7.1.2 TPA/56692 - 26-28 MARSHALL AVENUE CLAYTON - DEVELOPMENT OF 5 STOREY STUDENT ACCOMMODATION BUILDING

Responsible Manager:	Kaitlyn Zeeck, Manager City Planning	
Responsible Director:	Peter Panagakos, Director City Development	

EXECUTIVE SUMMARY

This application proposes the development of a five (5) storey student accommodation building for 73 students. The application also seeks a reduction in the prescribed car parking requirement.

An appeal has been lodged with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed time. The 60 day statutory timeframe for the application was 7 July 2025 and notification of the appeal was received by Council on 9 July 2025. The appeal was lodged once the applicant became aware that the application was recommended for refusal. Council is unable to determine the application but must form a position on it.

The application was subject to public notification. Two (2) objections to the proposal have been received.

Key issues to be considered relate to neighbourhood character, building height and bulk, car parking, internal amenity and the impact on the amenity of adjacent properties.

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

The reason for presenting this report to Council is the proposed development cost of \$9.5 Million.

The proposal is considered to be inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that if Council were in a position to make a decision, it would determine to refuse the application for a Planning Permit.

RESPONSIBLE PLANNER:	Celia Davey
WARD:	University
PROPERTY ADDRESS:	26 – 28 Marshall Avenue Clayton
NUMBER OF OBJECTIONS:	Two (2)
ZONING:	Residential Growth Zone (Schedule 3)
OVERLAY:	None
EXISTING LAND USE:	Residential dwelling

RELEVANT POLICY: **Municipal Planning Strategy** Clause 02.01 – Context Clause 02.02 - Vision Clause 02.03 – Strategic Directions Clause 02.04 – Strategic Framework Plans **Planning Policy Framework** Clause 11 – Settlement Clause 11.01-1S & 1R - Settlement Clause 11.02-1S – Supply of Urban Land Clause 15 – Built Environment and Heritage • Clause 15.01-1S & 1R – Urban Design • Clause 15.01-1L-02 – Tree Conservation for a Garden Clause 15.01-2S – Building Design • Clause 15.01-2L-02 – Environmentally Sustainable Development • Clause 15.01-4S & 4R – Healthy Neighbourhoods • Clause 15.01-5S – Neighbourhood Character Clause 15.01-5L – Monash Preferred Neighbourhood Character Clause 16 - Housing Clause 16.01-1S & 1R – Housing Supply • Clause 16.01-1L-01 Housing Supply – Monash • Clause 16.01-1L-02 – Student Accommodation Clause 16.01-2S – Housing Affordability Clause 19 – Infrastructure • Clause 19.03-3S – Integrated Water Management Clause 19.03-3L – Stormwater Management **Particular Provisions** Clause 52.06 - Car Parking

Clause 52.34 - Bicycle Facilities

Clause 53.18 - Stormwater Management in Urban

Development

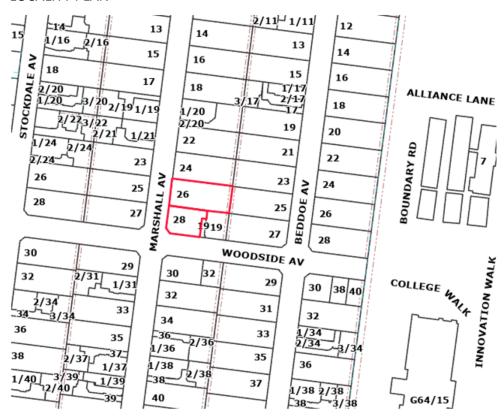
Clause 65 - Decision Guidelines

STATUTORY (60 DAY) PROCESSING DATE:

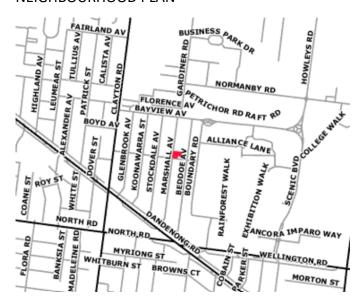
7 July 2025

DEVELOPMENT COST:	\$9.5 Million

LOCALITY PLAN



NEIGHBOURHOOD PLAN



RECOMMENDATION

1. That Council resolves that if it were in a position to make a decision, it would have resolved to refuse the application for a Planning Permit (TPA/56692) for the use and

development of land for student accommodation at 26-28 Marshall Avenue Clayton subject to the following refusal grounds:

- a) The proposal is not consistent with the Residential Growth Zone in respect of building height, bulk, articulation and response to Garden City Character.
- b) The proposal is not consistent with Monash preferred neighbourhood character policy at Clause 15.01-5L.
- c) The proposal is not consistent with the Student Accommodation Policy at Clause 16.01-1L-02 as it provides inadequate car parking, communal open space and room sizes, resulting in poor internal amenity for future occupants.
- d) The proposal does not meet the decision guidelines of Clause 52.06 in relation to the amenity of the locality and the increased noise and disturbance to the adjoining dwelling.
- e) The proposed built form response is not appropriate and detrimentally impacts the amenity of adjoining properties through visual bulk, inadequate setbacks and lack of appropriate landscaping treatment.
- f) The proposed fence is not appropriate in regard to its adverse impact on the streetscape and general neighbourhood character.
- 2. That Council advise VCAT, the permit applicant and all submitters of its position on this application.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.

Inclusive Services

Advocate and partner to deliver social and affordable housing in Monash.

Enhanced Places

Pursue a planning framework that meets Monash needs.

BACKGROUND

<u>History</u>

28 Marshall Avenue was developed with an 'as-of-right' dual occupancy in the early 1990's, with a single storey dwelling constructed at the rear of the existing dwelling. A Permit was issued on 1 October 1993 for alterations to the rear dwelling to create a second storey within the roof space. The land was subdivided into two lots in 2004. An area of common property was created on the plan to provide protection to the west facing window in the double storey dwelling, now known as 19 Woodside Avenue.

There have been no previous planning applications for 26 Marshall Avenue.

Site and Surrounds

The site comprises two allotments located on the north-east corner of Marshall and Woodside Avenues Clayton.

The site is irregular in shape due to the previous subdivision of number 28, with a combined frontage to Marshall Avenue of 34.13 metres, less the 3 metre corner splay. The maximum site length on the northern boundary is 41.455 metres. The site area totals 1,215.05 square metres.

There is a minimal slope from the north to the south of approximately 400mm.

A 1.83 metre wide easement runs along the eastern boundary of number 26.

The land is developed with two single storey dwellings and associated outbuildings. The vehicle crossing and driveway for 26 Marshall Avenue is on the north side of the land and 28 Marshall Avenue has its crossing in Woodside Avenue accessing its carport.

There are no significant trees on either lot. There are three mature street trees, two in Marshall Avenue and one in Woodside Avenue.

28 Marshall Avenue has high paling fencing on both street boundaries, with no fencing on 26 Marshall Avenue.

The site is within the immediate vicinity of Monash University, Clayton Campus to the east and the built form of the immediate surrounding area can be described as follows:

North

A single storey dwelling with driveway and garage adjoining the common boundary at 24 Marshall Avenue. A Planning Permit has been issued for the development of three double storey dwellings on this lot.

East

A three storey student accommodation building is currently under construction at 25 Beddoe Avenue. Single storey dwellings are developed at 21 and 23 Beddoe Avenue, with a Permit granted for a four storey student accommodation building at 19-21 Beddoe Avenue.

19 Woodside is developed with an attic style double storey dwelling. Its north facing secluded open space adjoins the common boundary. This dwelling has high paling front fencing and dense planting of the front setback.

South

Single storey dwellings are developed with vehicular access into Woodside Avenue. There is a mix of fencing styles and heights and some tall trees.

West

The built from is predominantly older style single storey residential development, some medium density, with varied fencing and open landscaping.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 1).

PROPOSAL

It is proposed to construct a five (5) storey residential building to be used for student accommodation.

The building will be of contemporary architectural style and will house 73 students in self-contained accommodation.

The proposal can be summarised in detail as follows:

Maximum Overall Height	15.015 metres	
Number of Storeys	Five (5)	
Number of Students	73 accommodated in individual rooms	
Site Coverage	63.10%	
Permeability	27.22%	
Communal Open Space	148m2 of outdoor open space plus 69m2 of internal communal areas at ground level, and 13m2 on the fourth level totaling 220m2	
Vehicle Access	3.5 metre wide driveway, with 4.4 metre wide crossing in Woodside Avenue providing access to the basement.	
Car Parking	18 spaces within the basement	
Bicycle Spaces	40 spaces, 38 within the basement and two (2) at-grade in the Marshall Avenue setback	
Materials	Render and cladding, including timber look and FC sheeting.	
Tree Removal / Landscaping	There are no significant trees on site. The landscape plan indicates the planting of eight (8) new trees exceeding 15 metres in mature height.	
Waste	Waste storage is located within the basement, to be collected on-site by private contractor.	

The minimum building setbacks are detailed as follows:

	North	East	South (Woodside sideage)	West (Marshall Avenue Frontage)
Basement	1.96m	0.57m	0.41m	3.75m
Ground Floor	3.00m	4.25m	4.16m	4.22m
Level 1	3.00m	2.54m	3.00m	4.25m
Level 2	3.03m	2.54m	3.01m	4.25m
Level 3	5.86m	3.41m	4.55m	5.08m
Level 4	8.16m	10.13m	10.27m	7.04m



3D Interpretation of Proposed Development on Marshall Avenue

Attachment 2 details plans forming part of the application.

PERMIT TRIGGERS

Zoning

The subject site is located within the Residential Growth Zone, Schedule 3. A planning permit is required pursuant to the following clauses of the Monash Planning Scheme:

- 32.07-2 to use the land for a section 2 use (residential building).
- 32.07-6 to construct a residential building.
- 32.07-9 to construct a building for a use in Section 2 of Clause 32.07-2.

The provisions of the zone state that building height should not exceed 13.5 metres. The proposed maximum height is 15.1 metres, which is greater than this requirement.

There is no garden area requirement in the Residential Growth Zone.

Overlay

The subject site is not affected by any overlay.

Particular and General Provisions

Clause 52.06: Car Parking

Where the use of land is not specified in Table 1 of Clause 52.06-5, car parking spaces must be provided to the satisfaction of the responsible authority.

The Student Accommodation Policy at Clause 16.01-1L-02 of the Monash Planning Scheme requires the provision of 0.3 spaces per bed for sites within 'preferred locations'. A total of 21 spaces are required for 73 beds provided in this 'preferred' location, with 18 spaces proposed. The proposal is deficient three (3) car parking spaces.

Clause 52.34: Bicycle Facilities

A new use must not commence until the required bicycle facilities and associated signage has been provided on the land in accordance with Clause 52.34-1.

In developments of four (4) or more storeys, one (1) space is required for each 10 lodging rooms for residents, and the same again for visitors. 14 spaces are required for residents and visitors of this 73 bed residential building, with a total of 40 proposed to be provided on the site.

The Student Accommodation Policy at Clause 16.01-1L-02 requires the provision of one (1) bicycle space per bed for every two (2) students. Under this policy, a total of 36 spaces are required. The provision of bicycle parking has been exceeded.

Closed Landfill Buffer

The site is not within the identified buffer of a post closure landfill.

Cultural Heritage Management Plan (CHMP)

The site is not located within an area identified as having cultural heritage sensitivity.

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

CONSULTATION

Further information was requested on 15 January 2025. Council officers raised concerns with the height, bulk and scale of the building, poor level of internal amenity, difficult basement layout, car parking deficiency and detrimental impact on the neighbouring property at 19 Woodside Avenue.

In response to the design deficiencies raised, on 6 May 2025 the applicant made a voluntary amendment of the application pursuant to Section 50 of the *Planning and Environment Act*. The amended plans have not sufficiently addressed the concerns.

The applicant was advised that this application was coming to the July Council meeting, and a letter was sent with the details of the meeting.

The applicant has been advised that this application is recommended for refusal, and an outline of the grounds has been explained.

An appeal was lodged with VCAT against Council's failure to determine the application within the prescribed time (60 days from the receipt of further information). The 60 day statutory timeframe for the application was 7 July 2025 and notification of the appeal was received by Council on 9 July 2025. The appeal was lodged once the applicant became aware that the application was recommended for refusal, during the lead time to the July Council meeting.

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 and occupiers, and signs displayed on each property frontage.

Two (2) objections were received. The objectors raised the following concerns:

- 5 storey height not supported in Planning Scheme.
- Inadequate side setbacks.

- Reduction of parking will cause too much burden on the residential streets.
- Overlooking and loss of privacy.
- Overshadowing.
- Use of the common land for basement access will increase noise, and a 2.4 metre high boundary fence is requested along its entire length.
- There are shared sewerage and stormwater assets and water meters which will need to be disconnected, relocated and made good.

Attachment 4 details the location of objector properties.

Referrals

External Referral

Department of Transport and Planning (DTP) Ref: PPR 48054/25

The application was referred to DTP pursuant to Clause 66.02 of the Scheme, to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms. There is no objection to the grant of a planning permit.

Internal Referral

Transport Engineer

The Transport Engineer advises the car park and accessway design is generally acceptable. Access and egress for cars and waste collection vehicles are satisfactorily demonstrated.

The design and location of the bicycle parking spaces is acceptable with 12 spaces (30%) using horizontal rails inclusive of two (2) spaces for visitors on the ground level. Twenty-eight bicycle parking spaces are provided on vertical racks.

The predicted traffic generation can be accommodated by the surrounding street network.

It is requested that if a permit is to issue the bollard in the shared area should be removed to improve access to the adjacent accessible parking space. In addition, waste collection vehicles may impede access to some car parking spaces at times and this information should be conveyed to future residents.

Drainage Engineer

The Drainage Engineer has no concerns with the proposal subject to standard conditions being included in the permit, including the requirement for on-site detention for the basement car park and the submission of engineering plans.

Waste Services

Waste Services advised that the submitted Waste Management Plan requires several amendments to meet Council's requirements. None of the changes have an impact on the layout or design of the proposal.

RELEVANT PLANNING POLICY

Purpose and Vision

Council's vision for Monash has four primary areas of focus including a Sustainable City, Inclusive Services, Enhanced Places and Good Governance.

The Residential Development Framework at Clause 02.3-5 (Housing) provides greater certainty for the community and the development industry regarding the location and type of future residential development. The site is identified as being in 'Category 3: Residential Land in the Monash National Employment and Innovation Cluster' (MNEIC), an area with future development potential.

The Monash Housing Strategy (2014) details the prevailing objectives for housing in the MNEIC, being housing change and diversification, with development to respond to the broader context taking into account both commercial design and residential character.

Clause 02.03-5 (Housing) also identifies that students prefer to live in close proximity to their institution, creating significant localised student populations. The demand for quality student accommodation has outstripped the local supply in some areas of Monash. Policy therefore seeks to encourage the provision of student accommodation in proximity to tertiary education facilities with good access to public transport, that minimises potential conflicts with neighbouring uses.

Planning Policy Framework (PPF)

The PPF looks to provide for the sufficient supply of housing in established areas which are located close to jobs, services and public transport.

One of the strategies of Clause 15.01-1L-02 (Tree conservation for a Garden City) is to incorporate landscaping that reinforces the garden city character in all development, including through planting semi-mature canopy trees with spreading crowns in open space areas, along boundaries adjacent to neighbouring open space, and in front setbacks.

Clause 15.01-2L-02 (Environmentally Sustainable Development) provides a framework for early consideration of environmental sustainability at the building design stage. A Sustainability Management Plan (SMP) and Green Travel Plan is required to be prepared for the development of a building used for accommodation, other than dwellings, with a gross floor area of more than 1000 square metres.

An objective of the Monash Preferred Neighbourhood Character Policy at Clause 15.01-5L is to build upon the important contribution that landscaping makes to the garden city character of Monash, and preserve and enhance the treed character.

The site is identified in this policy as being located within the 'MNEIC and Clayton Activity Centre – Housing Growth Area'. Neighbourhood character strategies for this area include to:

- Support development that provides canopy trees and landscaped separation between buildings.
- Support multi-level developments on larger sites that are set in open gardens in the Housing Growth Area.
- Provide a transition between the scale of development and the surrounding land in the Housing Diversity Area.
- Provide space for landscaping in front and rear setbacks, while accommodating greater densities.

Clause 16.01-1S (Housing Supply) seeks to ensure that an appropriate quantity, quality and type of housing is provided, including housing for student accommodation. The development is to be well-designed, providing a high level of internal and external amenity. Council policy supports substantial residential growth within the housing growth areas of the Monash National Employment and Innovation Cluster to provide housing closer to where people work and study.

The Student Accommodation Policy at Clause 16.01-1L-02 has a number of strategies to support the development of student accommodation facilities that are located close to tertiary institutions and services, respond to the needs of students, and not adversely impact the amenity of surrounding properties.

Residential Growth Zone - Schedule 3

The Residential Growth Zone Schedule 3 (RGZ3) seeks to facilitate housing growth in the form of apartment buildings of a high-quality design and finish. The area is expected to undergo substantial changes to provide for housing intensification.

The Residential Growth Zone objectives seek (among others):

- 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.
- To ensure residential development achieves design objectives specified in a schedule to this zone.

The design objectives of Schedule 3 are:

- To facilitate housing growth in the form of apartment developments of a high auality design and finish.
- To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.
- To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.

Design guidelines require developments to contain elements of the Garden City Character and include breaks and recesses in building mass to avoid large block like structures dominating the streetscape and respect sensitive residential interfaces.

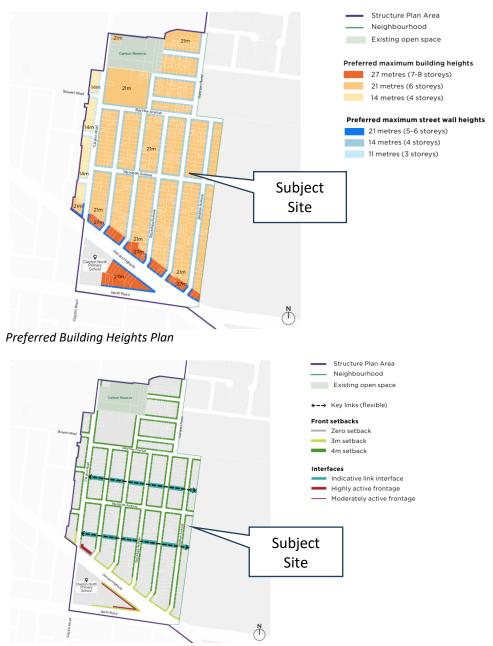
Clause 32.07-10 provides that the maximum building height for a residential building in this zone should not exceed 13.5 metres.

The Schedule to the zone specifies a front setback requirement of 4 metres and front fence height of 0.9 metres. In accordance with the provisions of the zone, Clauses 55, 57 or 58 are not applicable to this proposal, however the standards contained within these provisions can provide useful guidance to the built form and amenity outcomes sought for residential development in the RGZ3.

Monash Suburban Rail Loop East Draft Structure Plan

The SRLA, as the responsible authority for future strategic planning of land around the new Monash SRL Station, has released a draft structure plan setting objectives, strategies and actions to properly manage future growth around the precinct so it is appropriate and sustainable.

One of the strategies of the draft structure plan is to ensure the scale of built from is responsive to its context. The preferred maximum building height in this location is 21 metres (6 storeys), and front setbacks are 4 metres.



Preferred Interfaces and Setbacks Plan

In order to achieve articulation in the built form, and room for canopy tree planting along rear boundaries, the strategy details the following additional setbacks:

- Upper levels front boundary 0.5m per height above street wall from the podium façade.
- Side boundaries 4.5 metres, plus 0.8m per metre of height above 14 metres.
- Rear boundary 6 metres landscaped plus 0.7m per metre of height above 11 metres.

This structure plan for Monash is a draft only, with the results of the exhibition process yet to be to be referred to an advisory committee. This is anticipated to be later this year. Whilst the proposed number of storeys is not inconsistent with the draft structure plan, the proposed setbacks to boundaries are a significant departure from what is envisioned by the draft plan with:

- Upper levels front boundary required to be setback between 5.75 metres and 7.48 metres, with the plans detailing a minimal upper level setback of 0.8 metres to 2.8 metres from the podium level.
- The first three levels to the northern side boundary being setback 3 metres in lieu of 4.5 metres
- The rear boundary adjoining 25 Beddoe Avenue has varying setbacks of 4.3 metres to 5.1 metres at the first three levels in leiu of the required 6 metres.
- The rear setback from 19 Woodside Avenue is 2.5 metres in lieu of the required 6 metres, and contains the basement accessway and driveway, which is not landscaped as per the strategy.

ASSESSMENT

Land Use

The use of the land for student accommodation is consistent with the RGZ zoning of the land which includes encouraging a diversity of housing types in locations such as this offering good access to services and transport.

The site is located within a 'preferred location' as identified within Council's student accommodation policy at Clause 16.01-1L-02, being located just over 100 metres from Monash University.

Built Form and External Amenity

Height and Scale

One of the purposes of the Residential Growth Zone is to provide 'housing at increased densities in buildings up to and including four storey buildings.' Clause 32.07-10 of the zone provisions, goes further to provide that building height 'should not exceed 13.5 metres'.

The proposed five storey, 15-metre-high building exceeds this zone purpose and the 13.5 metre building height. These provisions are not mandatory and allow for some flexibility in the design of buildings. The height scale and form of buildings should be designed to respect sensitive interfaces and minimise the appearance of visual bulk. Decision guidelines also require buildings to include significant breaks and recesses in building massing, to avoid large block like structures dominating the streetscape.

The building presents a three storey sheer form with recessed fourth and fifth stories, located towards the street frontages.

Facing Marshall Avenue, the first three (3) levels of the building have sheer walls with minimal relief. In the 31.2 metre wide façade there is one small recess above the front entry at the first and second storeys, measuring of 530mm deep by 3.5 metres wide. A 600mm wide rendered awning wraps around the building at ground level.

The fourth storey is setback between 830mm and 2.79 metres from the front façade, and 2.8 metres and 1.55 metres from the north and south elevations respectively. This is not a sufficient enough recession to reduce the building mass.

The fifth storey located towards Marshall Avenue is setback only 2.82 metres behind the façade.



Marshall Avenue Elevation

The first and second storeys overhang the ground level on the southern side, and together with their 3 metre street setback, contribute to the heaviness of the podium, particularly when viewed from Woodside Avenue. There is also minimal recess in the 16.5 metre wide façade at these levels.



Woodside Avenue Elevation

Whilst the height provisions in the scheme are not mandatory, the height, scale and lack of articulation of the proposed development is considered inappropriate with respect to planning policy and guidelines, and an unacceptable response in the context of the site and surrounds.

Setbacks

An application for a five storey residential building is not subject to any particular development provisions in the Scheme, Clauses 55, 57 and 58 are not applicable.

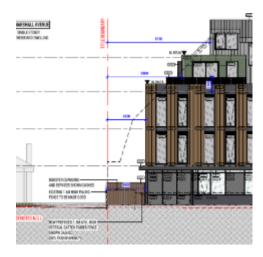
The varied requirements of Clause 54 and 55 contained in the Schedule are a suitable guide for what built form is sought by the zone. It is noted that the schedule was recently amended under

Planning Scheme Amendment VC276, and only the minimum street setback of 4 metres and front fence height of 0.9 metres are varied for multi-unit developments.

Building setbacks are varied under the zoning and various policies. These particulars are detailed in the table below.

Requirement	Residential Growth Zone, Schedule 3 Requirements	<u>Proposal</u>	
Minimum Street Setbacks	4 metres	Complies - 4 metres	
Site Coverage	No variation	Complies - 63.10%	
	70%		
Permeability	No variation	Complies -27.22%	
	20%		
Side and Rear Setbacks	No variation The building is set back at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres	The building does not comply with second levels and above not setback sufficiently.	
Walls on boundaries	N/A	N/A	

As can be seen in the below image, with the dotted line being the side setback standard of former B17 (ResCode), the building encroaches the sensitive side boundary as viewed from Marshall Avenue.



The Schedule to the Zone also outlines the design objectives sought, and the applicable decision guidelines.

These include consideration of whether the development contains elements of the Garden City Character, specifically whether the proposal:

- Includes well located open space, primarily unencumbered by easements, to provide for large tree planting and a mixture of indigenous and exotic vegetation in front, side and rear setbacks.
- Provides vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
- Sites buildings to minimise the need to remove significant trees, and protects significant trees on the site and adjoining properties.
- Maximises planting opportunities adjacent to the street by excluding hard paving such as car
 parking, turning circles and wide driveways, and minimising basement car parking, within the
 front setback.
- Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.

The Monash Preferred Neighbourhood Character policy at Clause 15.01-5L also supports development that provides canopy trees and landscaped separation between buildings, and space for landscaping in front and rear setbacks, while accommodating greater densities.

The ability to plant large trees on the site is constrained due to the encroachment of setbacks at basement level (1.96 metres to the north and as little at 415mm to the boundary of 19 Woodside Avenue), and between the upper-level overhang and easement in the communal open space. The basement setbacks to both street frontages will also prevent tall trees growing to soften the three-storey podium on both elevations and overall five storey built form when viewed from the public realm.

The landscape plan submitted with the application proposes eight (8) trees exceeding 15 metres in mature height in these areas, including four (4) *eucalyptus radiata* which can spread up to 20 metres. This is an unsuitable choice which is unlikely to be realised in the setbacks proposed.

Visible planting is also reduced through the location of the accessway and basement car park entry close to the eastern boundary adjoining 19 Woodside Avenue, with minimal landscape buffers provided either side. The upper levels of the building also overhang the accessway removing the possibility of meaningful planting adjoining the building.

Neighbourhood Character

Schedule 3 to the zone also requires consideration be given to the proposed materials and finishes, seeking robust and low maintenance materials that complement the neighbourhood.

The applicant submits that the proposal is designed to 'transform Clayton into the vertical forests of the Yarra Ranges' with the use of vertically structured windows, and a palette including feature green panels and timber look cladding. The proposed materials and finishes palate are dark and heavy in presentation and not complementary to the neighbourhood which comprises of a relatively homogenous post war housing interspersed with low rise medium density developments.

The blockwork and metal front fencing, ranging in height from 1.35 metres up to 1.645 metres high, is contrary to the 0.9 metres fence height sought for this area. Whilst there is evidence of some higher fences in the area, the majority of properties have low or no fencing resulting in a character of open frontages. There is no real need for such high fencing which diminishes the development's contribution to Garden City character.

External Amenity Impacts

Visual Bulk

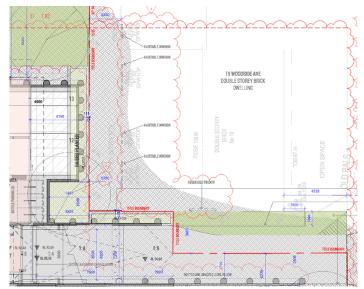
It is important for Council to consider whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees.

The site's irregular shape sees the building wrap around the dwelling and north facing secluded open space at 19 Woodside Avenue.

The setbacks of the basement and location of the vehicular accessway significantly affect the ability to plant screening trees to minimise the impact of the building in this location. The basement is setback 700mm between piers from the rear boundary of number 19, relying on a raised planter next to the building to accommodate trees.

This inadequate treatment also occurs on the side boundary of number 19 Woodside Avenue where the accessway and basement entry are positioned. Whilst a landscape buffer is provided, it is only 600mm wide and is insufficient to provide meaningful landscaping.

Planting heights in this area are not detailed in the landscape plan, although a 25 metre high corymbia citriodora is proposed in an 8m2 area of deep soil on the north-west corner of number 19 Woodside Avenue. It should be noted that trees of this height and spread require much larger areas of deep soil, with the new Clause 55 provisions requiring more than 144 square metres of deep soil with a minimum dimension of 7.5 metres for trees exceeding 14 metres.



Basement and Ground Floor Plans Overlaid

Trees of up to five (5) metres would be possible on the north side of the building, with a deep soil minimum dimension of up to 2.4 metres between basement piers and the boundary. On the east side trees of up to 10 metres would be possible, providing sufficient height for screening, although unfortunately this isn't the bulkiest elevation of the building.

Overshadowing and impacts to daylight

The proposed building will not cast any additional shadow into the north facing secluded open space of 19 Woodside Avenue or to the rear unit of 27 Beddoe Avenue. There will be some new overshadowing of 25 Beddoe Avenue, however based on the plans of the student accommodation building currently under construction, there will be no shadow cast on the main area of communal outdoor open space between the hours of 9am and 3pm at the September Equinox.

There is no overshadowing to an objector's property at 24 Marshall Avenue, located to the north of the subject site.

It is also noted the proposal does not overshadow any existing rooftop solar energy systems on dwellings on adjoining lots.

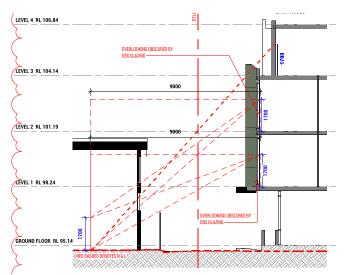
Overlooking

The proposal has provided screening generally consistent with the former overlooking provisions of Clause 55 (ResCode Standard B22). The amended Townhouse and Low-Rise Code provisions no longer require screening to bedroom windows, however as student accommodation units comprise more than bedrooms it would be still appropriate to protect neighbouring properties from overlooking. The former provisions provide a reasonable guide.

Level 4 has no obscure glazing to any windows due to the substantial setback from neighbouring secluded open space areas.

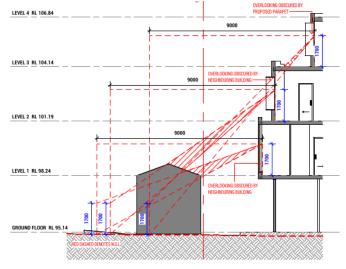
Level 3 is provided with obscure glazing to two east facing windows to prevent overlooking into the secluded open space of 19 Woodside Avenue. No additional screening would be required in that elevation as overlooking within nine metres will be obscured by the building's parapet. The

south facing windows also not require treatment for this open space area due to their setback, and encroaching parapet and fencing.



Overlooking Section Diagram to 19 Woodside Avenue

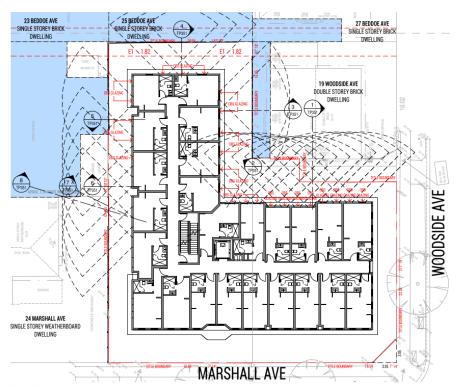
To the north the third level has no screening, with windows primarily overlooking the dwelling, garage and driveway at 24 Marshall Avenue, rather than its secluded open space.



Overlooking Section Diagram to 24 Marshall Avenue

At levels 1 and 2 windows have obscure glazing where they would allow overlooking into adjoining secluded areas. The finished floor level of the ground floor is well below 800mm at the neighbouring boundary lines, so windows do not require screening.

It is considered the proposal would be unlikely to impact neighbouring properties through overlooking.



Overlooking diagram

On-site Amenity

The design and layout of the accommodation should be functional for the needs of students. There are few rooms in the proposal that meet the minimum area requirement for self-contained accommodation. Many of the rooms have minimum internal dimensions of less than 3 metres, with some as narrow as 2.3 metres wide.

The overall communal open space area is less than required in policy, with only 217m2 provided where a minimum of 292m2 is required. Whilst the indoor space is well connected to the outdoor area it is small and questionable whether it is sufficient for the needs of 73 students.

Five (5) of the units at ground level will have secluded private open space in the northern setback of the site. This may impact the ability to adequately maintain the landscaping contained within these areas. This space should remain an open landscape buffer.

Some of the units on level 3 will be provided with balconies. This is discouraged by policy due for safety and amenity reasons. Sufficient indoor and ground level space should be provided for resident amenity.

The Student Accommodation Policy at Clause 16.01-1L-02 details strategies and guidelines to achieve the Scheme's objectives to provide appropriate internal amenity for future residents. The following table details the proposal against the relevant guidelines of the policy.

Guideline	Assessment	
Amenity		
Providing the following in each unit, including:	Each of the types of unit are provided with these	
	features, noting that the robe of unit 'Type G' is	

	1, , , , , , , , , , , , , , , , , , ,	
 A separate sleeping area. 	located in front of a window (albeit only 1 unit). Internet access is also not detailed. These could be	
 A study area with desk and seating. 	addressed by permit condition.	
 Independent heating and cooling. 		
 Inbuilt cupboards for storage of personal items. 		
Internet access.		
 Individual kitchen facilities for self- contained units. 		
Providing communal facilities with:	Mailboxes are at the front entry, and a communal	
 Individual mailboxes. 	laundry is provided at ground level.	
 A dedicated waste storage area. 	Waste storage within the basement is to the satisfaction of Council's Waste Management Area.	
 Laundry, kitchen and meals area facilities, unless these are provided to individual units. 		
Providing communal open space areas at ground level which provide:	73 students require the provision of 292 square metres of communal open space.	
 A minimum area of 75 square metres or 4 square metres per student, whichever is greater, including a minimum dimension of 3 metres; and 	148m2 of outdoor open space is provided plus 69m2 of internal communal areas at ground level totaling 217m2.	
 Part of which includes a minimum area of 35 square metres, with a minimum dimension of 5 metres, located to the side or rear of the building. 	A 13m2 communal study area is provided on level 4 bringing the total communal areas to 220m2.	
For development of three or more storeys:	Secluded private open space is proposed for 5 of the ground floor units.	
 Allowing variations to the total area of communal open space requirements above, if the recreational needs for the students are satisfied by other means. Discouraging balconies to units above three storeys. 	Balconies are proposed for 3 units on the fourth storey.	
Providing rooms with a minimum of 24 square	Many of the units are less than 24m2	
metres floor area per unit for self-contained accommodation	Only 5 types of units are 24m2 or more in area (Types K, V, W, X and Y), and these are only 8 of the 73 units.	
Management		
Implementing management measures, that include:	Management of the site can be addressed via planning permit condition.	
 Displaying the contact details of the nominated responsible contact person in a 		

- manner and location that it is visible to any person entering the site.
- Setting out the details of the terms of accommodation and the maximum number of persons to be accommodated onsite.
- Managing and documenting the allocation of car parking spaces through a register and in a manner so that they are only permitted to be used by the occupants and their visitors and must not be subdivided, on-sold or leased to any other person.
- Maintaining buildings and grounds, including all landscaped areas.
- Managing the method of refuse and recycled materials collection, including times and frequency and designating sufficient bin storage areas.
- Providing information to students on local public transport and amenities in the area.

The combination of some very small units and under supplied communal space results in a poor internal amenity for future residents.

Environmental Sustainability

Clause 15.01-2L-02 (Environmentally sustainable development policy) requires the submission of a Sustainability Management Plan and Green Travel Plan for the development of a building used for accommodation other than dwellings with a gross floor area of more than 1000 square metres.

Both of these documents have been prepared, and the proposal achieves best practice sustainability scores, with a 58% Bess rating, and a 101% STORM rating. The Green Travel Plan will assist future residents in utilising a variety of sustainable modes of transport to reduce greenhouse gas emissions consistent with Council's ESD Policy.

Car Parking, Traffic and Access

Parking Allocation

Council's Student Accommodation policy requires the provision of car parking in this location as follows:

Use	Number of Beds	Clause 16.01-1L-02 Requirement	Car spaces required	Car spaces provided
Student Accommodation	73	0.3 space/one bedroom	21	18
Total			21	18

The proposal is deficient three (3) parking spaces.

The Student Accommodation Policy at Clause 16.01-1L-02 discourages a reduction in car parking unless it can be fully justified.

This rate of parking for development in a 'preferred location' already takes into account the site's close proximity to the university and low level of car ownership amongst student populations. Whilst public transport access is good, the site is not located within the Principal Public Transport Network which provides a more comprehensive network of transport connections.

The streets in the vicinity of the site have half hour parking restrictions weekdays in response to the pressure this area already faces from Monash University and its car parking demands. There is no capacity in the streets at either of the site's frontages to accommodate any overflow parking.

A reduction of parking cannot be supported in this instance.

Traffic Generation

It is considered the predicted traffic generation can be accommodated by the surrounding street network.

Vehicle Access

The decision guidelines at Clause 52.06 require consideration of, among others, the amenity of the locality and any increased noise or disturbance to dwellings, and the provision of landscaping for screening and shade.

The close setback of the proposed basement vehicular access to the dwelling at 19 Woodside is of concern. This driveway will not only be used by residents but for regular collection by waste trucks.

The location of this accessway adjacent to the most sensitive interface of the site is not proper planning. The provision of a 2 metre high Colourbond fence on the eastern side of the accessway will not be sufficient to block noise to the upper-level bedroom window of that dwelling. The landscape buffer adjoining the accessway in front of the window ranges in depth from 200mm to 700mm, is also insufficient to block noise with low ground cover planting proposed.

It is noted the objector has requested the fence height be increased to 2.4 metres. Whilst the applicant is prepared to accede to this request it is not likely to address the noise problem.

Loading and Waste Collection

On-site private collection of waste is to be provided. The layout of the proposal, and submitted swept path diagrams, indicate there will be no significant issues. Council's Transport Planning Engineers suggest the conflict between car parking spaces and waste trucks during collection be communicated to future occupants. This could be done in the Operational Management Plan if a permit were to issue.

Objection not Previously Addressed

There are shared sewerage and stormwater assets and water meters which will need to be disconnected, relocated and made good.

Whilst not a planning matter and dealt with at later stages of the development process, this could be included as a note on the permit.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Public notification of the application was carried out in accordance with the requirements of the *Planning and Environment Act 1987*. Details of this notice period are provided under Public Notice.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

CONCLUSION

The proposal is inconsistent with the relevant policies of the Monash Planning Scheme, raising significant concerns with relevant policy objectives including built form height and scale, poor internal amenity, inadequate parking and the negative impact on neighbouring properties.

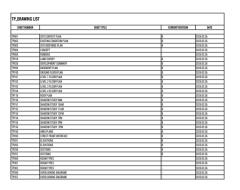
Accordingly, it is recommended that the application not be supported.

ATTACHMENT LIST

- 1. Aerial Photograph 26-28 Marshall Ave [**7.1.2.1** 1 page]
- 2. Development Plans 25-28 Marshall Ave [7.1.2.2 33 pages]
- 3. Zoning and Overlays Map 26-28 Marshall Ave [7.1.2.3 1 page]
- 4. Objector Map 25-28 Marshall Ave [7.1.2.4 1 page]

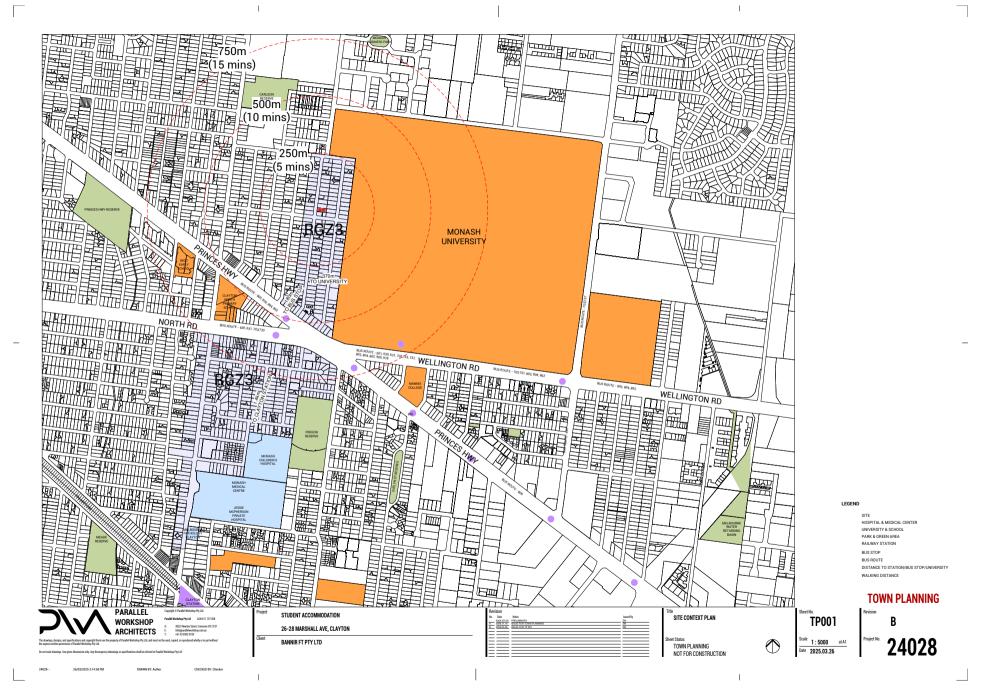


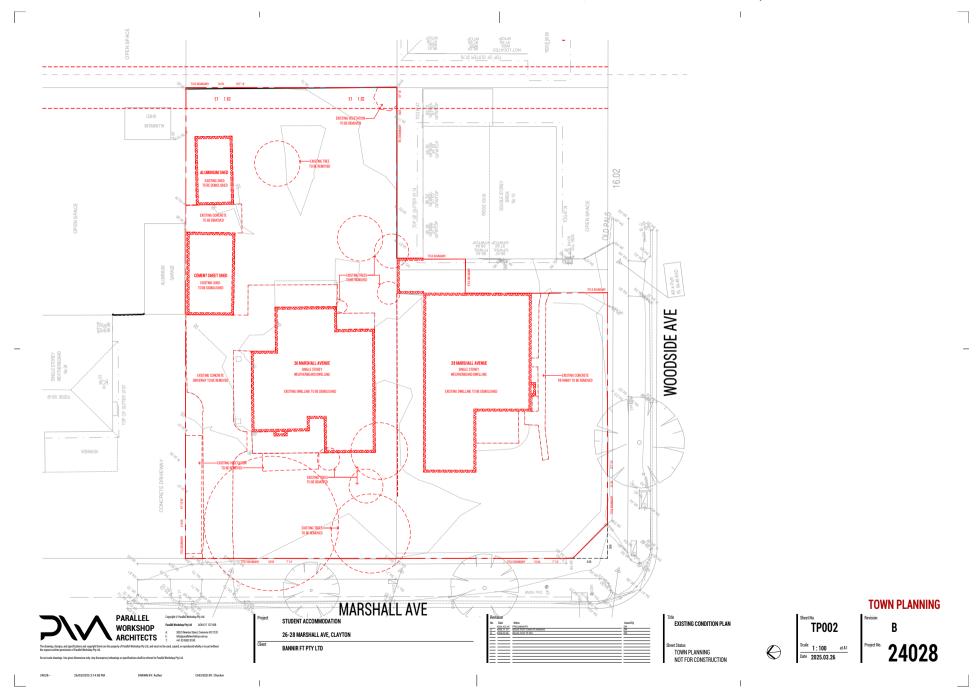
24028
STUDENT ACCOMMODATION
26-28 MARSHALL AVE,
CLAYTON
TOWN PLANNING

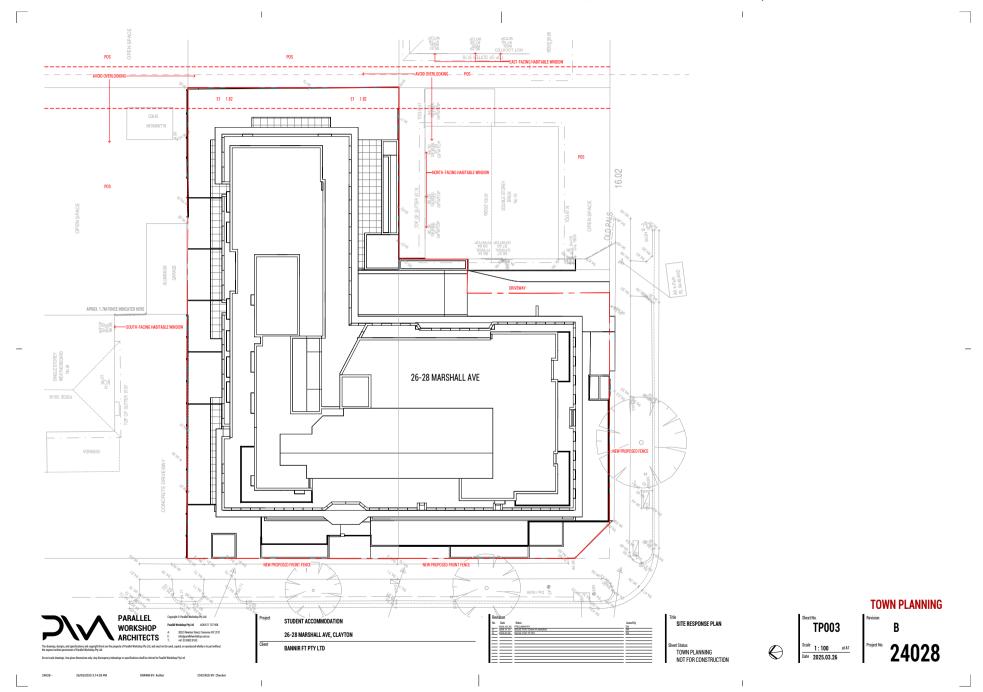


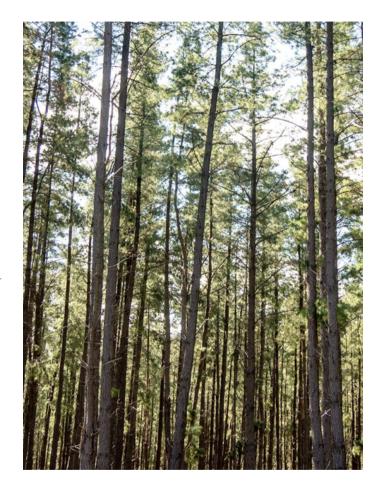












CONCEPT

CELEBRATED FOR ITS BREATHTAKING AND VERDANT FORESTS, 26-28 MARSHALL AVE TRANSFORMS CLAYTON INTO THE VERTICAL FORESTS OF THE YARRA RANGES. THE ARCHITECTURAL DESIGN MIRRORS THE VICTORIAN FORESTS, WITH VERTICALLY STRUCTURED WINDOWS EVOKING THE NATURAL RHYTHM OF THE TREES, WHILE THE SHIMMERING WINDOWS EMULATE THE DAPPLED LIGHT FILTERING THROUGH THE CANOPY, AT GROUND LEVEL, LANDSCAPING TAKES CENTER STAGE, WITH PROMINENT LAYERING OF PLANTING, WHILE THE FEATURE GREEN PANELS SIGNAL THE MAIN ENTRY POINTS INTO THE BUILDING. THE ARCHITECTURE SERVES AS A NOD TO OUR DEEP CONNECTION WITH NATURE AND ITS RESTORATIVE POWER. ALIGNING THE DEVELOPMENT WITH THE FUTURE VISION OF MONASH AND THE SURROUNDING CONTEXT.

GROUNDING









CLEAN AIR









GREEN READY















TOWN PLANNING NOT FOR CONSTRUCTION

TOWN PLANNING TP004





VIEW FROM WOODSIDE AVE



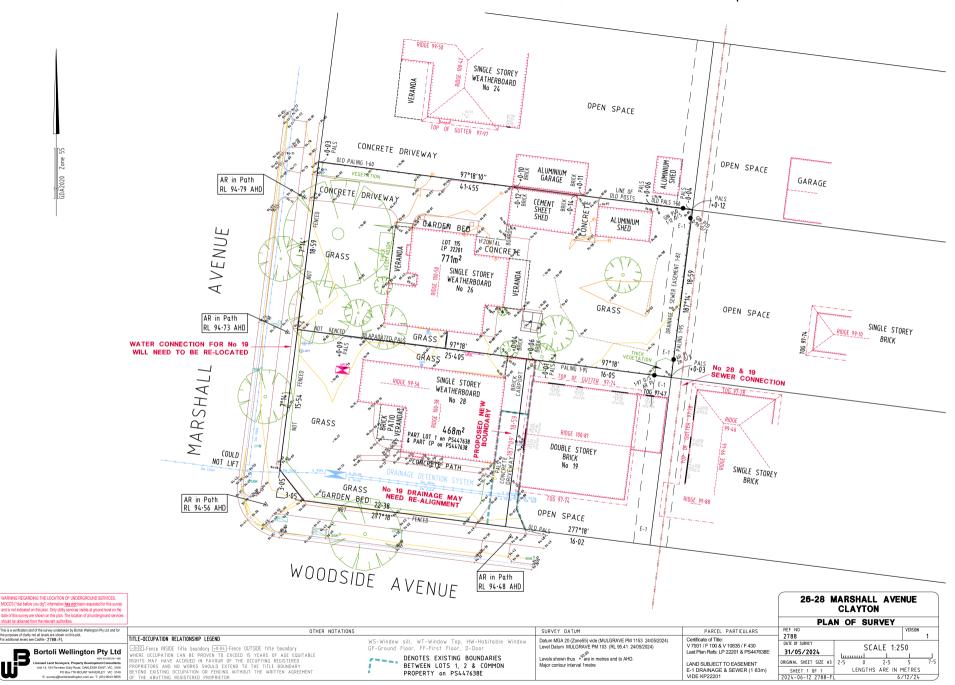




STUDENT ACCOMMODATION 26-28 MARSHALL AVE, CLAYTON







DEVELOPMENT SUMMARY

PROJECT NAME 26-28 Marshall Ave

PROJECT NO. 24028

REVISION TOWN PLANNING RFI 26/03/2025 DATE

TOTAL SITE AREA 1218.05 m2

TOTAL SITE COVERAGE 768.6 m2 63.10% TOTAL GFA 3176.947 m2

TOTAL PERMEABILITY 331.5 m2 27.22% TOTAL DEEP SOIL AREA 327.6 m2 26.90%

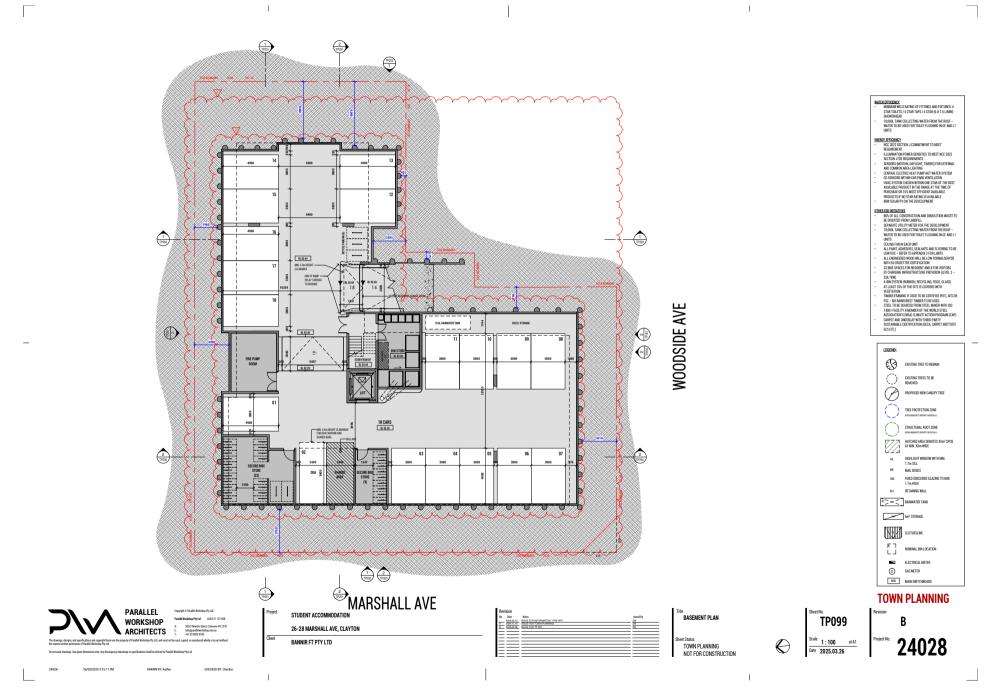
Note: Permeable areas as stipulated in Plannning Schemes from Department of Environment, Land, Water and Planning in Victoria. This area includes driveways, footpaths and outdoor entertainning areas, provided materials use for their construction are pervious.

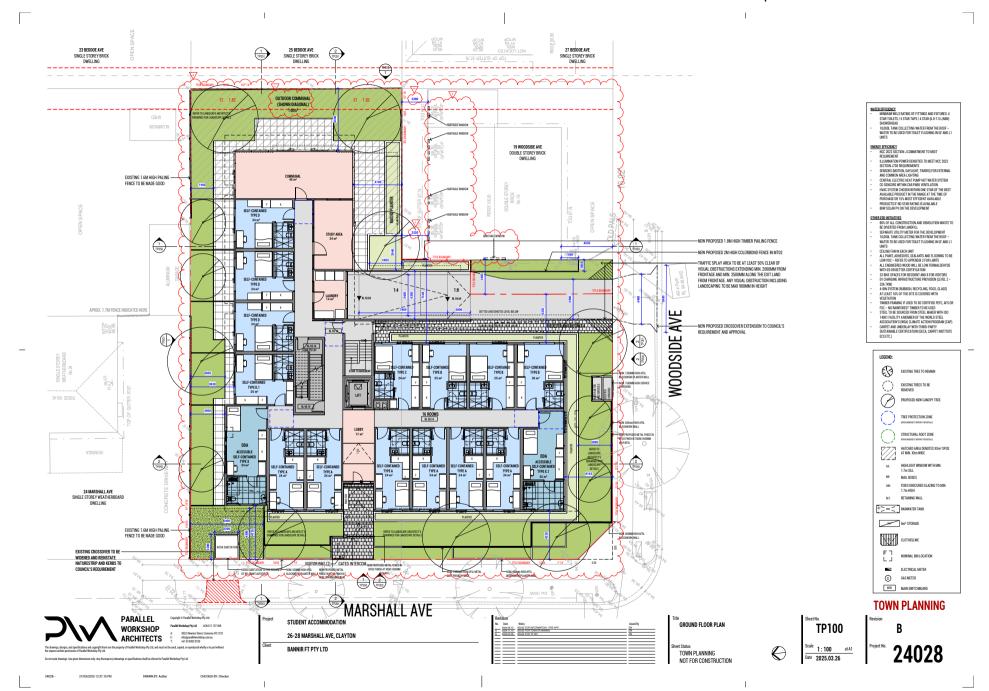
SCH-001 DEVELOPMENT SUMMARY GFA(m²) NLA(m²) NO. OF OUTDOOR RESIDENTIAL NO. OF BALCONY/ OUTDOOR BICYCLES LEVELS **APARTMENT** COMMON AREA COMMUNAL SELF CONTAINED COURTYARD (m²) CARPARKING (m² **FLOORS** EFFICENCY SPACES RESIDENTIAL BOH & SELF CONTAINED PER FLOOR CARPARK TOTAL GFA RESIDENTIAL NLA TOTAL NLA GFA (m²) AREA & XL /DDA CORRIDOR GFA NSA 24 SQM 28+ SQM LOBBY BASEMENT BASEMENT 625.6 148.9 774.5 148.9 38 1910.9 378.5 2402.4 BUILDING TOWER 107.1 66% 24 598.0 697. L01 99.9 598.0 86% L02 20 515.5 99.5 615. 515.5 515.5 84% 16 L03 13 285.9 72.0 370. 285.9 285.9 77% 23.2 L04 104.4 104.4 TOTALS 626 527 113 3,177 1,911 1,911 16 73 78% 22%

PARALLEL WORKSHOP STUDENT ACCOMMODATION 26-28 MARSHALL AVE, CLAYTON

DEVELOPMENT SUMMARY TOWN PLANNING NOT FOR CONSTRUCTION

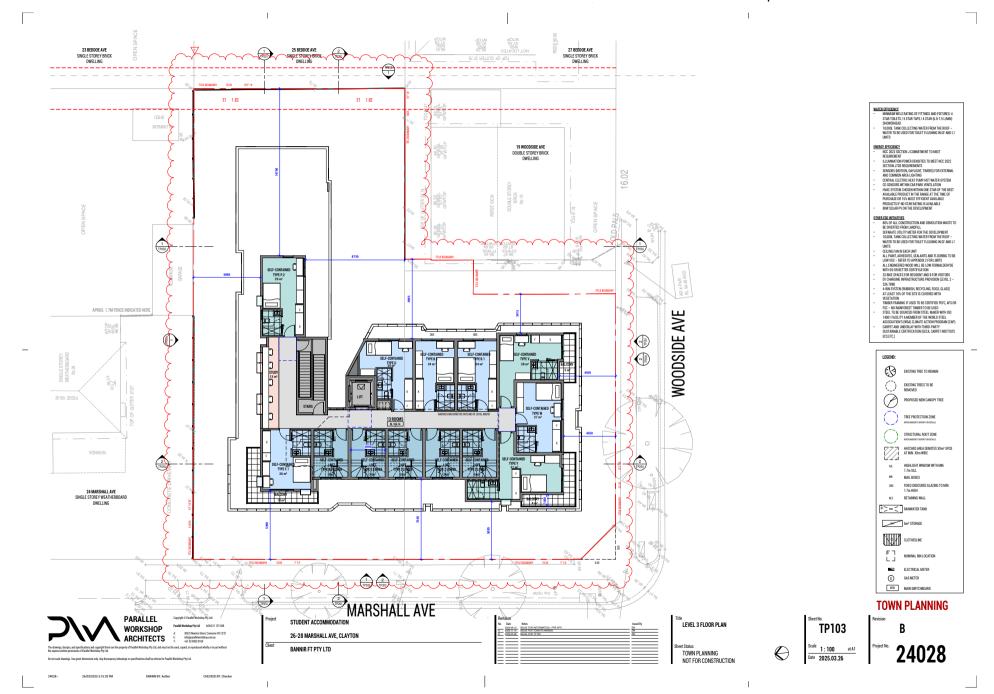
TOWN PLANNING TP020

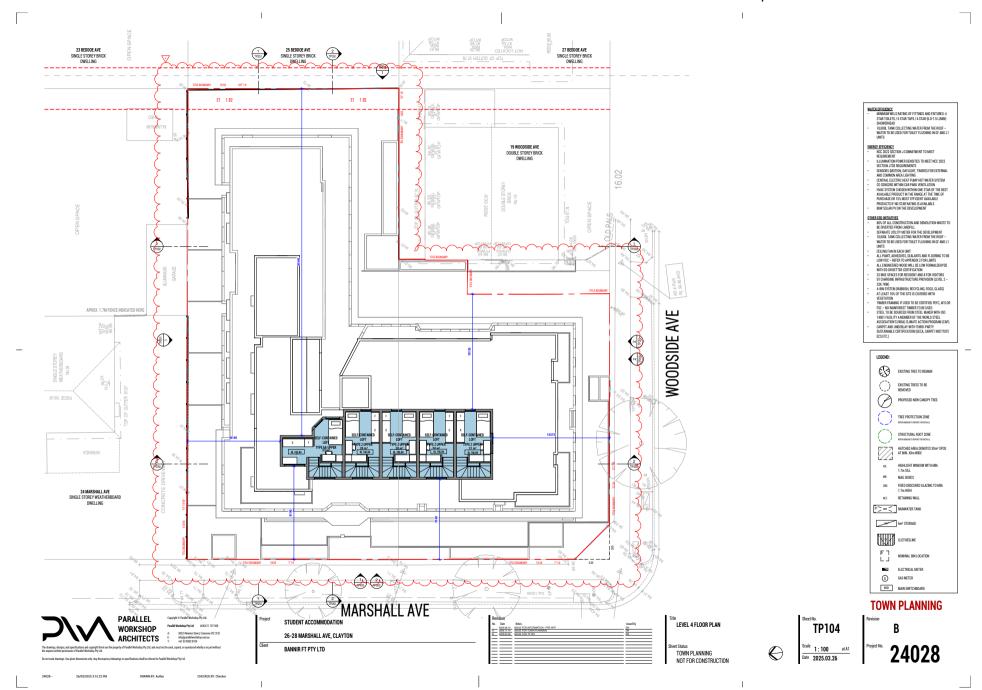


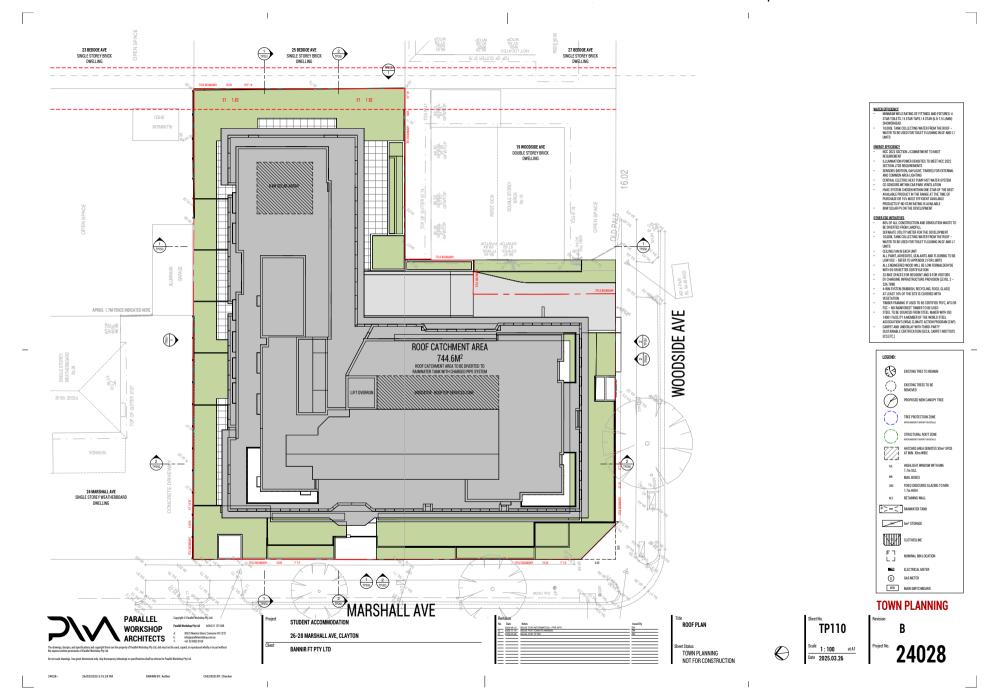




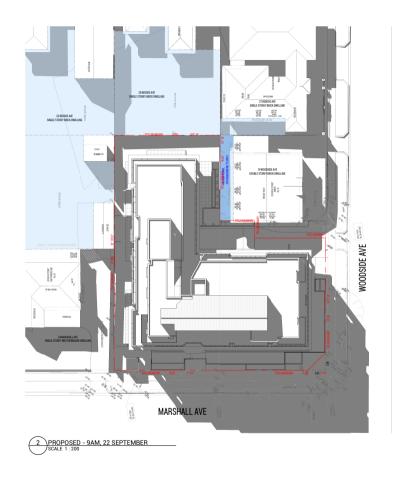








SMILE STOREY BRICK DWELLIN MARSHALL AVE 1 EXISTING - 9AM, 22 SEPTEMBER SCALE 1: 200





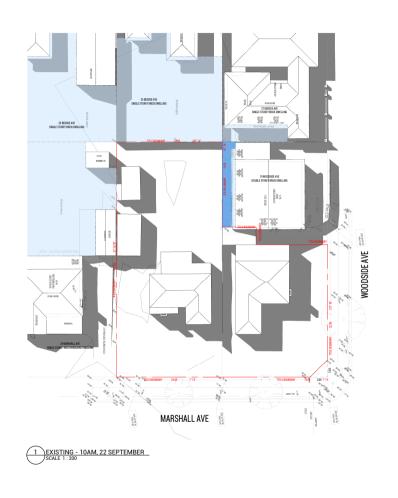


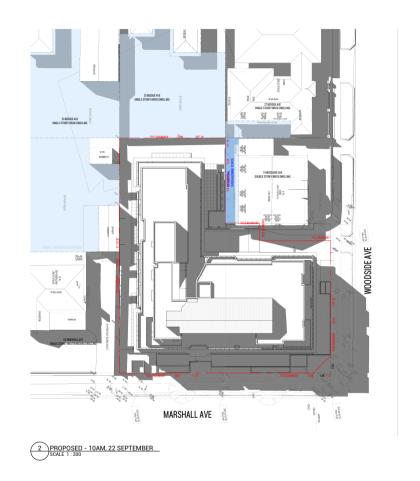




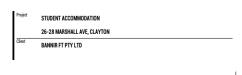


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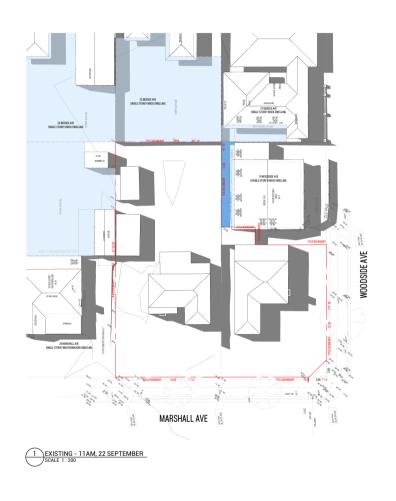














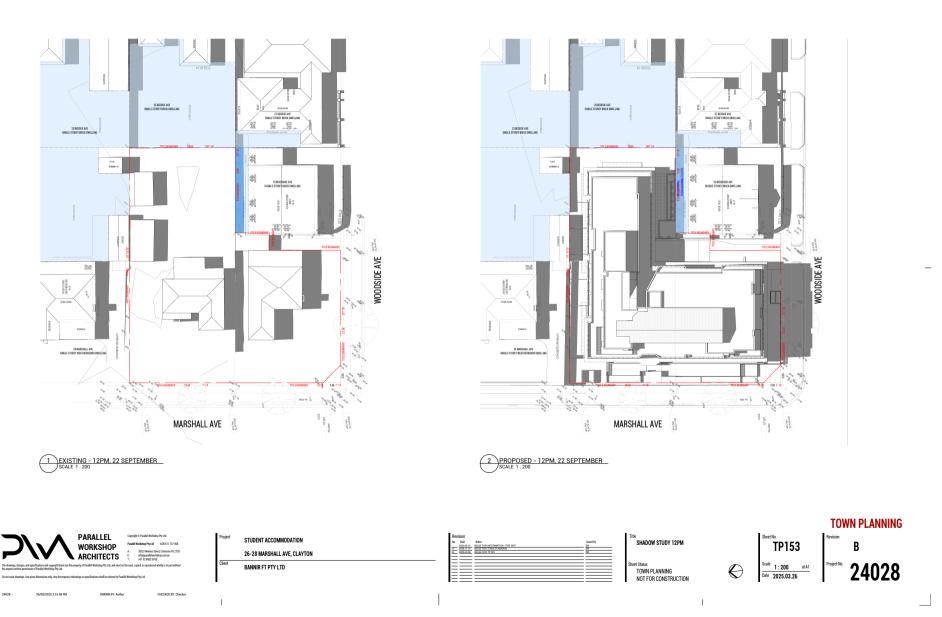




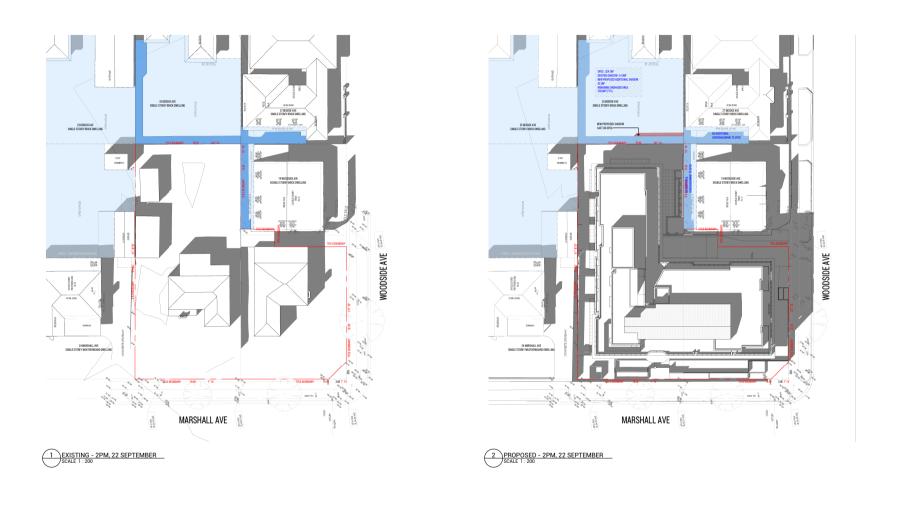




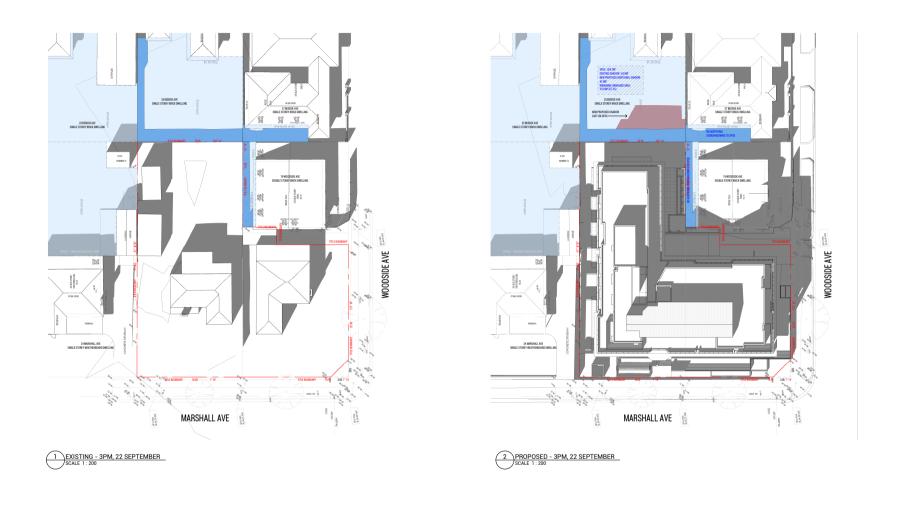
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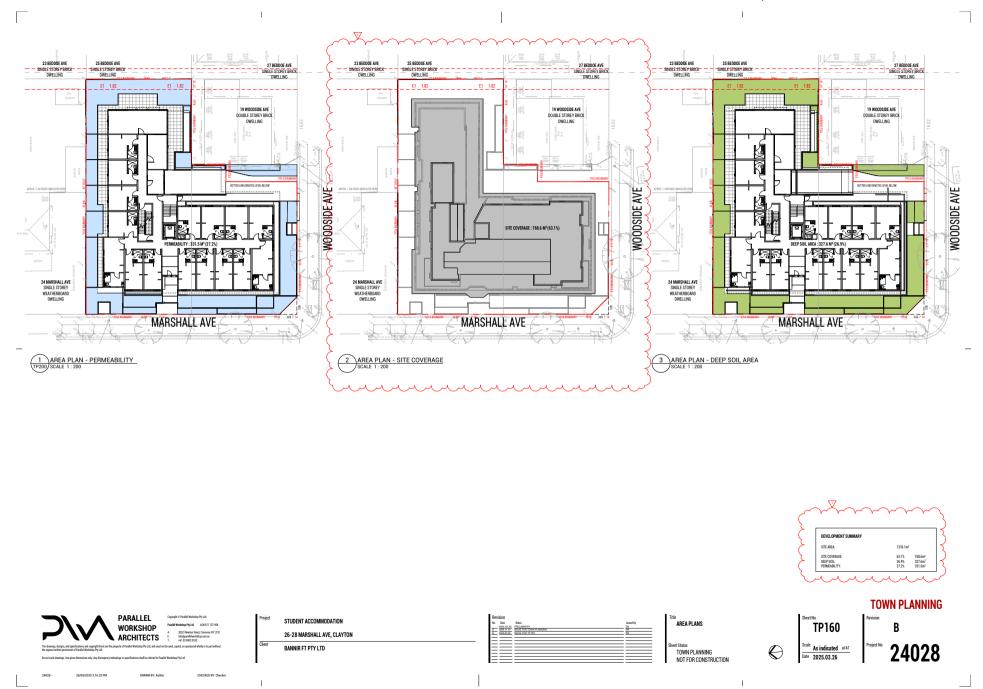


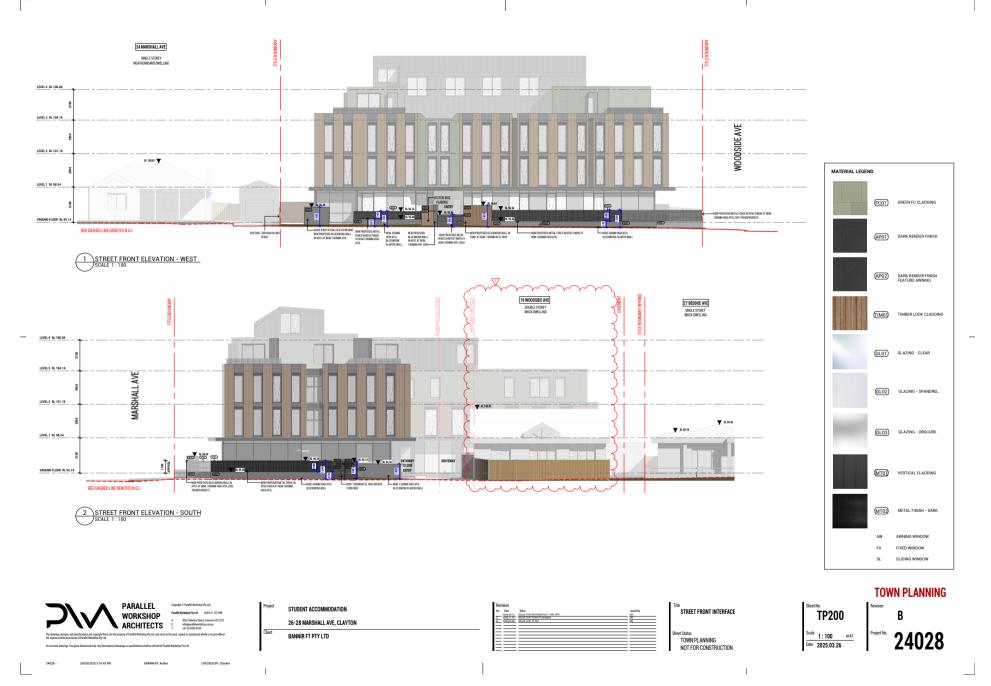
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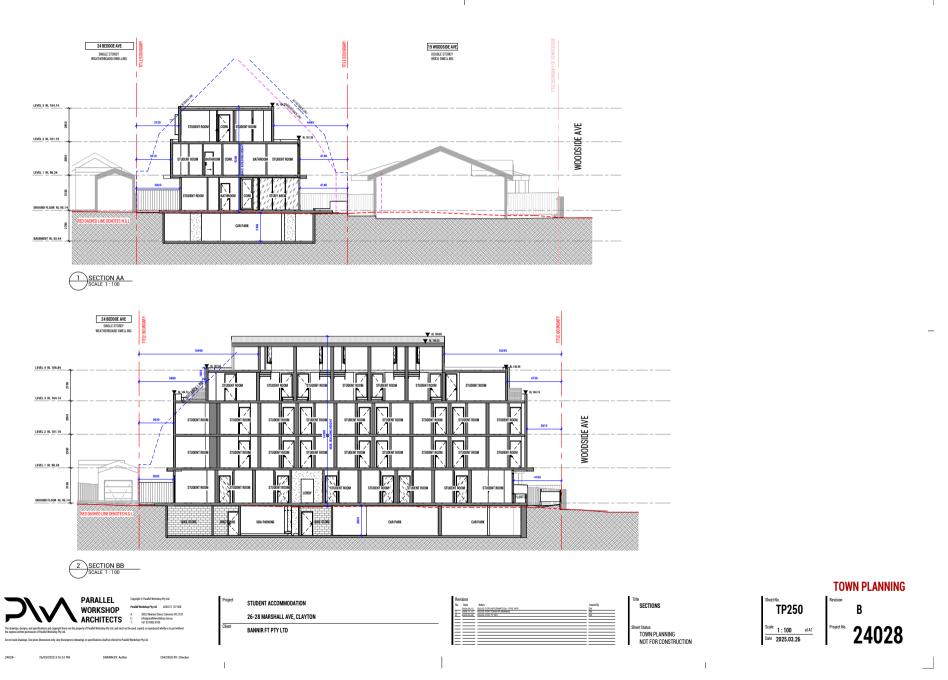
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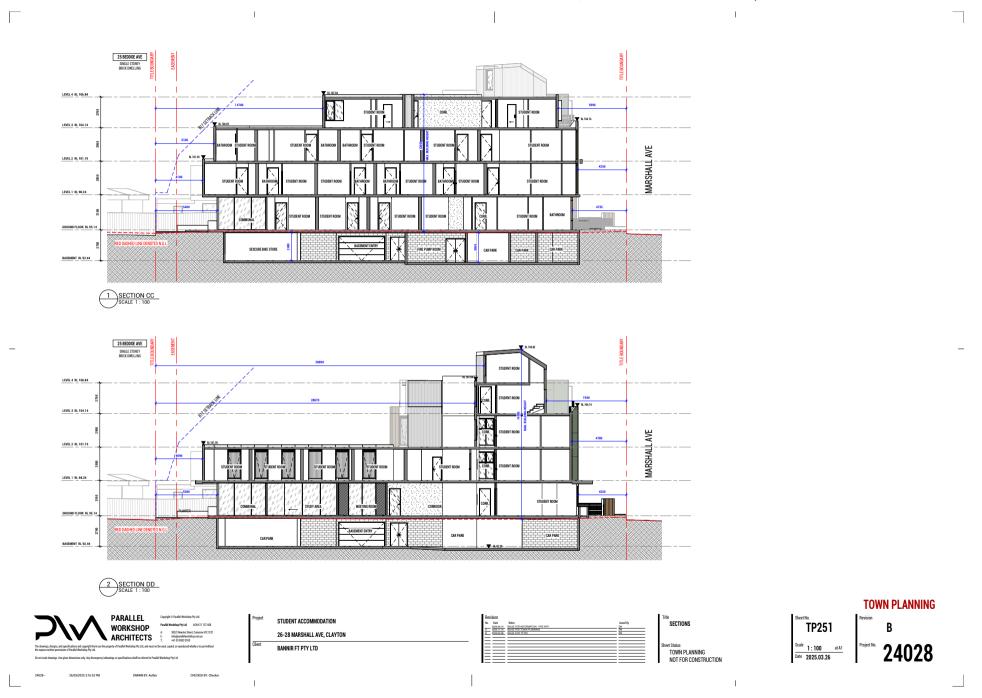








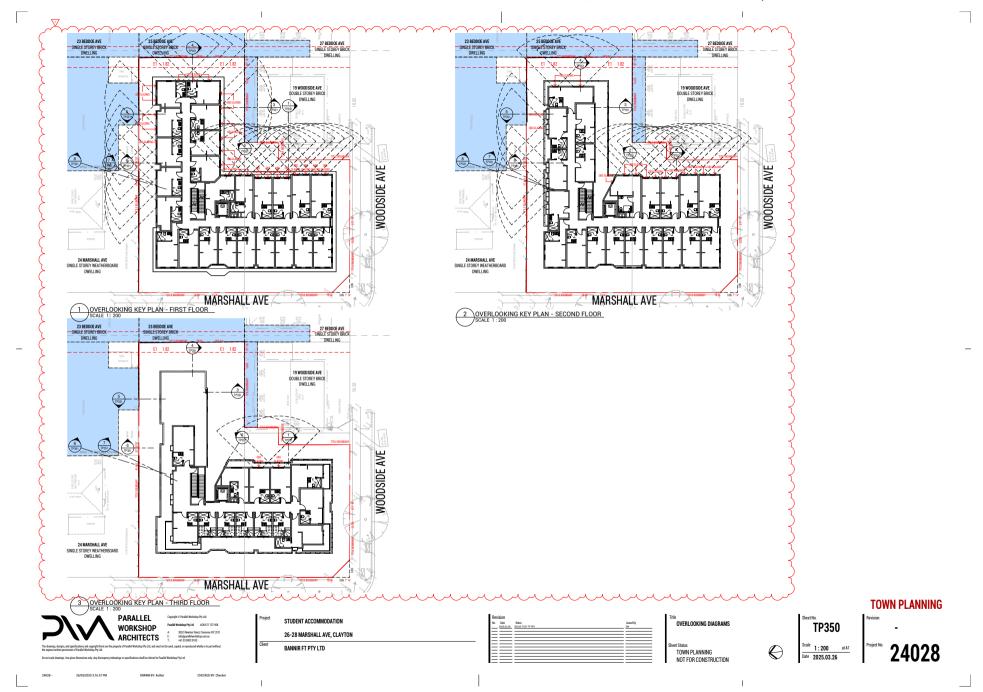


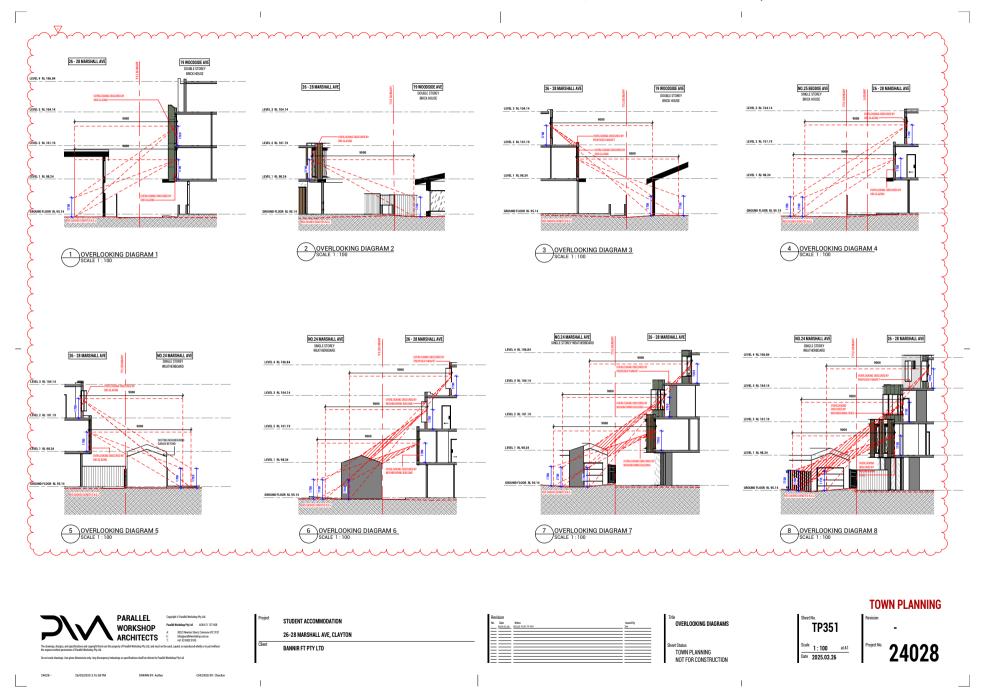






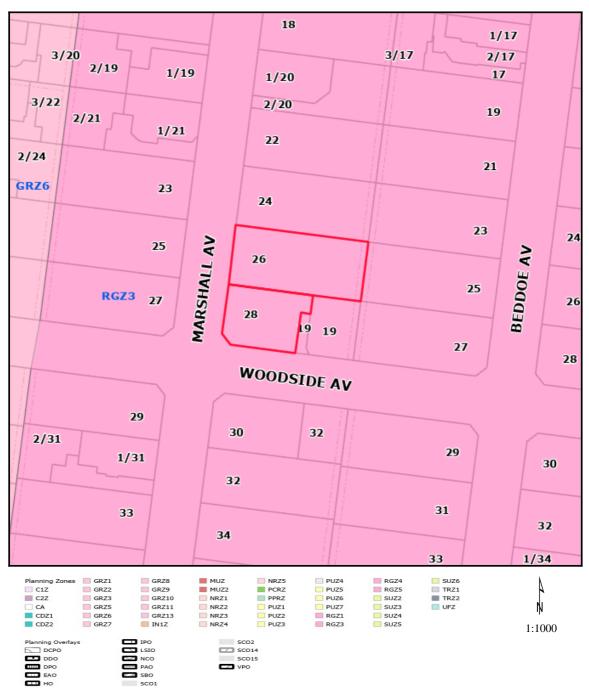








Planning Overlays and Zones



Address: 26-28 Marshall Avenue CLAYTON VIC 3168

Area:

Base data is supplied under Licence from Land Victoria. This map is for general use only and may not be used as proof of ownership, dimensions or any other status. The information must be verified before taking any action which may be affected by a planning scheme requirement. This can be done by visiting the website: http://services.land.vic.gov.au/landchannel/content/
The City of Monash endeavours to keep the information current, and welcomes notification of omissions or inaccuracies.

