

**1.4 25 SHAFTSBURY DRIVE, MULGRAVE
CONSTRUCTION OF ONE (1) DOUBLE STOREY RESIDENTIAL BUILDING TO BE USED
AS A ROOMING HOUSE TO THE REAR OF A DWELLING
(TPA/53131)**

EXECUTIVE SUMMARY:

This application proposes construction of one (1) double storey residential building to be used as a Rooming House at the rear of a dwelling. A dwelling (not subject to a requirement for planning approval) is to be simultaneously constructed at the front of the site.

The application was subject to public notification. Thirty-five (35) objections to the proposal have been received.

Key issues to be considered relate to built form and scale, objector concerns and landscaping.

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

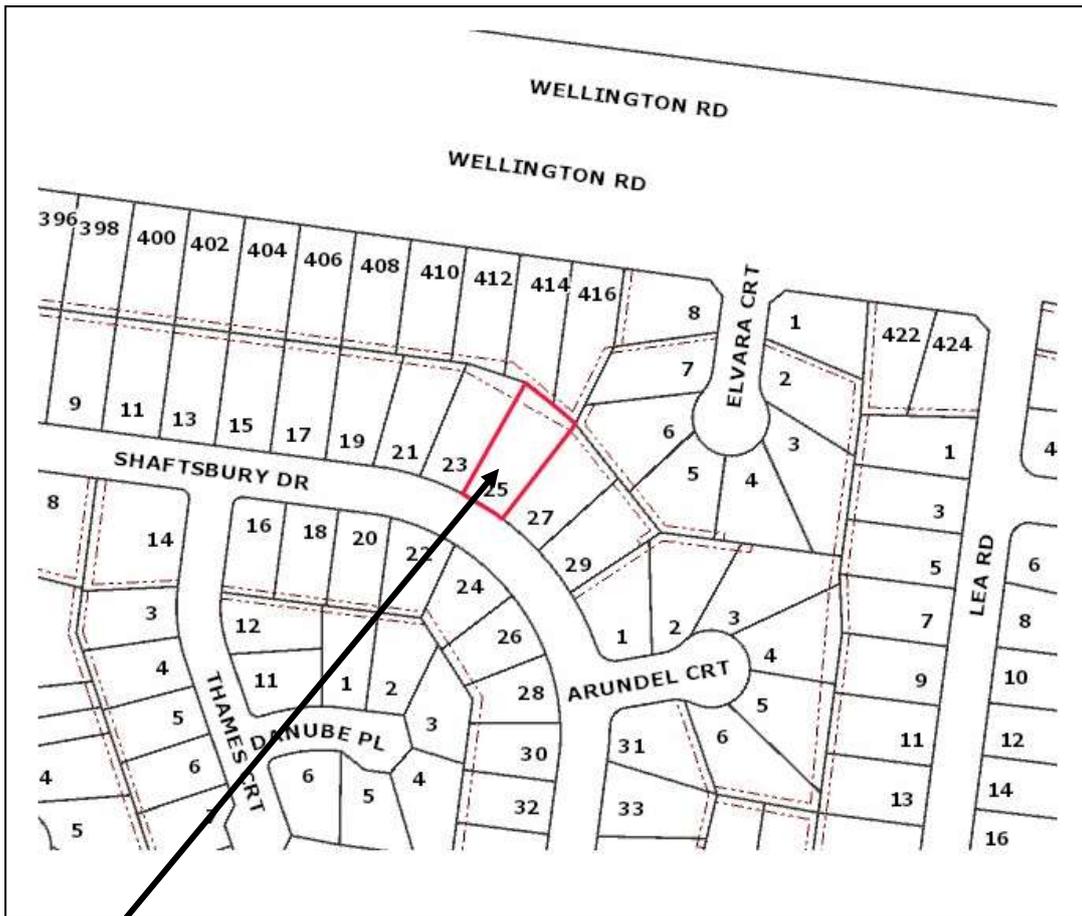
The application has been called in for consideration at the Council meeting by Councillor Shane McCluskey.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Melissa Hansford
WARD:	Mulgrave
PROPERTY ADDRESS:	25 Shaftsbury Drive, Mulgrave
EXISTING LAND USE:	Residential
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Thirty Five (35)
ZONING:	General Residential Zone, Schedule 3
OVERLAY:	Nil
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1S & R- Settlement Clause 11.02-1S- Supply of Urban Land	<u>Local Planning Policy Framework</u> Clause 21.01- Introduction

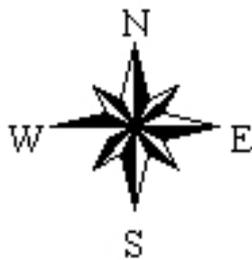
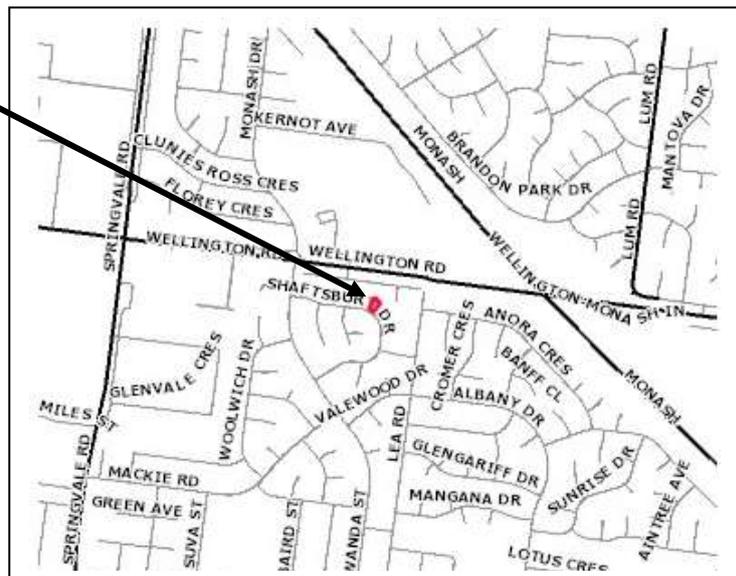
<p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 17.01-1S&R- Diversified Economy</p> <p>Clause 17.02-1S- Business</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 21.04- Residential Development</p> <p>Clause 21.08- Transport and Traffic</p> <p>Clause 21.13- Sustainability and Environment</p> <p>Clause 22.01- Residential Development and Character Policy</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.09- Non-Residential Use and Development in Residential Areas</p> <p>Clause 22.10- Student Accommodation Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.23- Rooming House</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 55- Two or more dwellings on a lot and residential buildings</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	30 October 2022
DEVELOPMENT COST:	\$606,200

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



25 Shaftsbury Drive, Mulgrave - Construction Of One (1) Double Storey Residential Building to be used as a Rooming House to the rear of a dwelling

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/53131)** for the construction of one (1) double storey Residential Building to be used as a rooming house to the rear of a dwelling at 25 Shaftsbury Drive, Mulgrave subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by West Urban, TP05 –TP08, dated December 2021 and TP01 – TP04, dated September 2021, but modified to show:
 - a) Dwelling 1 faded or labelled to clearly identify that the dwelling is not the subject of the planning assessment and approval.
 - b) The northern boundary fence to have a minimum height of 1.8 metres and any other required additional screening in order to meet the requirements of Clause 55.04-6 from the ground level of the building.
 - c) Screening (obscure glazing or fixed screens) to prevent overlooking from north facing upper level habitable room windows (bedroom 4 and bedroom 5) in order to meet the requirements of Clause 55.04-6
 - d) Tree Protection Fencing to be shown to the ground floor plan, in accordance with the Tree Protection Management Plan prepared by ArborReport Victoria dated 8 December 2021
 - a) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at or behind the setback alignment of buildings on the site, or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".
 - b) 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.

- c) A Landscape Plan in accordance with condition 3 of this Permit.
- d) The Rooming House Management Plan prepared by Westurban, dated December 2021 amended as required by Condition 10.
- e) A Waste Management plan in accordance with condition 14 of this Permit.

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 2. The use and 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 minimum of five (2) eucalyptus variety canopy trees (minimum 1.5 metres tall when planted) in the following areas: one (1) in the Residential Building 2 private open space area; and one (1) on the western boundary of the common driveway. The canopy trees must have a minimum height of 7 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
 - b) planting to soften the appearance of hard surface areas such as driveways and other paved areas;
 - c) 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;
 - d) the location and details of all fencing;
 - e) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site; and
 - f) 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

4. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
5. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

Landscaping Prior to Occupation

6. 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

7. The site must be drained to the satisfaction of the Responsible Authority.
8. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

Vehicle Crossovers

9. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Management Plan

10. Prior to the commencement of the use, a Rooming House Operational Management Plan for the facility is to be prepared, submitted to and approved by the Responsible Authority. The Management Plan must be generally in accordance with the Rooming House Management Plan prepared by Westurban, dated December 2021 modified to include the following:

- a) Update proposal to “construction of one (1) double storey residential building to be used as a Rooming House at the rear of a dwelling.”
- b) The contact details of the responsible contact person displayed in a manner and location so that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person
- c) Maintenance of buildings and grounds, including all landscaped areas.
- d) Permanent display of the Management Plan in a common area accessible to all residents of the facility.

Once approved the plan will be endorsed to form part of this permit. This Management Plan is to be implemented to the satisfaction of the Responsible Authority and shall only be amended with the written consent of the Responsible Authority.

Use of Land

11. The development can only be used for the purpose of rooming house. Should the land cease to be used for rooming house, a new planning permit may be required for any alternative use. The car parking requirements for any subsequent use will be assessed in accordance with the provisions of the Monash Planning Scheme.

Occupants

12. Not more than nine (9) persons may permanently reside in the Residential Building 2 at any one time.

Common Areas

13. The communal areas of the buildings and open spaces on the land that are shown on the endorsed plans are to be made available and accessible to all persons occupying the premises on a shared basis at any given time to the satisfaction of the Responsible Authority.

Waste Management Plan

14. Prior to the commencement of works on the site, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recyclables for uses;
 - b) Designation of methods of collection by Council or private services;

- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- e) Litter management.

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

No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Urban Design

- 15. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Satisfactory Continuation and Completion

- 16. Once construction of the rooming house approved by this permit has started, construction of the rooming house and the dwelling at the front must be continued and completed to the satisfaction of the Responsible Authority.

Landfill Gas Risk Assessment

- 17. Prior to the commencement of the development authorised under this permit (excluding works reasonably required to conduct the landfill gas assessment), the permit holder must to the satisfaction of the Responsible Authority:
 - a) Engage an appropriately qualified site assessor with demonstrated experience in the assessment of landfill gas in the subsurface environment, to conduct an assessment of any methane within the land, subsurface services and buildings and structures on the land adopting the methane gas action levels prescribed at items 6 and 7 of schedule 3 of the Environment Protection Regulations 2021 (Vic) as set out below.

<i>Item</i>	<i>Location for assessing methane gas concentration action levels</i>	<i>Methane gas concentration action level</i>

6	Subsurface services on, and adjacent to, the waste	10,000 parts per million
7	Buildings and structures on, and adjacent to, the waste	5000 parts per million

- b) Ensure that the site assessor prepares a report to be submitted to the Responsible Authority. The landfill gas risk assessment (LGRA) should be based on guidance prepared by the Environment Protection Authority from time to time and / or made under the *Environment Protection Act 2017* (Vic) and subordinate legislation. As at the issue date of this permit, such 'guidance' includes EPA Publication 788.3 (Landfill Best Practice Environmental Management or Landfill BPEM) and EPA Publication 1684 (Landfill gas fugitive emissions monitoring guideline).
- c) If the landfill gas assessment identifies methane at concentrations exceeding the methane gas concentration action levels, the permit holder must engage the services of an EPA-appointed environmental auditor to complete an environmental audit with a scope limited to:
- (i) assessment of the nature and extent of the risk of harm to human health from waste;
 - (ii) recommending measures to manage the risk of harm to human health from waste;
 - (iii) making recommendations to manage any waste, where the landfill extends onto or beneath the land.
- d) The permit holder must provide the Responsible Authority with a scope and supporting documents endorsed or determined by the Environment Protection Authority pursuant to section 208(5) of the *Environment Protection Act 2017* (Vic) and a copy of the environmental audit statement and environmental audit report issued pursuant to sections 210(1) of the *Environment Protection Act 2017* (Vic).
18. Prior to the commencement of the development authorised under this permit, the permit holder must:
- a) Provide to Council a copy of the LGRA undertaken in accordance with condition 1 within 14 days of receiving the LGRA;
 - b) Pay Council's costs and expenses associated with a Council-arranged peer review of the LGRA. The peer review will be

- undertaken by an independent and suitably qualified environmental consultant nominated by Council;
- c) Obtain a copy of the peer review obtained by Council.

Permit Expiry

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

- The development has not started before 2 years from the date of issue.
- The use is not commenced within 4 years of the date of issue.
- 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 (6) months afterwards if the use or development has not commenced; or
- 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. Dwelling 1 is not subject planning permit approval was not assessed against the provisions of Clause 54 or 55 (ResCode) of the Monash Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance pursuant to the Building Regulations. Assessment will be required by the Building Surveyor as part of any building permit approval. Non-compliance with ResCode provisions may require dispensations to be obtained and subject to further assessment and approval.
- C. 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.

- D. One copy of the plans for the drainage and civil works must be submitted to and approved by the 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.
- E. 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.
- F. A drainage contribution may be accepted in lieu of a detention system. The contribution is based on the hard surfaced areas and is calculated at the time of the drainage plan approval.
- G. Variation to Planning Permit - Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- H. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- I. 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.
- J. Any residents of the approved development will not be entitled to car parking permits for on street car parking.

BACKGROUND:

History

No previous planning applications have been made in relation to the subject site.

The Site and Surrounds

The site is located on the northern side of Shaftsbury Drive, approximately 73 metres east of the intersection of Thames Court and Shaftsbury Drive in Mulgrave. The land is a slightly irregular shaped allotment with a frontage of 15.16 metres, a maximum depth of 40.37 metres and an overall site area of 690.9 square metres. The site has a fall of approximately 1.15 metres from the south-east corner to the north-west corner of the site.

The land is currently occupied by a single storey brick dwelling with a pitched tiled roof and an attached single garage. Vehicle access to the site is via an existing crossover adjacent to the western boundary. The site contains no significant vegetation, with a swimming pool located towards the rear. Existing front fencing comprising of a low brick front fence with hedging behind.

Immediately surrounding land is zoned General Residential, Schedule 3 and developed with modest dwellings. More recent development has seen some multi-dwelling developments starting to emerge. The majority of front gardens are well planted with a variety of shrubs and trees.

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 a double storey residential building to be used as a rooming house, to be located to the rear of a dwelling, to be constructed, on the land. The existing dwelling will be demolished as a consequence of the proposed works.

The residential building is attached at the ground floor to Dwelling 1, with a 5.07 metre separation at the first floor.

Key elements of the proposal are as follows:

Residential Building (Rooming House)

- Six (6) bedrooms, each with an ensuite.
- 9 occupants to be accommodated on site at any time
- Long term leases, generally 12 months or longer.
- Communal Kitchen and Dining area on the ground floor.
- 111.3sqm Secluded Private Open space; 134.9sqm Total Private Open Space.
- Double garage

Dwelling 1

A double storey dwelling (not subject to planning permit approval) is to be constructed at the front of the site. The dwelling will comprise of 4 bedrooms, living spaces and a double garage.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

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

Pursuant to the provisions of this zone a planning permit is not required for a single dwelling as the land exceeds a site area of 500m². The dwelling to be constructed at the front of the site would therefore be subject to a future Clause 54 assessment, at the building permit application stage.

The provisions of the General Residential 3 Zone also provide that a planning permit is required for a Residential Building (Rooming House) if the requirements of Clause 52.23 are not met. As the total floor area of all buildings proposed exceeds 300 square metres a planning permit requirement is triggered under this Clause for the use and development of a rooming house. The dwelling and its construction and use remains as of right on the land even when on the same land as the proposed rooming house.

The development must meet the requirements of Clause 55 for Residential Buildings, and an assessment of the proposed development against Clause 22.01 - Residential Development and Character Policy is required to ensure the proposal is consistent with the desired future character for the Garden City Suburbs Northern area.

Overlay

The land is not affected by any Overlays under the Monash Planning Scheme.

Particular Provisions

Clause 52.23 of the Monash Planning Scheme applies to use and develop land for a rooming house. Whilst there are exemption provisions for a rooming house provided within the scheme, these do not apply to this application as the total floor area of all buildings on site exceeds 300 square metres.

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 20 October 2021. In this letter, officers also raised the following preliminary concerns:

- Visual bulk and massing impacts of the first floors to the streetscape and adjoining properties.
- Insufficient space for substantial landscaping to soften views to adjoining properties.
- Ability to provide landscaping including canopy trees throughout the site due to the easement.
- Management of the proposed use of Rooming House and the type of accommodation offered.

- The living areas of the Rooming House are considered insufficient to service the excessive number of bedrooms proposed.
- Non-compliance with Standard B6 – Street Setback.
- Overlooking issues identified from first floor windows. Screening should be provided in accordance with Standard B22 of the Monash Planning Scheme.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 17 December 2021 by providing the requested information. In relation to the preliminary concerns, the Applicant advised:

That they had amended the plans to address all concerns with the key changes being:

- The first floors were provided with increased recession to the ground floors, and the cantilevering of Dwelling 1 over the common driveway reduced.
- The submitted Landscape plan shows improved areas of landscaping throughout the site, including the planting of five (5) canopy trees on site.
- A Rooming House Management Plan was submitted detailing how the Rooming House use will be managed on site.
- The Living/Dining/Kitchen area of the Residential Building 2 was increased in size. The Applicant states that as six (6) bedrooms are proposed, there is now sufficient space for the internal amenity of future residents.
- The front setback modified and now complies.
- Overlooking issues were addressed.

The Applicant was verbally advised that this application is scheduled for the September Council meeting. In addition, a letter has been sent formally advising them of the details of the Council meeting. The Applicant has been advised that the application is recommended for approval subject to conditions, and an outline of the conditions has been explained.

Section 57A amendment

The application was first lodged for the development of two, two storey dwellings. This was later amended via Section 50 and by the applicant to propose the construction of one, two storey dwelling and one two storey building to be used as a rooming house.

Recent VCAT Decision P467/2021, *Barbuscio vs Monash CC* is relevant to this application.

In this case, the Tribunal considered the use of a Rooming House and a Dwelling as being separate. Inherent in this position is that once a building is proposed to be used as a Rooming House it is no longer a dwelling. This is as a result of the

definitions in the Planning Scheme with 'Rooming House' being nested within the definition of a 'Residential Building' and a 'Dwelling' being a standalone use.

Therefore, a planning permit is not triggered for the proposed dwelling pursuant to Clause 32.08-6 of the Monash Planning Scheme.

On this basis, following public notification, the applicant subsequently lodged a Section 57A Amendment on 31 August 2022 to remove reference to the construction of one dwelling from the preamble of the application, with the preamble to read as follows:

Construction of one (1) double storey residential building to be used as a Rooming House at the rear of a dwelling.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of twenty two (22) letters sent to the surrounding property owners/occupiers, and a sign displayed on Shaftsbury Drive frontage of the site.

Thirty five (35) objections were received. Issues of objection included the following concerns:

- Insufficient on site car parking for the number of residents resulting in overflow car parking to the street
- Traffic issues as Shaftsbury Drive a narrow, one way street.
- Location for bins.
- Inappropriate location for a Rooming House within a residential street.
- Not in keeping with neighbourhood character
- The development would set a precedent for high density development within the street.
- Rooming Houses attract unsavoury characters that are not appropriate so close to a Kindergarten and Maternal Centre.
- Reduction in property prices
- Noise impacts.

Referrals

Internal Referral

Traffic Engineer

Council's traffic engineers have recommended the inclusion of standard conditions on any planning permit issued.

In response to concerns raised by Objector's regarding Traffic issues due to the increased vehicles in the one way street, Council's Traffic Engineer has advised that although Shaftsbury Drive is a one-way local road, the predicted traffic

generation is low and is expected to have a negligible impact on the local traffic network.

Drainage Engineer

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

DISCUSSION:

Consistency with State, Regional and Local Planning Policies

State Planning Policy Framework (PPF)

Clause 11 (Settlement) and Clause 16 (Housing) of the Monash Planning Scheme seek 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.

Planning should ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

The proposal is considered to meet the relevant planning policies. The development will provide for an appropriately designed medium density infill development that meets the urban consolidation objectives for Melbourne. The development of a Rooming House to the rear of an existing dwelling on the site, is not inconsistent with the urban consolidation objectives.

The proposal makes a positive contribution to the supply and diversity of housing in the municipality and does so within reasonable proximity to services and public transport (located within the Principal Public Transport Network - PPTN), being located in close proximity to the Monash University and Monash Medical Centre.

Local Planning Policy Framework (LPPF)

Clause 22.01 (Residential Development and Character Policy) applies to all residential land within the City of Monash. The site is included within the 'Garden City Suburbs Southern Areas.' 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 are well landscaped and retains the "open landscape character."

It is an objective of our local planning policy (Clause 21.04) 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, as well as assist in the provision of social and

affordable housing as well as meet the accommodation needs of students in close proximity to tertiary institutions.

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.*

A more detailed assessment of the layout and proposal is detailed below.

General Residential Zone, Schedule 3

The site is located within the General Residential Zone, Schedule 3 which applies to the Garden City Suburbs – Northern Areas. The purpose of the zone is to support new development that minimises building mass, visual bulk, provides generous setbacks and breaks and recesses in the built form.

As previously noted, Dwelling 1 does not trigger a requirement for a planning permit and therefore does not form part of this application assessment.

The schedule to the General Residential 3 Zone provides the following Clause 55 variations assessed against the proposed Rooming House:

Minimum Street Setback (B6)	Walls of buildings should be set back at least 7.6 metres from the front street.	<u>Not applicable</u> – front dwelling not subject to planning permission.
Site coverage (B8)	The site area covered by buildings should not exceed 50 per cent.	<u>Complies</u> Site coverage is 39.3% which complies with this variation.
Permeability (B9)	The site area covered by pervious surfaces should be at least 30 per cent.	<u>Complies</u> Permeability is 41.1% which complies with this variation.
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 sustain four canopy trees based on a frontage of 15.16 metres. A total of five (5) canopy trees are proposed across the site.

	A canopy tree should reach a mature height at least equal to the maximum building height of the new development.	
Side and Rear Setbacks (B17)	A new wall not on or within 200mm of a rear boundary should be set back at least 5 metres. Side setback requirements in accordance with standards A10 and B17 continue to apply.	<u>Complies</u> A minimum setback of 5 metres is provided.
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 75 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>Complies</u> Whilst not technically assessed, we note that Dwelling 1 is provided with 37.2 square metres of secluded private open space, and a total open space of 111.2 square metres. The Residential Building is provided with 134.1 of secluded private open space, and a total open space of 134.9 square metres. The proposed areas of secluded and total private open space complies with this variation.
Front Fence Height (B32)	A front fence within 3 metres of a street should not exceed 0.9 metres in height.	<u>N/A</u> No front fencing has been proposed.

Rooming House

The proposed use of rooming house aligns with State, Regional and Local planning policy which encourages the provision of a variety of housing types to accommodate future housing needs and preferences.

The subject site is very well located to public transport given it is located within the PPTN, and other services such as Monash University and Monash Medical Centre.

The proposed rooming house has been designed to provide high quality alternative accommodation, while being respectful of the existing and desired future character for the Garden City Suburbs – Northern Areas.

The proposed residential building is proposed to contain six (6) bedrooms each with individual ensuite, common kitchen / living / dining / laundry facilities. The submitted Rooming House Management Plan states that a maximum of 9 persons will be accommodated on the site.

The proposed residential building is considered to provide well-proportioned and convenient private open spaces for the recreational needs of the future residents. The areas of open space allow for acceptable landscaping including two (2) canopy trees which will contribute to the garden city character.

The submitted Rooming House Management Plan details how the use will be conducted on site to ensure the use will not adversely impact on the surrounding properties. It is considered that any approval issued will be subject to conditions requiring the submission of an amended Rooming House Management Plan for the facility to ensure the use will not adversely impact on the surrounding properties.

Adequate parking has been provided on site and this is discussed further below under the Car Parking heading.

Neighbourhood character

It is considered that the proposal is consistent with the preferred future character for Garden City Suburbs – Northern Areas in terms of integration within the streetscape, built form and design detail.

Building bulk and massing is considered to be generally sympathetic to the existing and preferred future character of the area. The size of the ground floor and first floor footprints are not excessive, and walls are sufficiently articulated and recessed. There is appropriate separation between the first floors, allowing a visual break in the built form as viewed from the adjoining properties.

The height of the residential building is in keeping with the single and double storey forms of the area and will not be visually obtrusive. Double storey dwellings are evident within the area, along with emerging multi-unit developments. Adequate area for substantial planting throughout the site and as shown on the submitted landscape plan are proposed to filter views of the proposed development to the streetscape and surrounding properties.

Setbacks to boundaries are compliant with Standard B17 and sufficiently mitigate visual bulk to the street and adjoining properties. The 5 metre rear setback has been achieved for the entirety of the rear boundary, ensuring the continuation of a garden corridor.

External materials of brick and rendered walls with pitched tiled roofs are in keeping with the character of the area. The buildings have reasonable fenestration, easily identifiable entries and a reasonable sense of address.

The proposed double garages are located behind Dwelling 1 and do not dominate the streetscape. Landscaping has been provided to both sides of the common driveway, including a proposed canopy tree on the western boundary opposite Dwelling 1's garage.

It is not proposed to retain any existing vegetation on site as part of the development. Vegetation on site comprises primarily of small trees and shrubs that are deemed low retention value, with some considered a weed species. The submitted Arborist report identifies one tree of having a mature 18 metre height located towards the north-west corner of the site. This tree is identified as Tree 15 and commonly known as a Norfolk Island Pine. The Arborist report assesses that the tree is healthy with good structure and form.

Whilst the subject site is not located within a Vegetation Protection Overlay, consideration is still given to the retention of vegetation which makes a contribution to the landscape character of an area. In this instance, the removal of the Norfolk Island Pine, which has a cone like structure and can grow to a height in excess of 60 metres is considered appropriate given the residential setting in which it is located. Being an exotic species, and not native to the area it is considered that its replacement with native trees would make a far greater contribution to the desired landscape character outcome for the area. A permit condition will require the planting of two (2) eucalyptus variety canopy trees on site to reach a minimum mature height of 7 metres.

The arborist report recommended that the adjoining trees and street tree are to be protected with basic tree protection measures as per the arborist report which can be addressed by a permit condition.

No front fence is proposed which is in keeping with the open gardens and streetscape of the area.

The proposed electricity meter box has been shown within the front setback on the western boundary. This is not considered to be an acceptable location, and should be relocated to behind the front façade of Dwelling 1 to accord with Council's meter box policy. This can be addressed via a condition.

External Amenity Impacts

Walls on boundaries have been kept to a minimum with only the garage for the Residential Building to be constructed on the western boundary. The proposed average height is considered compliant at 3.18 metres.

The proposed buildings have been sufficiently setback from boundaries to ensure existing habitable room windows maintain appropriate light courts. There are no north facing windows impacted due to the orientation of the site.

Overshadowing complies with Standard B21 in relation to neighbouring properties and will not cause unreasonable overshadowing.

Overlooking has been adequately addressed on the first floor windows where required by the use of fixed obscure glazing, highlight windows to 1.7 metres

above finished floor level and an external screen proposed to prevent views into the adjoining properties. The Residential Building 2 ground floor has potential for overlooking to the north due to an existing 1.6 metre common boundary fence. It is considered this can be addressed via a condition of any approval to require an increased fence height of 1.8 metres, which would meet the ResCode standard and eliminate any potential for overlooking from the ground floor window.

Internal Amenity Impacts

On site amenity is acceptable in terms of accessibility, visibility, daylight provision, open space provision and storage.

The Rooming House entry is clear and easily accessible from the street and internal driveway.

Satisfactory daylight provision to all windows has been provided, with acceptable light court provision created by the boundary setbacks.

The Rooming House exceed the minimum 75 square metres of private open space requirement under the zoning provisions including a minimum of 35 square metres of secluded private open space suitably located at the side/rear of the dwellings with direct access from living/dining areas. In total 134.1 sqm of secluded private open space is provided for the Rooming House.

Car Parking, Traffic and Access

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

Use	Number of Dwellings / Residential Buildings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Residential Building – Use Rooming House	1	(1 space to each four bedrooms)	1	2
Total	1		1	2

The residential building is provided with a double garage containing 2 car spaces, exceeding the parking requirement under Clause 52.06.

The existing vehicle crossing will be modified and utilised for access to both the dwelling and residential building from a shared driveway.

Closed Landfill Buffer

It has been identified that the subject site is within the identified buffer of a post closure landfill (Freeway Reserve). Permit conditions will be applied requiring the preparation of a Landfill Gas Risk Assessment Report. This report is to be prepared by a suitably qualified environmental consultant and undertaken in accordance with the *Environment Protection Act 2017* and associated regulations and all relevant EPA guidelines including EPA Publication 1642.

Objections not previously addressed

Location for bins

Suitable bin locations have been shown on the advertised plans. Any approval will be subject to a Waste Management Plan to ensure sufficient bin allocation and detail collection.

Not in keeping with neighbourhood character

The proposal is considered to be consistent with the built form and design detail of the desired future character for the area.

Set a precedent for high density development within the street

The proposal is not considered to be a high density development. The built form is consistent with other multi-unit developments within the broader area.

Rooming Houses often attract unsavory characters that are not appropriate so close to a Kindergarten and Maternal & Child Health Centre

There is a need in the community for rooming houses. Rooming houses are defined as a residence where one or more rooms are available for occupancy when rent is paid, and four or more unrelated people live in the same building.

As a direct response to this identified community need and stigmatisation, all Victorian Planning Schemes have historically had 'Shared Housing' provisions, which in October 2018 were replaced at a State wide level with Rooming House provisions. These provisions at Clause 52.23 of the Monash Planning Scheme, aim to facilitate the establishment of domestic scale rooming houses. Clause 52.23 lists a series of use and building and works exemptions for Rooming Houses so that a planning permit is not required. These include: no more than 12 persons accommodated, no more than 9 bedrooms provided and total floor area of all buildings on land not exceeding 300 sqm. In this instance the only trigger is the 300 sqm as a dwelling is to be constructed on site.

The planning scheme supports rooming houses in residential zones. Rooming houses provide a valuable and much needed form of housing and is appropriately located, as discussed throughout the report. The Rooming House Management Plan will ensure that it managed appropriately.

Reduction in property prices

A reduction in property prices as a result of a proposal is not a relevant planning consideration.

Noise impacts

It is considered the residential use will not result in unreasonable residential noise impacts.

CONCLUSION:

The proposed development is considered to be an appropriate use and built form outcome which will achieve housing diversity and affordable housing choice. On balance the proposal satisfies the requirements of State, Regional and Local planning policy and the provisions of the Monash Planning Scheme.

The proposed development is appropriate subject to conditions set out in this report.

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.