets on the street frontage.
- An increase in the setback of the building at the ground floor from the north-western corner of the site (apartment G.02) from 1.1 metres to 2 metres.
- An increase in the setback of the third floor from the street from 6 metres to 7 metres.
- An increase in the size of the light well servicing the common circulation space.
- Re-arrangement of the layouts of Apartments G.05-G.08 to have a better connection to the area of secluded private open space.
- Improvement of internal layouts of apartments including reconfiguration of apartments on the northern side of the building to face the street.
- An increase in the setbacks of the building at the second floor from the eastern and western boundaries towards the rear of the site by rotating balconies to the south of apartments 2.05 and 2.06.
- Relocation of the balcony associated with Apartment 3.04 away from the adjoining property to the west, to the southern side of the apartment.

- Addition of screening to windows and balconies which would result in overlooking to adjoining areas of secluded private open space and habitable room windows.
- Revision of quality of materials and fenestration of building.
- Addition of entry pergola.
- Reduction of hard paving within the front setback of the site with the relocation of bicycle spaces into the basement car park.
- Relocation of the front fence (to be set back 2 metres from the street) and lowered in height to 1.2 metres.
- Addition of three storage cages within the basement.

Attachment 1a details plans considered as part of the original application.

Attachment 1b details amended plans provided following the compulsory conference and formally lodged with VCAT.

### **PERMIT TRIGGERS:**

#### Zoning

The site is located within the Residential Growth Zone, Schedule 3.

The use of the land for a dwelling is a Section 1 Use – No Permit required.

Pursuant to Clause 32.07-5, a Permit is required to construct two or more dwellings on a lot.

Pursuant to Clause 32.07-9, the height of a residential building should not exceed 14.5 metres (given the land has a slope across the site of greater than 2.5 degrees). It is noted that the maximum overall height proposed is 14.35 metres.

A development must meet the requirements of Clause 55.

#### Particular & General Provisions

##### **Clause 52.06-3 (Car Parking) & Clause 52.34 (Bicycle Facilities)**

The proposal is located within the Principal Public Transport Network (PPTN). As the required car parking and bicycle spaces are provided, no Permit is required under this provision.

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

### **DISCUSSION:**

#### Presentation to Haughton Road

The two metre setback of the building at the ground floor within the north-west corner of the site allows for the building to reflect the rhythm of built form within the streetscape, in conjunction with the central building break.

The third floor has been set back an additional metre in accordance with the draft Clayton Structure Plan, which enables this level to be read as more recessive from the streetscape.

The presentation of the building has improved with the introduction of timber look material and brick finish. The materials are now of a higher quality finish with varied tones throughout each façade improving the articulation of the building.

The deletion of the framing elements at the first floor has also softened the building form and the addition of balconies and more glazing at the third floor has provided a more balanced approach to the streetscape presentation.

The revision of framing elements and materials in addition to the setback of the upper level (now 7 metres from the street as recommended within the Draft Clayton Structure Plan) have all assisted in the central building break being more appreciated from the streetscape which reflects the rhythm of development within the streetscape.

Front fencing has been varied to be set back 2 metres from the frontage of the site, allowing for landscaping within common property to be located along the street frontage. Paving within this area has also been rationalised to improve opportunities for landscaping.

#### Building bulk and equitable development potential to adjoining properties

The location of balconies for the rear units at the second floor have been relocated to the southern side, however will maintain good access to sunlight (having easterly or westerly aspects). The balcony associated with Apartment 3.04 has also been relocated away from the adjoining property to reduce bulk impacts and to ensure equitable development potential.

The relocation of balconies towards the front of the property (previously to the sides) not only improves the interface and natural surveillance of the street, but also moves the balconies away from adjoining properties increasing setbacks, and narrowing the presentation of the building to the streetscape therefore lessening its bulk.

The revision of materials to the side and rear interfaces have also improved the articulation of the building and has assisted with softening the built form.

#### Internal amenity

The internal amenity of apartments have significantly improved, reducing narrow turning corridors in most apartments, and providing for a functional living, dining and kitchen area. Bedrooms have been arranged to be more functional, with unnecessary corridors to ensuites deleted.

Balconies and areas of open space are now well connected to the living spaces, and are located to the north facing the street for apartments located along the



front façade of the building. The paved terraced areas to the south of the site have been resolved further, being consistent with the basement level below and providing sufficient space for outdoor dining. Pergolas have been added to the decked areas of Apartment G.05, G.06 and G.08 given there is no overhang from the level above for weather protection, which also results in some further articulation in the building form.

The number of south facing apartments have reduced, with the combining of two single bedroom apartments (Apartment 1.06 and 1.07) into one two-bedroom apartment (1.06).

The light well to the common circulation space has been increased in size to improve daylight to this area.

The number of above-bonnet storage facilities have been reduced to two, being associated with single bedroom apartments. The development now has the provision of 26 floor level storage cages within the basement, four apartments (G.05-G.08) having storage sheds within the ground level areas of open space and thirteen (13) storage rooms within the common circulation space of the building.

#### Overlooking impacts

Windows and balconies which have opportunities for overlooking into adjoining properties have been generally treated with obscure glass or angled louvres which prevent overlooking. There are still some areas where it appears that overlooking will occur and additional treatments will be required, which have been addressed via proposed conditions.

#### Overshadowing to the secluded private open space of 1/2 Pullyn Street

Additional shadowing diagrams have been prepared which includes additional information that clarifies that existing overshadowing to this area of open space (from fencing) does not increase between 10am and 3pm. Officers are now satisfied that these adjoining spaces will receive sufficient access to sunlight.

#### Landscaping Opportunities

The location of terraced areas for ground floor apartments have been better resolved, corresponding with the location of the basement levels and being set back off each boundary.

The revision of the front fencing and reduction in hard paved areas within the front setback has allowed for an area of landscaping within common property which is likely to be better maintained than privatised spaces (noting that a condition will clarify the grey shaded area within the front setback between the fence and balcony space to be landscaped area).

Conditions of the Permit will include tree protection measures for the canopy tree located to the rear of No. 426 Haughton Road, and ensure that the location of the tree is plotted correctly.

An amended landscaping plan will be required to be provided which includes canopy tree planting to the front and rear of the site, low level and screen planting throughout the site and creepers to grow up the pedestrian entrance pergola and beams extending over the basement access ramp.

#### Car Parking, traffic and access

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

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
One or Two bedroom dwelling	35	1 space/two bedroom)	35 spaces	35 spaces
Three bedroom dwelling	4	(2 spaces/ three bedroom	8 spaces	8 spaces
Visitor Parking	39	Nil	0	0 spaces
<b>Total</b>	<b>39</b>		43 paces	<b>43 spaces</b>

The basement arrangement has improved, with the deletion of the car space tucked under the accessway on Basement Level 1 and the car space adjacent to the accessway within Basement level 2 which had poor vehicle movements. The amended plans also seek to relocate some storage cages and relocation of the supporting beam adjacent to G.05 to improve accessibility.

As a result of the changes, the basement level has been extended slightly (below Apartment G.07). However, the extended area is located below the decked area of this Apartment, and a significant area for landscaping is maintained within this area of secluded private open space. The basement / decked area sits 200mm above natural ground level and will not result in overlooking or bulk impacts to adjoining properties.

A traffic light system has been introduced into the basement at the request of Council's Traffic engineers, given the single width accessway proposed. Proposed conditions will require the maintenance of these systems.

#### **CONCLUSION:**

The modified design response has addressed previously raised concerns and results in acceptable built form and amenity outcomes. The modified proposal achieves acceptable outcomes having regard to objectives of the Residential Growth Zone, and Neighbourhood Character policies providing for high quality design, increased density and housing diversity aspirations.

It is recommended that Council change its position on the application at VCAT to provide support for the proposed development subject to the conditions

contained in our recommendation and Council officers resolve the matter by consent order in due course.

**LIST OF ATTACHMENTS:**

Attachment 1a – Development Plans refused by Council.

Attachment 1b – Amended Development Plans.

Attachment 2 – Aerial Photograph (February 2020).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.