

**1.5 4 BURTON AVENUE, CLAYTON
CONSTRUCTION OF A THREE STOREY RESIDENTIAL APARTMENT BUILDING IN A
SPECIAL BUILDING OVERLAY
(TPA/52042)**

EXECUTIVE SUMMARY:

This application proposes the construction of a three storey building containing eighteen (18) apartments above a basement car park.

The application was subject to public notification. Six (6) objections to the proposal have been received.

Key issues to be considered relate to building height and scale, internal and external amenity impacts and traffic generation.

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

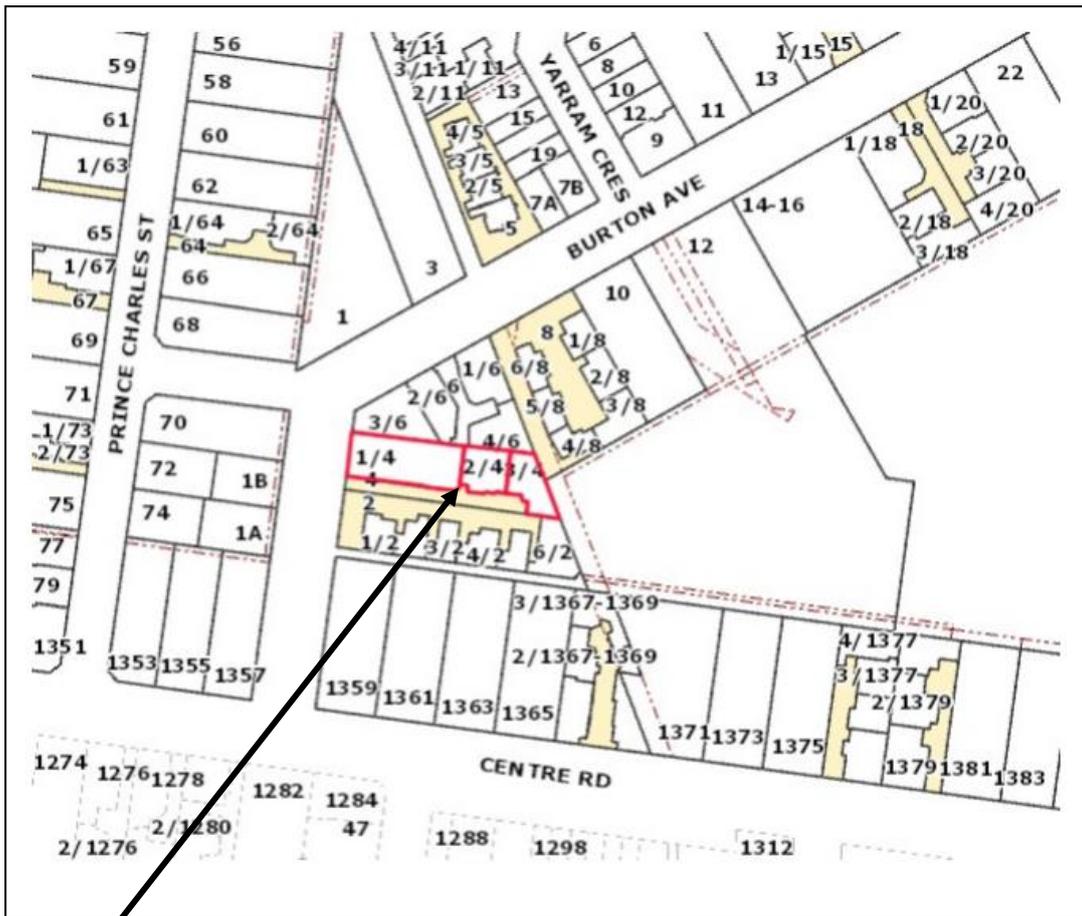
The reason for presenting this report to Council is the proposed development cost of \$4.75 Million.

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.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Oakleigh
PROPERTY ADDRESS:	4 Burton Avenue, Clayton
EXISTING LAND USE:	Three residential dwellings
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Six (6)
ZONING:	General Residential Zone, Schedule 6
OVERLAY:	Special Building Overlay
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement)

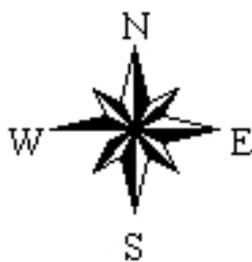
<p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 18.02-1S & 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>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 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06- Car Parking</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>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	30 May 2021
DEVELOPMENT COST:	\$4,750,000

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/52042)** for the construction of a three storey residential apartment building in a Special Building Overlay, at 4 Burton Avenue, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by John Demos Architects, dated 26 March 2021, Revision B TPA.01-TPS.A21 but modified to show:
 - a) The proposed fire hose and stop valve designed to be integrated into the site, using materials which help blend the services into the building's architecture. A low front fence on the northern side of the pedestrian access path is permitted to assist with this integration if required.
 - b) The apartment at the ground floor within the north-east corner of the site to be correctly labelled as Apartment G.07.
 - c) Apartment G.06 and 1.06 to be re-orientated to have the balcony and living spaces facing east. Any screening to these apartments on the eastern side should be limited, allowing for passive views into the area of communal open space.
 - d) Detail of any balustrades / barriers from the ground floor terraces to common landscaped areas.
 - e) A freestanding screen (within the boundaries of the site) along the southern boundary which reaches a minimum height of 1.7 metres above the proposed ground floor level of habitable rooms and terraces.
 - f) Screening of the first floor, south facing habitable room windows in accordance with Standard B22 of Clause 55.04-6, or alternatively additional sectional diagrams provided to demonstrate that no unreasonable overlooking will occur to the habitable room windows and secluded private open space of 2 Burton Avenue.
 - g) Elevation plans on TPA.09 to clearly identify any windows to be screened.
 - h) The colouring of Material B (in-situ concrete) to be a discernibly darker shade than Material C (pre-cast concrete).
 - i) The location and details of any security door to the basement level within the accessway.

- j) Car space 1 a minimum of 3.6 metres in width and the kerbing on the northern side of the base of the accessway to be modified to allow for improved vehicle movements. Car space 2 must not be reduced in width from 3.2 metres. Swept path diagrams must demonstrate that reversing manoeuvres are not required to occur at the base of the access ramp.
- k) Car space 2 to be clearly marked for service vehicles only.
- l) A Landscape Plan in accordance with Condition 3 of this Permit.
- m) A Sustainable Management Plan in accordance with Condition 5 of this Permit.
- n) A Waste Management Plan in accordance with Condition 6 of this Permit.

Layout not to be Altered

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

Landscape Plan

3. Concurrent with the endorsement of any plans requested 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 Plan prepared by MEMLA, Revision D dated 24 March 2021, except that the plan must be modified to show:
 - a) Deletion of the extended pathway into the grassed communal area of open space;
 - b) Addition of creepers to the planter on the southern side of the vehicle access ramp which can cascade over and grow down the retaining wall;
 - c) The addition of Boston Ivy (or similar) to the rear area of communal open space to grow up the façade of the building; and
 - d) Any changes as required by Condition 1 of this Permit.

Construction Management Plan

4. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
 - a) Hours for construction activity in accordance with any other condition of this permit;

- b) Appropriate measures to control noise, dust and water and sediment laden runoff;
- c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Appropriate 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 so as to prevent material leaving the site and being deposited on Council's road network;
- f) A program for the 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) Measures to provide for 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) A 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) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- m) The provision of contact details of key construction site staff; and
- n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in

accordance with the Sustainability Management Plan prepared by GIW Environmental Solutions Dated 8 October 2020 (Revision B), except that the plan must be modified to show:

- a) Any changes required by Condition 1 of this planning permit.

Upon approval the Sustainable Management Plan 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.

Waste Management Plan

6. 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 Waste Min dated 8 February 2021, but showing to the satisfaction of the Responsible Authority:

- a) The swept path diagrams to be consistent with the vehicle accessway as shown in development plans; and
- b) Any other changes as required by Condition 1.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Melbourne Water Conditions (REF:MWA-1189831)

7. Prior to the endorsement of plans, amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - a) The apex to the basement set no lower than 53.54 metres to AHD.
8. The ground floor must be constructed with finished floor levels set no lower than 53.54 metres to AHD, which is 300mm above the applicable flood level of 53.24 metres to AHD.
9. The driveway entrance to the basement must be constructed with a flood proof apex and associated walls/bunding set no lower than 53.54 metres to AHD, which is 300mm above the applicable flood level of 53.24.
10. Any openings to the basement including windows, vents, doors etc. (excluding the driveway opening protected by the apex) must be set no lower than 53.54 metres to AHD.
11. Imported fill must be kept to a minimum on the property and only be used for the sub floor area of the building.

12. Any new fence must be of an open style of construction (minimum 50% open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of overland flows.
13. Prior to the commencement of works, a Build Over application must be made directly to Melbourne Water for approval of any buildings and works within 5 metres of the Melbourne Water drain, including (but not limited to) footings and eaves, landscaping and fencing.
14. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.

Landscaping Conditions

15. Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.
16. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Drainage and Stormwater

17. The site must be drained to the satisfaction of the Responsible Authority.
18. 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.
19. 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, or any alternate system.

Car Parking and Driveways

20. 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.

21. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
22. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
23. 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.

Privacy screens

24. 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 ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Plant / Equipment or features on roof

25. 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

26. 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

27. 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.

NOTES:

- A. Building Permit approval for the works must be obtained prior to the commencement of the approved works.
- B. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- C. Any residents of the approved development will not be entitled to car parking permits for on street car parking.
- D. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.

BACKGROUND:

History

A Planning Permit was issued on 15 December 1999 for the development of three units comprising the construction of two new dwellings (one single-storey and one double-storey) at the rear of the existing house. This Permit was acted on and reflects what is existing on the site.

The Site and Surrounds

The subject site is located within the south-west corner of the Clayton Activity Centre, on the eastern side of Burton Avenue approximately 70 metres north of Centre Road.

The site has a frontage of 18.29 metres to Burton Avenue and maximum depth of 68.43 metres, yielding a total site area of 1,160sqm. The site is unusual in shape with an angled rear boundary which results in a longer southern boundary than northern boundary.

There is no significant vegetation on the site. The titles include no covenants.

The site contains three dwellings, arranged one behind the other along the site. The vehicle accessway is located adjacent to the southern boundary which provides access for each of the dwellings. Areas of secluded private open space are located

adjacent to the northern boundary. Dwellings 1 and 2 are single storey, whilst Dwelling 3 is double storey.

The surrounding land is described as follows:

North- No. 6 Burton Avenue is located north of the site which supports four single storey units. Three (3) of the units have an interface with the subject site.

East - East of the site are two properties including 8 Burton Avenue and 12 Burton Avenue. No. 8 Burton Avenue supports six (6) units on the site with a central driveway. The secluded private open space of Unit 4 abuts the subject site. No. 12 Burton Avenue is a three storey building used for residential aged care, containing 162 rooms.

South - Six (6) single storey units are located at 2 Burton Avenue south of the site. A common pedestrian pathway is located adjacent to the northern boundary. Vehicle access to the site is located adjacent to the southern boundary. Primary areas of secluded private open space are located on the southern and eastern sides of each dwelling. Unit 4 also has a fenced space between the dwelling and pedestrian pathway to provide a secondary area of open space.

West – Burton Avenue is located west of the site which is a local road, allowing for parking on both sides of the road. On the opposite side of Burton Avenue are a mixture of housing typologies including attached double storey townhouses, two storey apartment buildings and detached single and double storey dwellings. A two storey purpose built medical centre (Vet) is located on the corner of Centre Road and Burton Avenue.

Burton Avenue has undergone substantial change including the development of the land at 21 Burton Avenue with a two storey place of worship, and No. 24 and 28 Burton with the development of two three-storey apartment buildings. Council has also recently issued a Permit for the development of land for a four storey residential building to be used for Student Accommodation at 13 Burton Avenue (TPA/51731).

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

PROPOSAL:

The proposal is to construct a three storey apartment building. The proposal is designed as a 'built to rent' scheme. More specifically, the proposal includes:

- A total of eighteen (18) apartments. The arrangement includes 1 x one-bedroom apartment, 14 x two-bedroom apartments and 3 x three-bedroom apartments.
- Twenty-two (22) car spaces within the basement car park alongside waste storage facilities and 18 residential bicycle spaces.

- A communal open space area to the rear of the site (156sqm). All garden areas are to be maintained within common property.
- Each apartment is provided with a balcony space which ranges in size from 8sqm to 13sqm.
- The maximum overall height of the development is 10.18 metres.
- A variety of materials including textured concrete panels, pre-cast concrete, and compressed sheet cladding.
- A site coverage of 62% and permeability 30%.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The site is located within the General Residential Zone, Schedule 6. Pursuant to Clause 32.08-6, a Permit is required to construct two or more dwellings on a lot.

Clause 32.08-10 identifies that the building height must not exceed 11 metres and must contain no more than 3 storeys at any point. The proposal is a maximum of 10.1 metres and three storeys. The proposed basement will not sit greater than 1 metre above natural ground level and therefore complies with this requirement.

Clause 32.08-4 identifies that the mandatory minimum garden area for the site is 35%. The garden area proposed is 35% and therefore complies with this requirement.

Overlays

The site is affected by the Special Building Overlay. Pursuant to Clause 44.05-2, a Permit is required to construct a building or to construct or carry out works.

An application must be referred to the relevant Floodplain Management Authority under Section 55 of the Act.

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

Particular & General Provisions

Clause 52.06- Car Parking

Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 52.06 requires 21 car spaces to be provided on the land. As 22 car spaces have been provided, a reduction is not sought by this application.

CONSULTATION:

The Applicant was advised that this application was coming to the June Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

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

Six (6) objections were received. Issues of objection included the following concerns:

- Safety of pedestrians and vehicles (due to location of accessway and bend in road);
- Traffic generation;
- Lack of car parking provided on the site;
- Building bulk;
- Overdevelopment;
- Insufficient space for landscaping; and
- Impact on value of properties in area.

Attachment 4 details the location of objector properties.

Referrals**External Referral****Melbourne Water (REF: MWA-1189831)**

No objection subject to conditions. Amended plans are requested to show the apex to the basement set no lower than 53.54 metres to AHD. This was provided on the amended plans which were advertised. The design was also amended to provide for other required levels.

Internal Referral**Traffic Engineer**

No objection subject to modifications to the basement layout including:

- Modification of car parking spaces 1 and 2. Vehicles are unable to leave in a forwards direction without corrective movements.
- If parking space 2 is proposed to be used as a maintenance/ waste truck turn-around space, the parking space is required to be vacant during collection times and to be clearly marked.

- Driveway gradient is to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
- A passing area is to be provided at least 6.1 metres wide and 7 metres long provided at the entrance of the property.

Drainage Engineer

No concerns subject to standard conditions including submission of a drainage plan for approval.

Waste Services

Council's Waste Services advised some changes with the submitted Waste Management Plan, which was revised to respond to the changes requested and is now satisfactory.

DISCUSSION:

State Planning Policy Framework (PPF)

The Planning Policy Framework seeks (among other things) to provide for sufficient supply of housing (Clause 11.02-1S), in established areas which are located to services and public transport (Clause 15.01-4R).

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) reiterates the objectives of Plan Melbourne and 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.*

Plan Melbourne Refresh is a reference document which identifies the site as being located within the Monash National Employment and Innovation Cluster (MNEIC), where the scale of new residential development will generally comprise larger footprint residential development of a high quality design and finish.

The subject site is located within the south-western corner of the Clayton Activity Centre Precinct, and 600 metres from the Clayton Railway Station and is therefore well serviced by public transport, amenities and services. It is an appropriate location for higher density development to provide increased diversity of housing and supports the continued growth and diversification of the activity centre.

The proposed three storey apartment building is in keeping with the aspirations of the Planning Policy Framework.

Local Planning Policy Framework (LPPF)

The Municipal Profile (Clause 21.01) reiterates the themes in the Planning Policy Framework which seeks to accommodate growth by directing more intensive,

higher scale development to activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities. However, it identifies that the scale of any development must be reflective of the character of the Activity Centre.

Clause 21.04 (Residential Development) identifies the site as being residential land within the Monash National Employment and Innovation Cluster and an 'accessible area' as defined in the Residential Development Framework Map. Key objectives of this policy (as relevant) are as follows:

- *To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality.*
- *To encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs and preferences that complement and enhance the garden city character of the city.*
- *To recognise the need to conserve treed environments and revegetate new residential developments to maintain and enhance the garden city character of the municipality.*
- *To recognise and provide for housing needs of an ageing population in proximity to neighbourhood and activity centres.*
- *To encourage a high standard of architectural design in buildings and landscaping associated with residential development that takes into account environmentally sustainable development.*

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Clayton Activity Centre as a Major Centre in Monash. Apartments are included within the 'primary focus' of the centre, and strategic directions include allowing for medium rise residential development within the centre.

Clause 22.01 (Residential Development and Character Policy) applies to all residential land within the City of Monash. The site is identified as being within the 'Monash National Employment Cluster and Clayton Activity Centre – Housing Diversity Area'. The character precinct for this area recognises that new housing will generally comprise multi dwelling developments such as units and where appropriate, low rise apartments. New developments will be designed and constructed to a high standard, ensuring they provide a positive architectural impact and provide opportunities for landscaping to reflect the garden city character.

The proposed three storey apartment building is in keeping with the objectives of the local policy framework, which encourages housing growth in this location.

General Residential Zone, Schedule 6

The site is located within the General Residential Zone, Schedule 6 which applies to the Monash National Employment and Innovation Cluster and Clayton Activity Centre.

The Zone seeks, among other things:

- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The Neighbourhood Character Objectives identified in the schedule include:

- *To facilitate housing diversity in the form of units, townhouses and apartment developments of high quality design and finish.*
- *To provide an interface between the Clayton Activity Centre, the Monash Employment and Innovation Cluster, the housing growth area and the lower scale surrounding garden city suburban areas.*
- *To encourage development that respects sensitive residential interfaces and minimises building mass and visual bulk in the streetscape through landscaping in the front setback and breaks and recesses in the built form.*
- *To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.*
- *To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.*

The schedule to the zone includes a number of variations to ResCode as follows:

	Clause 55 Variation	Assessment
Minimum Street Setback (B6)	Walls of buildings should be set back at least 4 metres from the front street.	<u>Complies</u> The building is set back a minimum of 4 metres which complies with this variation and the Clayton Structure Plan.
Landscaping (B13)	New development should provide or retain: <ul style="list-style-type: none"> • At least one canopy tree, plus one canopy tree per 5 metres of site width; • A mixture of vegetation including indigenous species; • Vegetation in the front, side and rear setbacks; and • Vegetation on both sides of accessways. A canopy tree should reach a mature height at least equal to the	<u>Complies</u> A total of sixteen (16) canopy trees are proposed across the site, eleven (11) of which can reach a height of 10 metres at maturity.

	maximum building height of the new development.	
Side and Rear Setbacks (B17)	<p>A new wall not on or within 200mm of a rear boundary should be set back at least 4 metres.</p> <p>Side setback requirements in accordance with standards A10 and B17 continue to apply.</p>	<p><u>Complies</u> The minimum rear setback proposed is 4 metres.</p> <p>Side setbacks are compliant with B17 and the Clayton Structure Plan.</p>
Private Open Space (B28)	<p>A dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> An area of 50 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room; or A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p><u>Complies</u> Each ground floor apartment is provided with a balcony space at least 10sqm in area.</p> <p>A communal open space area (156sqm) is also proposed at the ground floor.</p>
Front Fence Height (B32)	A front fence within 3 metres of a street should not exceed 0.9 metres in height.	<p><u>Complies</u> No front fencing is proposed.</p>

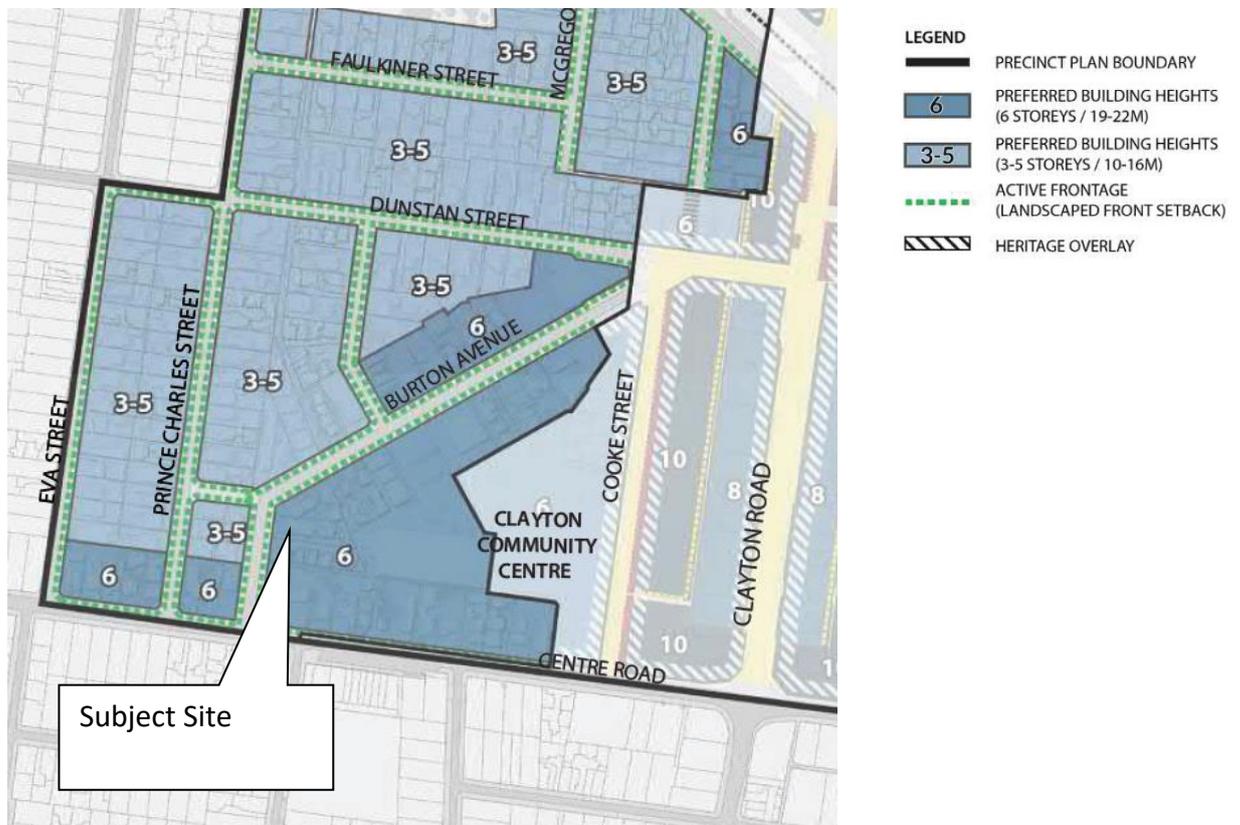
Clayton Activity Centre Precinct Plan

At its meeting on 28 January 2020, Council adopted the Clayton Activity Centre Precinct Plan, dated January 2020. The plan is yet to proceed to a Planning Scheme Amendment.

The subject site is located within the south-west corner of the activity centre, in an area identified for 'residential intensification'. The site is located within Precinct 3 – Surrounding Residential. Development outcomes sought for the precinct are as follows:

- *Provides a range of housing types within the Activity Centre*
- *Contributes to creating high quality residential streets*
- *Provides surveillance to footpaths through windows and habitable rooms at the street frontage*
- *Provides a high quality landscaped setting for buildings that relates to the existing character*
- *Avoids unarticulated façades that give a bulky appearance, especially from oblique views*
- *Avoids repetitive stepped/'wedding cake' profile*

Burton Avenue is identified as providing key pedestrian access to the centre of the Activity Centre.



Precinct 3 has a number of development requirements which are outlined within the table below:

	Structure Plan Guidelines	Assessment
Building Height	Lots greater than 14 metres in width and less than 20 metres in width – 3 storeys (9.9m)	<u>Complies.</u> The development is 3 storeys in height, with a maximum height of 10.1 metres.
Front Setbacks	4 metres landscape setback from the street for developments up to 9.9 metres. 3 metres additional upper level setback for development above 9.9 metres.	<u>Complies.</u> The building is set back 4 metres from the street (being a height of 9 metres).
Rear Setbacks	3 metres rear setback for development up to 9.9 metres, plus 1 metre additional setback for every meter of height over 9.9 metres up to 16.5 metres.	<u>Complies</u> The building is set back a minimum of 4 metres, increasing to 13.43 metres, with a height of 9.7 metres.
Side Setbacks	1 metre setback, plus 0.3 metres for every metre of height over 3.6 metres up to 9.9 metres, plus 1 metre for every metre of height	<u>Complies</u> Building setbacks comply with the setback requirements.

	over 9.9 metres, up to 16.5 metres.	
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Neighbourhood Character

The presence of the basement car park allows for car parking not to be visible from the street, and for greater setbacks to be provided than could otherwise be achieved with parking at grade.

The proposed basement car park and the building are set back from each boundary of the site allowing for sufficient space for landscaping throughout. Clause 55.07-4 requires a total of 7.5% of the site area (with a minimum dimension of 3 metres) of deep root planting to be provided, with 1 medium tree (8-12 metres in height) per 50 square metres of deep soil. Whilst the proposed site coverage is 2% higher (or approximately 23m²) than the recommended ResCode Standard (62%), a total of 15% of the site area is proposed for deep root planting which is significantly higher than recommended. The proposal also exceeds the tree planting with a total of 16 trees proposed that will reach a height of at least 8 metres.

The single width access ramp allows for a good space for landscaping within the front setback of the site, and is located to allow for the retention of the existing street tree.

A proposed condition will require additional cascading landscaping in the planter box on the southern side of the access ramp, allowing the plants to grow down the retaining wall (as suggested in 3D images).

The architecture proposed is contemporary and bold, however is considered suitable in the context of this site. The setbacks proposed and the articulation of the building provided by the balcony spaces and various high quality materials, by presence of both colour and texture, will result in no unreasonable amenity impacts to adjoining properties.

A proposed condition will require the concrete look banding on the building (Material B) to be a darker colour than the façade pre-cast concrete material (Material C). This will ensure that the appearance of the banding is maintained to provide the bold line along the top of the first floor, allowing the second floor to be viewed as separated from the lower levels, particularly with respect to the eastern elevation.

A proposed condition will require more detail of the integration of fire services within the front setback of the site. Positively, a plant room is located within the basement and letterboxes within the lobby space which reduces services within the front setback of the site.

The proposal has been designed to allow all landscaping areas to be located in common property, ensuring it will be well maintained.

External Amenity Impacts

Building Height, Bulk and Setbacks

As demonstrated earlier in this report, the proposal complies with the building height and setbacks as prescribed in both the schedule to the General Residential Zone and the adopted Clayton Structure Plan.

Overshadowing

Shadowing diagrams prepared by the applicant for the 22nd September show that overshadowing from the building will not extend past the common pedestrian pathway to the south (associated with No. 2 Burton Avenue). There will be no additional shadow cast into the aged care facility to the east.

Daylight to Windows

Setbacks to all windows including northern facing windows comply with the setback requirements set out in ResCode (Clause 55), ensuring that daylight to existing windows will not be unreasonably impacted.

Overlooking

The ground floor adjacent to the southern boundary of the site is raised approximately 800mm above natural ground level (due to Melbourne Water requirements). The proposed fencing is shown to be approximately 2.1m on the elevation plan. A proposed condition of the Permit will require screening measures to exist on the southern boundary (freestanding fence/trellis within the boundary) to a height of 1.7 metres above the floor level of habitable room windows and terraces. The screen will reach a height of approximately 2.6 metres above natural ground level.

It is proposed to retain the existing boundary fencing along the northern boundary of the site which will prevent unreasonable overlooking. The height of the ground floor above natural ground level on this interface is lower than on the southern boundary.

No screening has been shown on the plans at the first floor on the southern façade, however windows and balconies are required to be screened as they are within 9 metres of adjoining habitable room windows or secluded private open space. A condition will require this change, or alternatively additional sectional diagrams to be provided to show that no unreasonable overlooking will occur.

No screening is required to windows or balconies on the southern side of the building at the second floor given the proposed windows are not within 9 metres of adjoining secluded private open space or habitable room windows.

All windows and balconies at the first and second floors on the northern façade are proposed to be screened with obscure glass and mesh screening.

Internal Amenity Impacts

The internal amenity of the proposed apartments will be satisfactory. The apartments will be provided with a large area of communal open space to the rear of the site in addition to private terraces and balconies which meet the requirements of Clause 55.07 in terms of size and dimensions. The communal open space area will receive good access to sunlight, having a northerly and easterly aspect.

The arrangement of the apartments allow for cross-ventilation through each of the apartments, and each will have good access to daylight. Apartments have been designed to be narrow, with limited distance of all areas within the apartments from an external window.

Apartment G.06 and 1.06 located within the south-east corner of the building are orientated to the south. They have an opportunity to have an eastern facing balcony and living space, and a proposed condition will require this change, which will in turn also allow for greater activation and passive surveillance to the communal open space area. With this change, only four (4) of the eighteen (18) apartments will be purely south facing.

Apartments have been designed with a high level of sustainable design which has been reflected in the Sustainable Management Plan. This includes appropriate solar screening for northern and western facing windows and balconies.

Given the lack of ‘private’ landscaping areas, all storage proposed for each of the apartments is located internally, exceeding the requirements of the Planning Scheme.

Whilst the internal corridors are considered long, each is provided with external light access. Entry doors have also been indented from the corridor to allow for a larger circulation space and provide a sense of entry to each apartment.

Car Parking, traffic and access

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

	Number of Dwellings	Clause 52.05 requirement	Car Spaces Required	Car Spaces Provided
One and Two bedroom dwelling	15	1 space - one/two bedroom)	15 spaces	15 spaces
Three bedroom dwelling	3	2 spaces- three bedroom	6 spaces	6 spaces
Visitor Parking		No requirement – site in PPTN	0 spaces	0 spaces for visitors.

				1 space for maintenance / waste collection
Total	18 Dwellings		21 Car Spaces	22 Car Spaces

A total of 21 resident car spaces are proposed for residents, allowing 1 car space (Car Space 2) to be utilised for truck turn around space and for maintenance vehicles in the basement.

All vehicles are able to exit the basement in a forwards direction. A proposed condition will require some modifications to car space 1 and the splay at the base of the access ramp to ensure movements from this car space are efficient. Currently, reversing manoeuvres are required at the base of the access ramp which is unsafe while vehicles may be travelling down the ramp.

The vehicle accessway is 3.5 metres in width (not allowing for passing on the ramp). Whilst Council's traffic engineers have recommended a passing area, this is not required by the Planning Scheme given the number of car spaces proposed within the basement. Nevertheless, a convex mirror is proposed at the base of the ramp to allow for view of vehicles entering the accessway. The reduced accessway width also reduces hard paving within the front setback of the site.

The basement ramp has been designed with an apex, to meet the requirements of Melbourne Water. The Planning Scheme requires that the ramp grade within 5 metres of the street frontage should be no greater than 1:10. The proposed accessway has a ramp grade of partly 1:8 and partly flat within the first 5 metres of the street frontage which does not meet this requirement. Therefore across the average of this 5 metre distance, there is an average gradient of approximately 1:10. The purpose of this gradient requirement in Clause 52.06 is for pedestrian and vehicle safety when exiting the site. Given the 1:8 grade at the front of the site is rising (for the apex) rather than descending, it is considered that the visibility for vehicles will not be unreasonably compromised.

The proposed crossover is located generally in the same location as the existing (shifted slightly north to allow for greater views of pedestrians). The existing street tree will not be impacted.

The traffic generation for the development is expected to be 75 vehicle trips per day. Typically 10% of this traffic is expected to be generated within the AM and PM commuter peak hours, which equates to 8 vehicle trip ends in each peak hour (being 1 vehicle movement every 7-8 minutes). Given this, it is anticipated that the proposal will not have a detrimental impact on the surrounding road network.

Waste collection will occur from the basement car park. A car space is allocated to 'maintenance and waste collection' which will allow for the truck to turn around within the basement and exit the site in a forwards direction.

Bicycle parking

No bicycle parking is required to be provided by the Planning Scheme, however 4 visitor spaces are proposed within the front setback of the site and 18 spaces are provided within the basement for residents.

Objections not previously addressed

- Safety of pedestrians and vehicles (due to location of accessway and bend in road) - The location of the proposed crossover sits on the southern side of the site, away from the bend in the road (similar location as the existing). Pedestrian sight triangles are allowed for to ensure no obstructions for vehicles exiting the site. All Vehicles will be able to exit the site in a forwards direction.
- Impact on value of properties in area – VCAT has long held that this is not a relevant planning consideration. Further it would be impossible to determine whether the proposed development would have negative or positive impacts on property values. The extent of development proposed is already anticipated under the Monash Planning Scheme.

CONCLUSION:

The proposed three storey apartment building above basement car park responds appropriately to the aspirations of the planning policy framework, local planning policy framework and the Clayton Structure Plan. The site's location and size makes it appropriate for apartment development which still allows for good opportunities for landscaping within the site.

The development provides for a contemporary response which allows for a high level of internal amenity, and will not result in any unreasonable amenity impacts to adjoining properties.

It is recommended that the proposal be supported subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2020).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.