

**1.5 87 MADELEINE ROAD, CLAYTON
CONSTRUCTION OF FOUR (4) DWELLINGS (3 STOREYS IN HEIGHT) AND A FRONT
FENCE
(TPA/51889)**

EXECUTIVE SUMMARY:

This application proposes the development of four, three storey dwellings with associated car parking, landscaping and the construction of a front fence.

The application was subject to public notification. Four (4) objections to the proposal have been received.

Key issues to be considered relate to built form and scale, impact to neighbours and landscaping.

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.

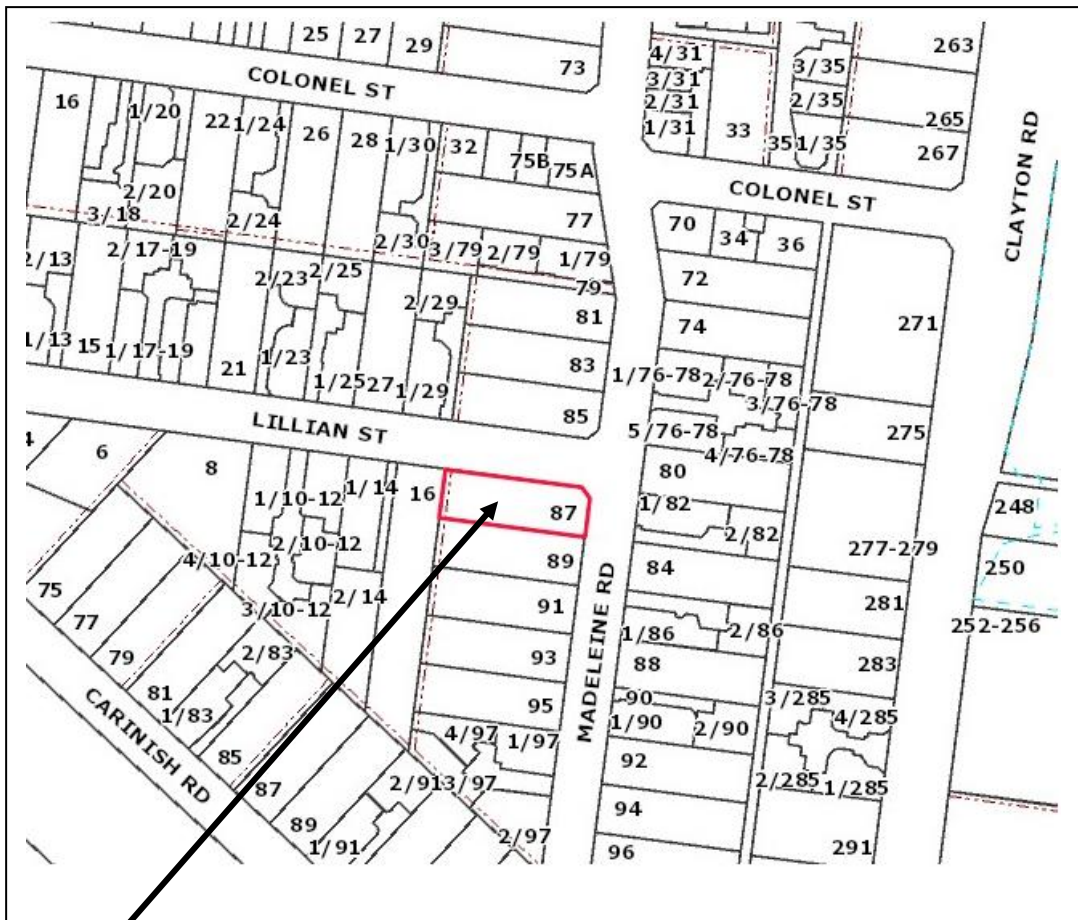
The application has been called in for consideration at the Council meeting by Councillor Stuart James.

The proposal is considered to be consistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be approved.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Anne Maree Roberts
WARD:	Oakleigh
PROPERTY ADDRESS:	87 Madeleine Road, Clayton
EXISTING LAND USE:	Residential – single storey dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Four (4)
ZONING:	General Residential, Schedule 6
OVERLAY:	N/A
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1S- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.08- Transport and Traffic

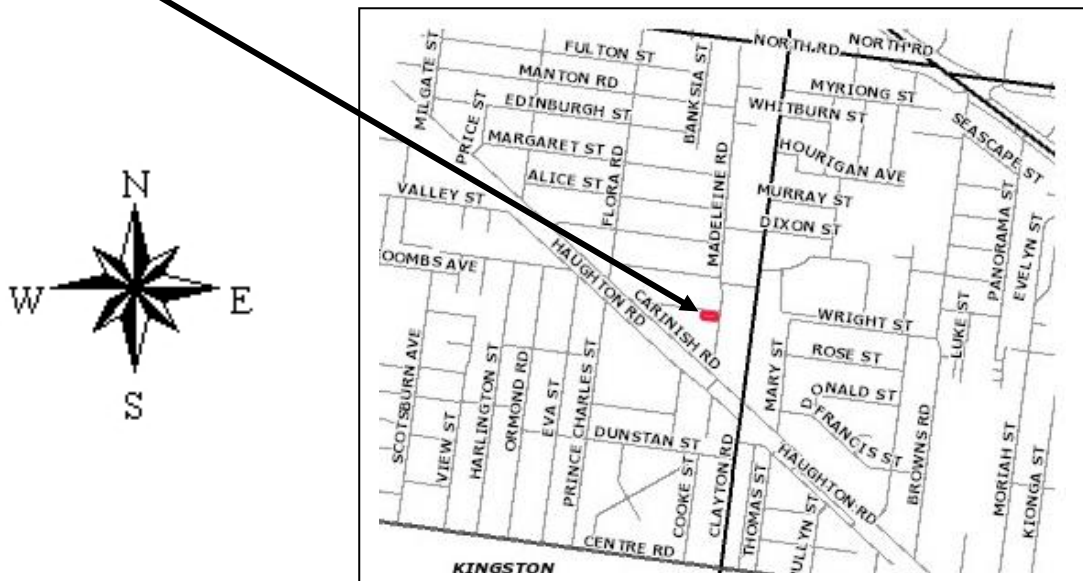
<p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 17.01-1S&R- Diversified Economy</p> <p>Clause 18.01-1S- Land Use and Transport Planning</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 21.13- Sustainability and Environment</p> <p>Clause 22.01- Residential Development and Character Policy</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.05- Tree Conservation 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:	16 September 2021
DEVELOPMENT COST:	\$1.6 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51889)** for the construction of four (4) dwellings (3 storeys) and a front fence, at 87 Madeleine Road, Clayton subject to the following conditions:

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 development plans prepared by Mushan Architects dated 30 July 2020 (Revision E) and the landscaping plan by Path Design dated 9 July 2021, but modified to show:
 - a) The southern elevation to show obscure glazing of the bathroom window of Dwelling 1 and powder room window of Dwelling 2 to be consistent with the floor plan.
 - b) The floor plan to show fixed obscure glazing to 1700mm from second floor level to the stairwell window of Dwelling 2 as shown on the southern elevation.
 - c) The floor plan of Dwelling 2 to provide a doorway from the stair case to the Master bedroom.
 - d) A schedule of all external materials and finishes including colours.
 - e) The 1.2m high front fence is to be reduced to a maximum height of 900mm.
 - f) The setback of the 1.8m high fence to the side of Dwelling 4 from Lillian Street to be in line with the garage.
 - g) Additional landscaping to the in the frontage of Dwelling 4 and to the secluded open space to the side of Dwelling 4.
 - h) Bin location for Dwellings 2 and 3 to be provided to the rear of each dwelling or within the garage.
 - i) All garages to be provided with a minimum setback of 5.5 metres to the front boundary.
 - j) A Waste Management Plan outlining the proposed management of waste and recycling arrangements for the site.
 - k) A notation on the plans providing the three Council Street trees (two in Madeleine Road and one in Lillian Street) with protective temporary rectangular wire fencing as per Australian Standards to erected prior to commencement of works until completion.
 - l) Details of the construction techniques for the driveway and garage of Dwelling 1 as recommended in the Arborist Report prepared by

Bluegum dated December 2019 to protect the tree on the adjoining property at 89 Madeleine Road.

- m) The location and design of any proposed electricity supply meter boxes.
- n) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- o) A Landscape Plan in accordance with condition 3 of this Permit to incorporate the above required changes.

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. The Landscape Plan must show:
 - a) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
 - b) A minimum of four canopy trees (minimum 1.5 metres tall when planted) on the site.
 - c) The location of any fencing internal to the site;
 - d) Planting to soften the appearance of hard surface areas such as driveways and other paved areas;
 - e) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
 - f) The location of any retaining walls associated with the landscape treatment of the site;
 - g) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
 - h) The location of external lighting (if any);

- i) Planting required by any other condition of this permit; and
- j) Landscaping and planting within all open areas of the site.

When approved the plan will be endorsed and will then form part of the permit.

Tree Protection

- 4. Before any development (including demolition) starts on the land, tree protection fencing must be erected around the Council street tree and Tree 10 on the adjoining property to define a "Tree Protection Zone" as detailed in the arborist report prepared by Bluegum dated December 2019. The fences must be constructed as specified and must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 5. All trees specified in the endorsed arborist report / Tree Management Plan are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the Responsible Authority.
- 6. 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.

Landscaping Prior to Occupation

- 7. 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.

Drainage

- 8. The site must be drained to the satisfaction of the Responsible Authority.
- 9. 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.

Vehicle Crossovers

- 10. 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.

11. Any new vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Satisfactory Continuation and Completion

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

Permit Expiry

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

- a) The development has 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.

Permit Notes

- A. Building permit approval must be obtained prior to the commencement of the 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.
- C. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.
- D. 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.

- E. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- F. 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.
- G. 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.
- H. Future Occupants will not be eligible for Residential parking permits.

BACKGROUND:

History

TPA/50543 was issued on 31 October 2019 for the development of three, two storey dwellings on the site subject to conditions. Development plans have not been endorsed and the permit has not been acted on but remains valid with commencement required by 31 October 2021. At the time of approval the land was zoned General Residential, Schedule 2.

The Site and Surrounds

The subject site is located on the south-west corner of Madeleine Road and Lillian Street in Clayton. The site is rectangular in shape, with a frontage to Madeleine Road of 12.19 metres, a frontage to Lillian Street of 42.67, a corner splay of 4.32 metres, a western side boundary of 15.24 metres and a southern boundary of 45.72 metres. The total area of the site is approximately 692 square metres.

The site has an east-west orientation and has a slight slope from Madeleine Road down to the western boundary. There is a 1.83 metre wide easement along the full length of the western (rear) boundary for sewerage and drainage purposes.

The site contains a single storey detached orange brick dwelling with brown tiled roof setback 7.6 metres from Madeleine Road and 2 metres from Lillian Street. A free standing garage and two small sheds are located in the rear. Vehicle access is from a single crossover and driveway off Lillian Street. There is a substantial street tree along the Lillian Street frontage and a smaller street tree at the front of the site on Madeleine Road.

The property has minimal established vegetation along the Madeleine Road frontage and some scattered vegetation in the rear yard. There is a low 0.6 metre brick fence across Madeleine Road and partially along Lillian Street with a 1.65 metre high brick fence along the remainder of the Lillian Street frontage.

The site is located in an “accessible area” within a residential precinct of the Monash National Employment and Innovation Cluster (MNEIC). The property is in close proximity to a range of services including the Clayton Activity Centre and 400 metres from the Clayton Railway Station. Monash Hospital is located approximately 1.5 kilometres east of the site.

The surrounding area is characterised by a mix of the original post-War single storey weatherboard and brick houses with a presence of newer two storey multi dwelling developments. More recently there has been some three storey developments within close vicinity of the site.

More specifically, details of adjoining properties are as follows:

North – The property across Lillian Street contains a single storey dwelling setback with a frontage to Madeleine Road.

West – The property at No 16 Lillian Street contains a single storey dwelling setback 9.06 metres from the frontage and 1.5 metres from the common boundary with one habitable room window facing the site. There is no secluded open space facing the site. There is a substantial tree in the property frontage within close proximity to the rear boundary of the site.

South – No 89 Madeleine Road contains a single storey dwelling setback 7.6 metres from the frontage and 1.7 metres from the common boundary with several windows facing the site. Secluded open space is to the rear of the dwelling. There is a substantial street tree in the front of this property in close proximity to the subject site.

East – The property across from the site at No 82 Madeleine Road contains two double storey dwellings approved under Planning Permit 32291 issued in 2004.

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

PROPOSAL:

The application proposes the development of four, three storey dwellings and the construction of a front fence. The architectural presentation proposes a contemporary design with a flat roof form and a recessed third floor to reduce the proposal’s overall height and bulk.

The development has been designed as two pairs with separation at first floor of 2.85 metres between Dwellings 2 and 3 and at second floor this separation is

increased to 5.53 metres. The buildings are constructed in light weight material and finished in different tones of render and vertical cladding.

All dwellings are attached at ground floor with Dwelling 1 having a frontage to Madeleine Road and Dwellings 2 -4 with a frontage to Lillian Street. Three of the dwellings (1-3) would provide a reverse living arrangement with bedrooms at ground and second floors and living areas at first floor. Dwelling 4 provides a traditional arrangement of living areas at ground floor and bedrooms at first and second floor. Each dwelling would have a single garage and tandem car space with one single and a double crossing to Lillian Street and a single crossing to Madeleine Road. The garages have been recessed from the setback of the dwellings to provide for a tandem car space. The key features of the development are as follows:

Dwelling 1:

- Three bedrooms at ground floor;
- Fourth bedroom and living and dining room at first floor;
- Fifth bedroom at second floor;
- First floor balcony of 12 square metres facing Madeleine Road with access from the living room;
- Service yard of 22 square metres to the rear; and
- Garage and access from new single crossover in Madeleine Road.

Dwellings 2 and 3

- Two bedrooms at ground floor and master bedroom at second floor;
- Living, dining and kitchen at first floor;
- Master bedroom at second floor;
- First floor balcony of 11.3 square metres facing Lillian Street with access from the living room;
- Service area of 18 square metres at the rear; and
- Garage and access from the existing single vehicle crossing widened to form a double vehicle crossing in Lillian Street.

Dwelling 4

- Kitchen, dining and living areas at ground floor;
- Two bedrooms at first floor;
- Master bedroom at second floor;
- Secluded open space area to the rear and to west (side) behind a solid timber fence 1.8 metres high setback 3.5 metres from Lillian Street and sitting forward of the recessed garage; and
- Garage and access from a new single crossing in Lillian Street.

Proposed Setbacks

	Front (east) Madeleine Road	Side (North) Lillian Street	Rear (West)	Side (South)
Ground Level	4m	3m	4.04m	1.2m-3.39m
Level 01	4m	3m	5.3m-6.5m	3.6m-5m
Level 02	8.4m	5m	7.7m	5.m

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:**Zoning**

The site is located within the General Residential Zone, Schedule 6 which seeks to facilitate housing diversity in the form of units, townhouses and apartment developments of high quality design and finish. The site is located in an area which is expected to undergo substantial changes with the development of multi-dwellings and low rise apartment buildings.

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 11.5 metres and must contain no more than 3 storeys at any point. The dwellings have a maximum overall height of approximately 9.9 metres at the highest point and well below the 11.5 metres mandatory height control.

Clause 32.08-4 identifies that the mandatory minimum garden area for the site is 35%. The garden area proposed is 36% and therefore complies with this requirement.

A development must meet the requirements of Clause 55.

Overlays

The site is not affected by any overlays.

Particular & General Provisions**Clause 52.06- Car Parking**

Pursuant to Clause 52.06 (Car Parking), a minimum of two car spaces must be provided per dwelling.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 29 September 2020. In this letter, officers also raised the following preliminary concerns:

- The presentation of the development is considered unbalanced, particularly the height and bulk along Madeleine Road and Lillian Street. This provides no cohesiveness and is haphazard with a number of strong box and cantilever elements, the awkward placement of windows and choice of colour/material palette.
- The proposal will not provide for sufficient landscaping opportunities throughout the site and particularly along the southern boundary. Along the southern boundary, ground floor setbacks range from 1.0 metres to 1.5 metres. Within this setback area water tanks, clothes lines and storage sheds are located providing no opportunity for planting to soften the presentation of the dwelling to the adjoining property and provide an appropriate transition to the existing residential interface.
- The location of the secluded open space for Dwelling 1 results in a high paling fence along the Lillian Street frontage within close proximity to the corner and minimises the opportunity to provide an open and landscaped frontage to soften the development.
- The ground floor layout of all dwellings and the placement of windows does not allow for surveillance from the living rooms as with the exception of one small living room window to Dwelling 1, all other windows with a direct outlook to the street service bedrooms.

Officers advised the Applicant in writing that should these concerns not be addressed, that the application would be refused.

The Permit Applicant responded to this letter on 13 January 2021 by providing the requested information and a revised design concept. After review the applicant was advised that although the amended design addressed some of the issues raised, major concern with the bulk and presentation of the development, particularly to Madeleine Road and the response to the Schedule to the zone had not been resolved. Therefore, the proposal would not be supported.

The applicant entered into ongoing discussion and negotiations with Planning Officers to resolve the matters and on 16 July 2021 formally amended the application pursuant to Section 50A of the Planning and Environment Act. The revised design concept provided a contemporary architectural response with increased setbacks, reduced height and increased landscaping opportunities.

The Applicant was verbally advised that this application was coming to the September Council meeting, and a letter was sent to the Applicant with 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 sign displayed on each street frontage of the site.

Four (4) objections were received. Issues of objection included the following concerns:

- Overlooking
- Overshadowing
- Visual bulk
- Neighbourhood character
- Overdevelopment – should be three x two storey dwellings as per previous permit.
- Inadequate Private open space
- Increased parking and traffic issues
- Bin storage needs to be shown.

Attachment 4 details the location of objector properties.

Referrals

External Referral – Not Required

Internal Referral

Strategic Planning

Strategic Planning have confirmed that the site is located within the 'residential intensification area' with a preferred 3-5 storey height in the adopted Clayton Precinct Plan. The development is in an ideal location, being a street behind the activity centre, on a corner and with good northern orientation making it ideal for intensive residential development.

While consideration will need to be made with respect to neighbourhood character, in this Housing Diversity area (GRZ6), it's the future character that is important more so than the existing character. It is considered that the form of the curved, white elements responds to the heights of the walls and top of the pitched roofs of adjacent buildings to the south and west. The top level is designed to be recessive and this appears to be successful.

Drainage Engineer

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

Horticultural Services

Council's Horticulture Services department has advised that there should be no excavation within 2.7 metres of the street tree in Madeleine Road opposite the adjoining property at No 89 and within 3m of the street tree in Lillian Street.

Waste Services

Council's Waste Services Team has advised that the corner location will provide adequate space for kerbside collection. A Waste Management Plan outlining the proposed management of waste and recycling arrangements for the site is required as a permit condition.

DISCUSSION:

Planning Policy Framework (PPF)

"Plan Melbourne: Metropolitan Planning Strategy 2017-2015" 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 to:

"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 in the Monash National Employment Cluster and Clayton Activity Centre. Under the Clayton Activity Centre Precinct Plan 2019 the land is within an area of residential intensification or "*Precinct 3: Surrounding Residential*" which aims to provide a diverse range of housing types within the Activity Centre that caters for the needs of existing and future residents and meets expected population growth. It sits within good proximity to the Clayton Railway Station and bus routes and is 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 and is in keeping with the aspirations of the Planning Policy Framework.

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.”*

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.”

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 -1R seeks to:

“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 earlier in this report, the subject site is 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.

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 and contribute to Monash's Garden City Character. The garden city character and urban landscape of Monash is a fundamental element of the Municipal Strategic Statement and a key element of the community's sense of place and the ability to maintain an attractive, liveable and resilient city.

Clause 21.04 (Residential Development) identifies the site as being residential land within the Monash National Employment and Innovation Cluster 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 and medium rise residential developments are included within the 'primary focus' of the centre, and strategic directions.

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, for example larger sites, 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.

A three storey multi dwelling development is in keeping with the objectives of the local policy framework, which encourages housing growth in this location.

Clause 22.04 – (Stormwater Management Policy) requires all designs have consideration of increases in hard surface areas and consequential impacts on the drainage system and water quality. It is policy that developments are designed and managed to minimise the impact of urban stormwater runoff on waterways.

Clause 22.05 – (Tree Conservation Policy) applies to all land in Monash with key objectives in maintaining and enhancing the Garden City Character of Monash and ensuring new development provides for new canopy trees with spreading crowns. It is policy that:

- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy.*
- *Existing street trees be retained and protected.*
- *Semi-mature canopy trees with spreading crowns be planted as part of any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 3 or more dwellings, a Sustainable Design Assessment is required to be prepared and submitted. A Sustainable Design Assessment was prepared by NRG Pty Ltd which included a BESS assessment of the design and concludes that the proposal achieves best practice.

The Clayton Activity Centre Precinct Plan 2019.

The Clayton Activity Centre Precinct Plan 2019 was adopted by Council on 28 January 2020 to provide a long term framework to guide development in and around the Clayton Activity Centre. The subject site is identified within an area of residential intensification or “*Precinct 3: Surrounding Residential*” which aims to provide a diverse range of housing types within the Activity Centre that caters for the needs of existing and future residents and meets expected population growth. It is envisaged the residential development will provide for low scale apartment buildings and town houses with landscaped front gardens that will sit comfortably next to detached dwellings and define a high quality and contemporary character for the precinct.

The Precinct Plan identifies development requirements and outcomes including a preferred building height in the range of 3-5 storeys. It is anticipated that development will have a 4 metre front setback from the street up to 9.9 metres, with an additional 3 metre setback for levels above. Development outcomes seek to avoid unarticulated façades that give a bulky appearance, especially from oblique views and avoiding repetitive stepped/wedding cake’ profile. Rear setbacks are proposed to be 3 metres up to a height of 9.9 metres with an

additional 1 metre setback for every metre of height over 9.9 metres up to 16.5 metres.

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 and site setback 3m.	<u>Complies</u> The development is set back a minimum of 4m from Madeleine Road and 3m from Lillian Street.
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. 	<u>Complies</u> The site should accommodate 4 canopy trees based on a frontage of 15 metres. The landscape plan provides for four canopy trees – 3 along Lillian Street and 1 along Madeleine Road and further shrub and small tree planting along the southern and rear boundaries.

	A canopy tree should reach a mature height at least equal to the maximum building height of the new development.	Landscaping is provided along the driveway edges.
Side and Rear Setbacks (B17) & (B18)	A new wall not on or within 200mm of a rear boundary should be set back at least 4 metres. Side setback requirements in accordance with standards A10 and B17 continue to apply.	<u>Complies</u> The minimum rear setback proposed is 4 metres. Side setbacks to southern boundary comply with B17. No boundary walls proposed.
Private Open Space (B28)	A dwelling or residential building should have private open space consisting of: <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. 	<u>Partially Complies.</u> Dwelling 4 provides for ground floor area of 75m ² to the rear however area does not have minimum dimension of 5m. Area to the rear of the dwelling (south facing) has a dimension of 3m and to the side 4m. Dwellings 1, 2 and 3 are provided with service yard. Dwellings 1-3 provided with balcony space, connected to the living areas, provide 10m ² or more.
Front Fence Height (B32)	A front fence within 3 metres of a street should not exceed 0.9 metres in height.	<u>Does not comply</u> A front fence to a height of 1.2 metres is proposed.

Neighbourhood Character

The proposed development as ultimately revised, has adopted a contemporary and simplified approach with a flat roof. The dwellings are attached at ground floor and provided with separation at first and second floors to appear as two pairs rather than four attached dwellings. This, combined with reduced floor areas at second floor and detailed articulation including a curved white feature element across both street frontages, presents as a predominantly two storey building to the street.

The overall building height of 9.9 metres is well below the permissible height of 11.5 metres and provides a suitable transition to the heights of the adjoining dwellings. The provision of an individual single garage to each dwelling, recessed from the dwellings ground floor front setback will reduce the prominence of garages and driveways in the streetscape, allows for greater landscaping along the two street frontages and will minimise the impact to Council street trees. The articulation and detailing provides a high quality finish and design of visual interest with a scale that will not overwhelm surrounding buildings. The proposal will sit

comfortably on a corner location in a streetscape identified for substantial change and achieves an increase in density as envisaged in the zone.

Council generally discourages the concept of reverse living in medium density developments on the basis that the design often provides a poor outcome in terms of disconnection from the street and requires excessive screening of habitable room windows to living areas to protect the amenity of neighbours. However, given the sites General Residential Zone, Schedule 6 zoning which seeks to facilitate housing diversity, the location of the property directly behind the Clayton Activity centre, and the anticipated substantial change in the shape and form of the development of multi-dwellings and low rise apartment buildings that this location will undergo it is an ideal location for intensive residential development.

This particular design response, on a corner site with northern orientation, provides an acceptable outcome for future occupants with access to unscreened north facing windows to living rooms and quality north facing balconies. This is particularly relevant for the future occupants of Dwellings 2 and 3 that would only have access to south facing SPOS if a more traditional arrangement was required. It also removes the need for high solid fencing along the street frontage as originally proposed for Dwelling 1, providing a more open and landscaped frontage.

The development is proposing a 1.2 metre high metal picket front fence that is seeking a variation of the requirements of the Schedule that specifies a front fence height of 900mm. The purpose of the control is to allow vegetation and landscaping in the frontage to be more visible and dominant when allowing for a reduced front setback and higher building form and also ensuring buildings connect to the street and facilitate passive surveillance. In this case, the fence is to be along both the Madeleine Road and the Lillian Street frontages and although the design style allows for an open landscape presentation to the street, it is considered the height should be compliant with the Schedule. A permit condition will require the front fencing to be reduced to no higher than 0.9 metres.

One minor area of concern relates to the location of the high solid fence to the side of Dwelling 4 that is setback approximately 3.6 metres from Lillian Street and is sitting forward of the garage. It is considered this should be recessed to finish in line with the garage. Although it will reduce the secluded amount of private open space by approximately 10 square metres, it will provide a better response to the frontage. The dwelling will have a secluded area to the side and rear of approximately 63 square metres which is in excess of the minimum 50 square metres required under the Schedule and will provide a generous landscaping area along the frontage at either side of the driveway.

Subject to these conditions, the design satisfies the design objectives of the Schedule by providing a 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.

Vegetation and Landscaping

Clause 22.05 Tree Conservation Policy seeks to promote the retention of mature trees and encourage the planting of new canopy trees to maintain and enhance the garden city character. Clause 22.01 Residential Development and Character Policy seeks to build upon the important contribution that landscaping makes to the garden city character.

There are no significant trees on the site and there is sufficient space available for landscaping to maintain the garden city character, including opportunity for canopy tree planting.

The submitted landscaping plan provides for the planting of three new canopy trees along the Lillian Street frontage and one along Madeleine Road as required by the Schedule to the zone. Additional small tree and shrub planting is provided along the frontage, the southern boundary and along the driveway edges. It is considered subject to a condition requiring additional landscaping to the secluded space to side and frontage of Dwelling 4, the landscaping response is appropriate.

The submitted arborist's report has identified that the majority of the vegetation on site with the exception of Tree 4 (group) all have low retention value due to their small size, poor health and/or trunk and branch structure and low landscape value. These trees do not warrant being retained and incorporated into the proposed development and have been recommended for removal. Tree 4 is a group of medium sized, mature *Ficus carica* (Fig) located at the rear of the property and have low to moderate retention value, will be directly affected by the proposed development and recommended to be removed.

Tree protection measures have been provided for trees on the adjoining properties. The biggest potential impact is to the tree in the frontage of the adjoining property at 89 Madeleine Road. The proposed garage and driveway to Dwelling 1 proposes a major intrusion (16%) and therefore the Arborist has recommended root sensitive footings and permeable paving to protect the *Laurus nobilis* (Bay Laurel). The report has concluded that with the implementation of the measures there should be no adverse impact to the health of the tree. The recommendations can be included as permit conditions

Off Site Amenity Impacts.

A major consideration to assess is the ability of the development to appropriately integrate and minimise the impact to the low scale adjoining properties to the rear and south of the site. The revised design addresses previous concerns with bulk with variation in setbacks and breaks at first and second floor to reduce the visual impact of sheer and unbroken walls. The building mass is broken up by providing a primarily two storey base with a lighter weight and smaller, more recessive third floor. There is also a large break in the length of the building and first and second storey to break up the building mass.

The design satisfies the criteria and objectives of Rescode in terms of setbacks, overlooking and overshadowing after considering:

- The proposed setbacks from the side and rear boundaries satisfy the Standards B17 and B18 and there are no walls on the boundary. A 4m rear setback is provided at ground floor that is increased to 7.8 metres for the third storey. The setbacks along the southern boundary vary from 1.22 metres to 3.3 metres at ground floor to 5.09 metres for the third storey. A wall with a height of 9.7 metres requires a minimum setback for 4.8 metres.
- The setback from the southern boundary satisfies the Standard of B19 that requires a minimum separation of 4.85 metres to the habitable room window of 16 Lillian Street.
- The adjoining property to the south at No 89 Madeleine Road has two north facing windows setback 1.5 metres from the boundary. The provided separation of 6.59 metres between the window and the wall of the development satisfies the required 5.78 metres required under Standard B20.
- The property most adversely affected by overshadowing is to the south at No 89 Madeleine Road, particularly in the morning. However, having regard to the setbacks of upper floors, the shadow cast is within the standards of Rescode. After 10.00am the extent of overshadowing decreases and between the hours of 10.00am to 3.00 pm the secluded open space is provided with sunlight as required. This satisfies Standard B21 that requires *“where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3 pm on 22 September.”*
- Potential overlooking from the first and second floor windows of the four dwellings has been addressed by locating the majority of windows with an outlook toward the street frontages. In addition:
 - There are no windows on the western elevation at first and second floor facing 16 Lillian Street.
 - Along the southern elevation there are three unscreened windows at first floor to Dwelling 1 that will overlook the front of No 89 Madeleine Road and not impact open space. All other windows along the southern elevation at first floor are provided with obscure glazing.
 - It is noted that there is some inconsistency with the floor plans for the first and second floor and the southern elevation with details of screening. This can be addressed with permit conditions.

Internal Amenity

The design provides a high compliance with the standards required under Rescode and the Schedule and provides a quality result for future occupants after considering:

- All dwellings have access to quality private open space areas that are directly accessible from the living areas and satisfy the variation of the Schedule and the objectives of Rescode. Dwelling 4 will be provided with a traditional arrangement with an area to the rear and side, Dwelling 1 a combination of a service area to the rear and north facing first floor balcony. Dwellings 2 and 3 have been provided with a north-facing balcony space and small service area that will allow for some landscaping along the boundary.
- Although the dimension of the secluded open space for Dwelling 4 does not satisfy the dimension of 5 metres required under the Schedule, the response satisfies the objectives and is site responsive. The open space to the rear of the Dwelling provides an area of approximately 23 square metres with a minimum setback of 3 metres and access from the living areas of the dwelling, but is south facing. A further area of 40 square metres is provided to the side that has a minimum 4 metre setback from the rear boundary and is west facing. This provides an overall area of 63 square metres for future occupants which is in excess of the minimum 50 square metres required under the Schedule. The layout also ensures the two existing trees in the frontage of the property at 16 Lillian Street and the tree to the rear of 89 Madeleine Road are not impacted by the proposal.
- The design optimises the opportunities of a corner site and provides future occupants with an outlook from unscreened habitable room windows to living rooms and sunlight access, and also provides passive surveillance of Lillian Street.
- All dwellings are provided with an individual street frontage and clear sense of address.
- Internal boundary walls have been provided with acoustic treatment to minimise noise disturbance between dwellings.
- On site services can be provided. All dwellings are provided with a storage area, however as identified by objectors, bin storage areas have been provided for Dwellings 1 and 4 but not Dwellings 2 and 3. A permit condition is required for bin storage to be located either within a reconfigured garage and store or to the rear of each dwelling.

Car Parking, traffic and access

Clause 52.06-5 sets out the number of car parking spaces required for the proposed development. Each dwelling is provided with 2 car spaces, contained within a single garage and tandem car space. The number of car spaces and the dimensions of the garages meet the requirements of Clause 52.06. The small number of traffic movements generated by 4 townhouses will not overwhelm the local road network. Although all parking requirements are met on site it is considered appropriate to place a note on the permit stipulating that future occupants would not be eligible for parking permits.

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
Three bedroom dwelling	4	(2 spaces/ three bedroom	8	8
Visitor Parking	4	1 space for every 5 dwellings	N/A	N/A
Total				8

Bicycle Facilities (Clause 52.34)

This clause outlines bicycle requirements for new residential development. Although there is no minimum bicycle parking requirement for dwellings or townhouse style development, the design provides for bicycle parking on site.

CONCLUSION:

The proposed development is consistent with the Planning Policy Framework, including the objectives and development expectations envisaged in the Schedule 6 to the General Residential Zone. The revised design achieves a high quality response to the desired future character for development in an area identified for increased housing density and diversity within the Clayton Activity Centre and Monash Employment Precinct.

The proposed design achieves a high compliance with the requirements of Rescode and the varied requirements of the Schedule and provides a medium density development within a landscaped setting as required. The setbacks and design layout will not unreasonably impact adjoining properties.

Overall, the proposal is considered to be appropriate and it is recommended that a permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.