

**1.3 205-207 CLAYTON ROAD, CLAYTON
CONSTRUCTION OF A FIVE STOREY BUILDING COMPRISING THIRTY SIX (36)
APARTMENTS OVER FOUR (4) LEVELS AND BASEMENT CAR PARK
(TPA/49996)**

EXECUTIVE SUMMARY:

This application proposes the construction of a four storey building comprising thirty six dwellings and a basement carpark.

Key issues to be considered relate to building bulk and massing, landscaping opportunities, overshadowing and amenity impacts.

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

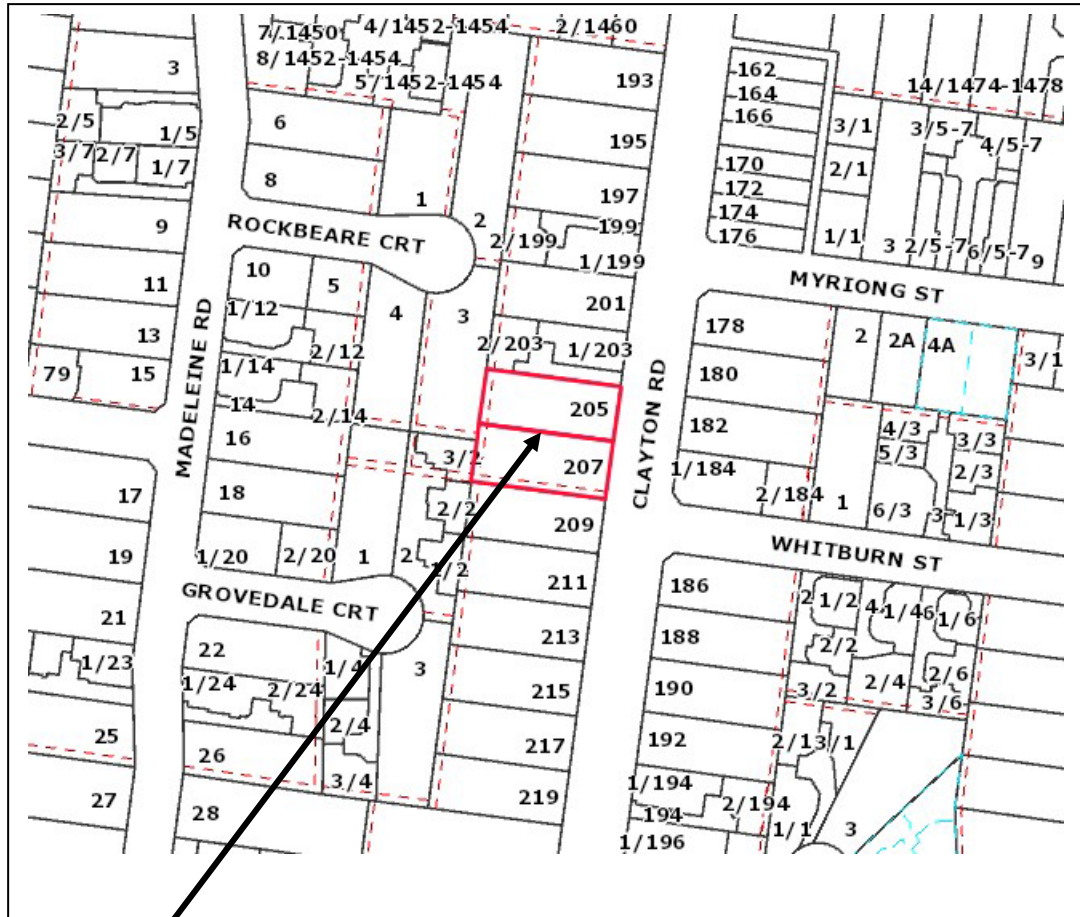
The reason for presenting this report to Council is the proposed development cost of \$8 million.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	James Turner
WARD:	Oakleigh
PROPERTY ADDRESS:	205-207 Clayton Road, Clayton
EXISTING LAND USE:	Two dwellings
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Nil
ZONING:	Residential Growth Zone 3
OVERLAY:	None
RELEVANT CLAUSES:	
<u>State Planning Policy Framework</u>	<u>Local Planning Policy Framework</u>
Clause 11.01-1S Settlement	Clause 21.04 Residential Development
Clause 15 Built Environment and Heritage	Clause 21.06 Activity Centres
Clause 16.01-1S Integrated Housing	Clause 22.01 Residential Development and Character Policy
Clause 16.01-3S Housing Diversity	
Clause 16.01-4S Housing Affordability	

	Particular Provisions Clause 52.06 Car Parking Clause 52.29 Land Adjacent to a Road Zone, Category 1 Clause 52.34 Bicycle Facilities Clause 55 Two or More Dwellings on a Lot
STATUTORY PROCESSING DATE:	8th June 2019
DEVELOPMENT COST:	\$8 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



205-207 Clayton Road, Clayton – Construction of A Five Storey Building Comprising Thirty Six (36) Apartments Over Four Levels And Basement Car Parking

RECOMMENDATION:

That Council resolves to **Grant a Planning Permit (TPA/49996)** for the construction of a five storey building comprising thirty six (36) dwellings and basement carpark along with alteration of access to a Road Zone Category 1 at 205-207 Clayton Road, Clayton subject to the following conditions:

Amended Plans

1. Before the development starts amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application by Jesse Ant Architects dated March 2019 Revision B, but modified to show:

- a) Height of the screens on the balconies of Apartments 2.03, 2.04, 2.05, 3.03 and 3.03 to be increased to 1.7 metres.
- b) Bedroom windows in apartments 1.05 and 1.06 to be replaced with highlight windows at a sill height of 1.7 metres.
- c) All south facing windows other than highlight windows in apartments 2.05 and 2.06 to be treated to restrict overlooking to prevent downward views of the secluded open space of adjacent properties.
- d) 2.3 metre deep pits for both car stacker systems.
- e) The driveway entrance to have an apex within the property to ensure stormwater does not flow from the road reserve into the basement;
- f) The partitioning fencing along the southern boundary side are to be removable pool style type to allow for overland flows along the southern boundary and access to the Council pit in the south western corner of the property;
- g) The partitioning fencing along the southern boundary side are to be removable pool style type.
- h) Changes required in accordance with the Tree Management Plan under Condition 7.
- i) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle

crossing to provide a clear view of pedestrians on the footpath of the frontage road.

- j) Car stacker details in accordance to Conditions 8 and 9.
- k) A notation that no excavation takes place within 2 metres of the nature strip trees and a tree protection fence at least 2 metres from the trunk of the tree.
- l) The layout of the development in accordance with the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
- m) A minimum aisle width adjacent to the stacker system of 6.2 metres.
- n) Eleven (11) bicycle spaces to be provided in accordance with the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

All to the satisfaction of the Responsible Authority.

No Alteration or Changes

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

Sustainable Management Plan

- 3. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
 - a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 22.13 of the Monash Planning Scheme.
 - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c) Document the means by which the appropriate target or performance is to be achieved.
 - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.

- e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
- f) Any relevant requirements of the Condition 1 sub-clauses hereof.

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

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

Construction Management Plan

- 5. Before the commencement of works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - a) measures to control emissions of noise, dust and water runoff from the site;
 - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) the location of where building materials are to be kept during construction;
 - d) site security to prevent people from entering the construction site;
 - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - f) on-site parking of vehicles associated with construction of the development;
 - g) wash down areas for trucks and vehicles associated with construction activities;
 - h) a program for cleaning and maintaining surrounding road surfaces;

- i) a requirement that construction works must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines.)

Waste Management Plan

6. Prior to the commencement of works on the site, a Waste Management Plan must be submitted to and approved by the Responsible Authority for the collection and disposal of garbage and recyclables by a private contractor for all uses on the site. The Waste Management Plan shall provide for:
- a) The time and method of collection of garbage and recyclables from uses;
 - b) Designation of methods of collection by the private contractor;
 - c) Appropriate areas for bin storage on site and areas for bin placement on collection days;
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
 - e) The timing collection of all waste so as not to cause disruption to traffic and amenity of the area; and
 - f) Bins not to obstruct car parking or traffic movement.

Once approved the Waste Management Plan will be endorsed to form part of the permit.

7. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public (except on collection day/s) and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Tree Management Plan

8. Prior to the endorsement of plans a Tree Management Plan by a suitably qualified arborist must be submitted to and approved by the Responsible Authority to protect street trees 1, 2 and 3 and neighbour trees H2.5, H4 and H5.

Once approved the Tree Management Plan will be endorsed to form part of the permit.

Landscaping

9. Before the commencement of works on the site, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
- the location of all existing trees and other vegetation to be retained on site and on adjoining properties, and indication of Tree Protection Zones and tree protection measures for all trees to be retained.
 - at least one new canopy tree in the frontage with a minimum mature height equal to the height of the roof of the proposed building.
 - provision of canopy tree with spreading crowns throughout the site.
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas.
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - the location and details of all fencing
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - details of all proposed hard surface materials including pathways, patio or decked areas

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

Tree Protection

10. Prior to the commencement of any works on the site (including demolition works) that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by a qualified landscape architect or horticulturist.
11. 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.
12. All works (including demolition works) within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or

horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.

Landscaping Prior to Occupation

13. Before the occupation of the building allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

VicRoads Conditions (Ref: 28436/19)

14. Prior to the commencement of use or occupation, a sealed access crossover as at least 6.4 metres wide at the property boundary with the edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
15. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
16. Vehicles must enter and exit the land in a forward direction at all times.

Car Stackers and Vehicle Crossovers

17. Prior to endorsement of any plans, plans and specifications for the mechanical parking system must be submitted and approved to the satisfaction of the Responsible Authority.
18. Car stacker modules are required to cater for the following:
 - a) Independent operation for each parking space.
 - b) A minimum ground level overhead clearance of 1.8 metres.
 - c) A car/van up to 175cm height on the upper level.
 - d) A clear/usable platform width of at least 230cm.
 - e) Minimum pit length of 520cm.
 - f) Loading weight per platform of at least 2000kg.
19. The mechanical parking system is to meet Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD).

20. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.
21. All access points to the system require the provision of a gate/door which is to be fully automated and linked to the car stacker operating system to ensure that there is no inadvertent access during the operation of the system.
22. Car and bicycle parking areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.
23. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
24. The proposed crossing is to be constructed in accordance with the City of Monash standards.
25. The existing redundant crossing on Clayton Road is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
26. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

Drainage

27. Plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

Completion of Buildings and Works

28. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
29. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

30. 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 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 within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Permit Notes**Building Approval**

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

Drainage

- C. The property has been referred to Monash Council as an overland flow path. The requirements to protect the property are as follows:
 - a) The driveway entrance is to have an apex within the property to ensure stormwater does not flow from the road reserve into the basement.
 - b) The partitioning fencing along the southern boundary side are to be removable pool style type to allow for overland flows along the southern boundary and access to the Council pit in the south western corner of the property.
- D. The double side entry put within the proposed crossing is to be reconstructed and fitted with twin grated pit lids to Council's standards and a new side entry pit is to be constructed at least 1 metre north of the vehicle crossing of 203 Clayton Road.

- E. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing. The detention system must be designed for storm events up to the 1% AEP event for the basement car park. The detention system for the basement is to be separate from the detention system for the property, which is to be ground level and discharged by gravity.
- F. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the rear easement via a 900mm c 600mm junction pit to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- G. Detention system requirements for above property are as follows:
- Minimum storage= 9.73m³
 - Maximum discharge rate= 14.33 l/s
 - Minimum orifice diameter if using orifice pit= 65mm, otherwise install a Phillips multi cell or similar to control overflow.
- H. Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Please refer to the notes section of this permit for additional details. A refundable security deposit of \$10,000 is to be paid prior to the drainage works commencing.
- I. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council (telephone 9518 3555).
- J. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- K. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.

- L. Building Over Easement approval is required for the partitioning fences and clotheslines. Approval will be given subject to:
- South East Water approval being obtained.

Underground services not to impact trees

- M. All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.

Street Numbering

- N. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.

Variation to Planning Permit

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

VicRoads Notes

- P. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- Q. Future residents of the development will not be eligible for resident parking permits.

BACKGROUND:

History

Planning Application TPA/47481 was refused on 20th December 2017 for the development of 12 three storey townhouses on the subject site.

The Site and Surrounds

The subject site comprises two lots which are located on the western side of Clayton Road, approximately 150 metres south of the junction with North Road. Both lots combined have an area of approximately 1500 square metres, a front

boundary width of 36 metres and together form a site which is square in shape and has a gentle slope from north-east to south-west of approximately 3.0 metres. Both lots contain a single dwelling and associated outbuildings. Each lot currently has one vehicle crossover to Clayton Road.

The adjoining land comprises the following:

- North – a dual occupancy townhouse development at 203 Clayton Road situated one behind the other utilising a common driveway. Unit 1 is a double storey brick and render dwelling, with a tiled pitched roof and setback 7.6 metres from the street frontage. Unit 2 is a single storey brick dwelling to the rear of the site with a carport located along the boundary shared with the subject site.
- South – a single storey brick dwelling with a tiled pitched roof at 209 Clayton Road. The property is setback 9.35 metres from Clayton Road and has a driveway which runs along the southern boundary. There are a number of outbuildings located to the rear of the property and a 1.7 metre high timber paling fence which separates the site from the subject site.
- East – Clayton Road adjoins the site to the immediate east which is a four lane Road Zone Category 1 road. Beyond Clayton Road to the east are a row of detached single storey dwellings which address Clayton Road with a single vehicle crossover and private open space to the rear.
- West – Unit 3 of 3 Grovedale Court and the rear secluded private open space of 3 Rockbeare Court adjoin the site to the west. Unit 3, 3 Grovedale Court is a single storey detached brick dwelling with a tiled pitched roof and shares a common driveway which provides access to Grovedale Court.

The site is within walking distance to Monash University, Monash Medical Centre and the activity centre of Clayton. Overall the character of the area is predominantly residential influenced strongly by a mix of both single and double storey dwellings built with a variety of architectural styles ranging from the 1950s to present, mostly commonly brick veneer construction with pitched tiled roofs. There is a parade of commercial premises approximately 50m to the north of the site on the northern side of the Clayton Road junction with Myriong Street.

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

Easements

There is a 2.44m wide drainage and sewerage easement located 1830mm from the eastern boundary.

PROPOSAL:

This application proposes the construction of a five storey apartment building comprising 36 dwellings over four levels above a basement carpark. The key features of the proposal are summarised as follows:

- The building is classified as a five storey building, as the southern end of the basement sits more than 1.2 metres (by 200mm) above the natural ground level. However it presents as four storey on all elevations including the southern elevation given the generous setbacks of the fifth (top) floor to the southern elevation.
- The entrance to the apartment building is located at the front of the site along the eastern façade and addresses Clayton Road. A common lobby, lift and stairwell provide access to the dwellings and basement car park.
- Nine dwellings occupy the ground floor; each comprising two bedrooms, living room, dining room, kitchen, two bathrooms and a terrace.
- Ten dwellings occupy the first floor; each comprising two bedrooms, living room, dining room, kitchen, two bathrooms and a balcony.
- Ten dwellings occupy the second floor and comprise a mixture of one and two bedroom properties with living rooms, dining room, kitchen, bathrooms and a balcony.
- Seven dwellings occupy the third floor and are all two bedroom properties with the exception of 3.03 which has one bedroom.
- The basement contains 36 resident car spaces, 36 storage spaces, 11 bicycle storages (7 for residents and 4 for visitors) and a bin storage area. The basement is accessed via a lift and stairwell along with a ramp and vehicle crossing to Clayton Road along the eastern frontage of the site.
- The building has a contemporary design with a flat roof with a 1.5 degree slope is proposed. External materials consist of brick, rendered walls and a combination of timber and alucobond panels.
- Secluded private open space is provided to each ground floor dwelling. First, second and third floor dwellings are provided with balconies. Direct access from the living areas is provided.
- The development proposes a 1.5 metre high rendered fence on steel pickets along the Clayton Road frontage set back 1 metre from the street on the southern side of the accesses to the building and 3 metre on the northern side of the accesses.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

The land is zoned Residential Growth Zone 3 and is not affected by any overlays.

A planning permit is required for the following:

- Residential Growth Zone – construct two or more dwellings on a lot.

In accordance with Clause 52.29-2 a planning permit is required to create or alter access to a road in a Road Zone, Category 1. Clause 52.29-4 requires the application to be referred to VicRoads.

Clause 52.06 requires each one or two bedroom apartment to provide one space per apartment. As the subject site is located within the Principal Public Transport Network no visitor spaces are required to be provided.

Clause 52.34 requires a development of four or more storeys to provide one resident bicycle space to each 5 apartments.

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 21 January 2019. In this letter, officers also raised the following preliminary concerns:

- Not all variations to Clause 55 have been addressed.
- Type of front fencing proposed for the development.
- Encroachment of pergolas and balconies into the 4 metre front setback.
- The minimum deep soil and canopy tree requirement is not satisfied.
- Amended plans that clearly demonstrated cross breeze paths that are compliant with Standard B49 – Clause 55.07-15.

The Permit Applicant responded to this letter on 13th March 2019 by providing the requested information. In relation to the preliminary concerns, the applicant advised that they had amended the plans and the Clause 55 response to address some of the concerns raised. The changes made to the plans at this stage mainly related to the cross breeze paths shown on the floor plans and the increase of the building's front setback at upper levels.

A further amendment was made to the application in April which increased the front setback of the building to meet the variation permitted under Schedule 3 of the RGZ. This resulted in the balconies on the upper levels being setback 4 metres from Clayton Road. The internal room dimensions of Apartments 1.05 and 1.06 were revised in order to meet the requirements set out in Rescode.

The permit applicant has been advised that the application is coming to the Council meeting and is being recommended for approval with conditions.

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 two signs displayed on the site. No objections were received.

Referrals

The application was referred to VicRoads who had no objection to the application subject to conditions which require the widening of the crossover to the site to 6.4 metres and the removal of any redundant crossovers.

The application was referred to the following internal departments:

- Traffic – no objection subject to a condition relating to the pit depth, design standards of the car stackers and the standard traffic conditions.
- Drainage – No issues raised subject to standard conditions relating to stormwater drainage.
- Horticulture – identifies excavation distances and protection measures around three trees.

DISCUSSION:

Consistency with State and Local Planning Policies

Clause 16.01-2S Location of Residential Development seeks to locate new housing in designated locations that offer good access to jobs, services and transport and has the following strategies in order to achieve this:

- *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*

Overall the proposal demonstrates a high level of compliance with Clause 16 Housing of the Monash Planning Scheme and Clause 11.01-S Settlement - Metropolitan Melbourne. The development will contribute to the Clayton Major Activity Centre as it seeks to provide housing choice close to jobs and services, increase the supply of housing and provide for a range of housing types to meet increasingly diverse needs along with the development of a safe, attractive and high quality built environment.

Clause 21.04 Residential Development has the following objectives of relevance to this application:

- *To encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.*

- *To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.*
- *To ensure that development is appropriate having regard to the residential environment of the area, in particular neighbourhood character and amenity.*

Clause 21.06 Major Activity and Neighbourhood Centres identifies Clayton as a Major Activity Centre which encourages medium rise residential development within the Centre. Support for the development is also found in the purpose of the Residential Growth Zone 3 which is to provide housing at increased densities and the design objectives to facilitate housing growth in the form of apartment developments of a high quality design and finish and to ensure developments are constructed within an open garden setting.

The proposal responds to this by providing a four storey (five storey in part due to the height of the basement above natural ground level) residential development of scale and massing which is in keeping with the desired future character for the area and located within walking distance to the Clayton railway station, Monash Medical and Research Precinct and the Monash University.

Monash Housing Strategy

The site is located within the Category 3 – Monash National Employment Cluster of the Monash Housing Strategy 2014. This area seeks housing change and encourages larger footprint apartment developments. The future character within these areas will support housing growth and diversification and be of high quality contemporary design. The proposal will also contribute to higher density residential development within the Clayton Activity Centre in a context that is respectful of the existing and future character.

Aboriginal Cultural Heritage

The site is not located within an area of cultural heritage sensitivity. A Cultural Heritage Management Plan was therefore not required.

Neighbourhood Character and Built Form

The site is located on the western side of Clayton Road approximately 150m south of the junction with North Road, the character of the area is predominantly residential and currently influenced by detached single storey dwellings. There are however examples of a higher density, two and three storey form of development along Whitburn Street to the east and further north along Clayton Road. The development of the site will work towards providing a transition between the larger-scale developments along North Road to the north and the more traditional dwellings to the south.

The proposed design responds to the features of the site and surrounding area by appropriate building setbacks and use of a diverse materials and finishes palette to break up building massing. Adequate space is provided throughout the development for meaningful new landscaping of mid to tall canopy trees and dense low level vegetation. This will assist to soften the visual impact of the built form when viewed from the streetscape and adjacent sensitive interfaces, and will maintain and strengthen the garden setting of the area.

The proposed ground floor front setback of 5.1m and balcony setbacks of 4.1m respond to the setbacks of the emerging pattern of higher density properties particularly to the west along Whitburn Street, further north along Clayton Road and also complies with both ResCode and requirements of the zone. Importantly, the front setback will allow for planting of canopy trees as sought for Character Area B and will contribute to the continuation of the existing 'green and leafy' streetscape.

The contemporary design of the building provides both articulation and variation across all elevations. Articulation is provided through the selection of varying materials including feature timber battens which integrate into the design of the balconies along the Clayton Road façade. The upper levels use a combination of alucobond and render on the upper levels and brickwork along the ground floor. The use of varied materials and finishes result in a level of visual interest appropriate to its setting.

It is recognised that the overall height of the building at 13.67 metres above natural ground, the proposal appears at odds with the existing character of the area. The predominantly existing low rise character of the area will change given a period of transition is occurring due to the introduction of the Residential Growth Zone, through Planning Scheme Amendment C125, the purpose of which is amongst other things:

- *“To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.”*

The height of the building is mitigated through the stepping back of the upper levels which will result in a gradual transition in height and avoids unreasonable building mass being presented to 203 and 209 Clayton Road. The proposed development is generally well setback from boundaries and this results in an appropriate massing impact on the adjoining existing residential properties.

Amenity Impacts

The degree of overshadowing to the secluded private open space of adjoining properties is reasonable. Whilst it is recognised there is an hour between 9am and 10am that Unit 3/2 Grovedale Court receives additional shadow by the proposed

development adequate sunlight will still be received through the day measured at the equinox. Solar access to habitable room windows on all other adjoining lots would not be unreasonably impacted.

The planning scheme requires that habitable room windows and balcony spaces should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony from a height of 1.7 metres above floor level.

Overlooking to the secluded private open space of Units 1 and 2 205 Clayton Road to the north of the subject site is not considered to be an issue as both units have their secluded private open space on the northern side of the buildings the opposite side to the application site. Unit 1 has habitable room windows facing the application however the location of the shared driveway and a 1.9 metre high timber paling fence along the boundary will mitigate any intrusion into habitable windows.

209 Clayton Road to the south of the application site has secluded private open space located to the rear of the property, in order to mitigate overlooking of this space a condition will be included on the permit requiring the height of the screens on the balconies of 2.03, 2.04, 2.05, 3.03 and 3.03 to be increased to 1.7 metres. There is one habitable window along the northern elevation of 209 Clayton Road however at ground floor level this window will be screened by the 1.6 metre high fence.

To the west of the subject site 3 Rockbeare Court and 3/2 Grovedale Court have their secluded private open space located to the rear of the site. In order to prevent overlooking a condition will be included on the permit requiring the balcony screening of apartment 2.05 to be increased to 1.7 metres, bedroom windows in apartments 1.05 and 1.06 to be replaced with highlight windows at a sill height of 1.7 metres and all windows other than highlight windows in apartments 2.05 and 2.06 to be fixed or replaced with highlight windows.

Site Coverage and Permeability

The site coverage is 65.4% which exceeds the Clause 55 specified 60%. This variation is considered acceptable due to the emerging and desired future character of the area which in time will be influenced by developments with a similar higher density.

The permeable area is 28.7% including a deep soil area of 27.5% and it is considered that this results in adequate provision for landscaping opportunities and does not result in inconsistencies with the future preferred neighbourhood character that is envisaged by the Residential Growth Zone.

On site amenity and internal amenity

The layout of the development provides reasonable solar access to living areas with the exception of Apartments 3.04 and 3.05 which have balconies on the western side of the building, however given these apartments are on the top floor of the building they will have sunlight access from both the east and west and is considered an acceptable variation.

Due to the fall of the site the secluded private open space of the ground floor apartments across the site is at a different level to the finished floor level of the building. In response to this secluded private open space for each apartment is provided in the form of a deck area linked to a garden area by steps. The amount of steps vary from one side of the site to the other with apartments located along the northern side of the development having between 2 to 3 steps down from the deck and apartments on the southern side having up to 7 steps from the deck. The first, second and third floors have secluded private open space provided in the form of balconies which have direct connectivity to living/dining areas. It is considered that the amount of balcony area is commensurate with the size of each apartment in terms of both floor area and number of bedrooms.

The proposed development demonstrates good internal amenity outcomes for residents. All habitable rooms are provided with direct access to daylight and ventilation, having no reliance on borrowed light, light corridors or light wells. Each apartment is between 50.1 and 96.2 square metres. The layout of the apartments is functional with limited corridor space resulting in larger habitable room sizes and generally well-proportioned apartments.

The dwellings have reasonable access to people with limited mobility considering each apartment is at one level, the development has lift access to all floors and the location and widths of lobby are appropriate. Each apartment has 6m² of storage, as required by ResCode, located in the basement

Car Parking, traffic and access

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

User	Type	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Resident	One-bedroom Apartment	5	1 space per dwelling	5	5
	Two- Bedroom Apartment	31		31	31
Visitors	36 apartments	-	0	0	0
	Total			36	36

Clause 52.06 requires the development to provide 36 spaces. Given the site is located within the Principal Public Transport Network Area there is no

requirement to provide visitor car parking. Within the basement level of the development the proposal includes 36 spaces, in the form of 8 at-grade spaces and 28 spaces contained in car stackers, and therefore meets this requirement.

Access to the basement level is provided by retaining the existing crossover which was proposed to be widening to 6810mm to ensure that vehicle access does not dominate the streetscape. The width of the ramp and headroom provided are satisfactory at 3.6 metres wide and 2.1 metres high respectively. Vehicles are able to enter and exit the site conveniently and efficiently and in a forward direction.

Waste collection is proposed to take place on site within the basement by a private collector using a mini rear loader. Swept paths have been provided and assessed and found that the vehicle can access and exit the site in a forward direction. A condition will be included on the permit requiring car parking spaces are used only for that purpose and therefore cannot be used for storage or collection of refuse.

VicRoads have no objection to the application subject to standard conditions. The Councils Transport Engineering department are satisfied with the development subject to amendments made to the plans detailing 2.3 metre deep pits for the car stackers.

CONCLUSION:

The proposal is consistent with the relevant policies and objectives of the Monash Planning Scheme, including the State and Local Planning Policy Framework and Clause 55.

The proposal is appropriate given the policy direction given to the area through the gazettal of Planning Scheme Amendment C125 and the rezoning of the area to Residential Growth Zone.

The development is sympathetic to the future character of the area in terms of building bulk and massing, provides sufficient landscaping opportunities, private open space and car parking and will not unreasonably reduce the amenity of surrounding lots.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.