EXECUTIVE SUMMARY:

The application proposes the development of a 2 storey student accommodation building with basement car parking.

The application was advertised by way of formal notice to neighbouring property owners and occupiers and a total of three (3) objections have been received. These objections primarily relate to built form, neighbourhood amenity and the provision of car parking.

This report assesses the proposal against the provisions of ResCode and the relevant local planning policy framework, and considers the issues raised by objectors.

The reason for presenting this report to Council is the estimated development cost.

The proposal is considered consistent with the relevant provisions of the Scheme and subject to minor modifications to the design and built form, recommends that a Notice of Decision to grant a Planning Permit issue.
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| STATUTORY PROCESSING DATE:          | 29 November 2012 |
| DEVELOPMENT COST:                  | 3.12 Million     |
RECOMMENDATION:

Council resolves to issue a Notice of Decision to grant a Planning Permit under the Monash planning scheme to the land described as 19 Morton Street Clayton, TPA/40534 for the proposed 2-storey student accommodation building comprising of 26 self-contained accommodation units with basement car parking, subject to the following conditions;

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) Units 16 and 17 combined to provide 1 unit with a minimum setback to the eastern property boundary of 4.5 metres.

b) Units 23 and 24 combined to provide 1 unit with a minimum setback to the western property boundary of 4.5 metres.

c) Variation to the proposed architectural treatment of the front facade of the building to better integrate with the adjacent residential properties.

d) The size of the front stairway and lobby area redesigned to reduce its footprint.

e) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is 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”.

f) The location of gas and water meters.

g) The semi-basement car park converted to a full basement car park.

h) Appropriate bin ventilation and bin washing facilities.

i) The finished floor levels of the building significantly reduced in order to minimise the number of steps required to access the building from both the front building entrance, and from the ground floor units to their areas of secluded private open space.

j) A detailed schedule of materials, colours and finishes.

k) Details of mechanical ventilation to the basement car park.

l) Details of air-conditioning and heating proposed to the individual units.

m) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long by 2.5
metres deep (within the property) both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

n) The driveway widened to 3.5 metres on the east side at the base of the ramp.

o) The driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.

p) The accessway to provide at least 2.1 metres headroom beneath overhead obstructions.

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

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

4. Prior to the endorsement of the plans referred to in Condition 1, the owner of the land must enter into and execute an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. The agreement shall require that, without the prior written consent of the Responsible Authority:

a) That no person may reside in the building unless that person is a bona fide student whether part time, full-time, short-term, or resides there in a supervisory, management or caretaker capacity.

b) The car parking spaces are only permitted to be used by the occupants of the units and their visitors in accordance with the endorsed plans and such spaces must not be on-sold or leased to any other person.

c) That if the land ceases to be used for accommodation, a new planning permit will be required for an alternative use if so required by the Monash Planning Scheme.

A memorandum of the Agreement is to be entered into on title and the cost of the preparation, checking and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

5. Prior to the use commencing, a Site Management Plan must be prepared for the site to the satisfaction of the Responsible Authority. The plan must not be modified without the written consent of the Responsible Authority. The plan must provide for (but is not limited to):

a) Permanent display of the Management Plan in the common area;

b) The nature of the management of the complex and the contact details of the manager/lead tenant;

c) Provision for at-call contact details to be displayed so they are clearly visible to any person outside the site for response 24 hours a day and seven days a week;
d) Provision to ensure that the housing does not cause negative impacts on the amenity of the surrounding area particularly in respect to resident and/or guest behaviour, activities, visitors and parties and the extent to which external areas may be used at night;

e) A requirement that should behavioural problems occur at the site causing disruption to surrounding residents, the operator under this permit must immediately take ameliorative action to the satisfaction of the Responsible Authority;

f) The management of car parking spaces;

g) Maintenance of grounds and upkeep of the buildings;

h) Management of clothes drying facilities to ensure that no laundry is left drying on private balconies;

i) Details of rubbish bin storage and waste collection;

j) Management procedures over holiday periods.

This Site Management Plan is to be prepared to the satisfaction of the Responsible Authority and shall only be amended with the written consent of the Responsible Authority.

6. The amenity of the area must not be detrimentally affected by the use or development, through the:

(a) transport of materials, goods or commodities to or from the land;

(b) appearance of any building, works or materials;

(c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

(d) presence of vermin;

(e) others as appropriate.

7. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

8. No form of public address system may be installed so as to be audible from outside the building / site.

9. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

10. 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.
11. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
   a) The method of collection of garbage and recyclables for uses;
   b) Designation of methods of collection including the need to provide for private services or utilisation of council 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.

   A copy of this plan must be submitted to Council.

12. Waste collection is only to be carried out between the hours of 7am to 6pm.

13. The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:
   • Monday to Friday (inclusive) – 7:00am to 6pm;
   • Saturday – 9am to 1pm;
   • Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);

   unless otherwise approved in writing by the Responsible Authority.

14. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

15. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

16. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

17. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the
commencement of any works. The plan must show the proposed landscape treatment of the site including:-

- the location of all existing trees and other vegetation to be retained on site
- provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
- planting to soften the appearance of hard surface areas such as driveways and other paved areas
- a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
- the location and details of all fencing
- the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
- details of all proposed hard surface materials including pathways, patio or decked areas

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

18. Before the occupation 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 then maintained to the satisfaction of the Responsible Authority.

19. Noise from any mechanical service equipment or any noise associated with the premises must at all times comply with the requirements of the State Environmental Protection Policies SEPP N1 and SEPP N-2.

20. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

21. No less than 8 car spaces must be provided on the land for the use.

22. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
   a) trench grates (150mm minimum internal width) located within the property; and/or
   b) shaping the driveway so that water is collected in a grated pit on the property: and/or
   c) another Council approved equivalent
23. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.

24. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

25. A drainage contribution will not be accepted in lieu of a detention system.

26. No residential parking permits will be issued for any owners or occupiers of the subject site.

NOTES-

1. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

2. Building approval must be obtained prior to the commencement of the above approved works.

3. Residential parking permits will not be issued for residents of the development hereby permitted.

4. Detention system requirements for the property are as follows:
   - Minimum storage = 5.08 cubic metres.
   - Maximum discharge rate = 7.85 litres per second.
   - Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

5. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).

6. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.

7. Any new drainage work within the road reserve requires the approval of the City of Monash’s Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of $1,000 is to be paid prior to the drainage works commencing.

8. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes
and storage volumes is constructed in accordance with the approved plans. The certifier’s registration number must be included on the certificate.

Expiry of permit:
In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
• The development is not started before 2 years from 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 three months afterwards.

BACKGROUND:

The Site and Surrounds
The subject site is located on the north side of Morton Street, approximately 210 metres west of Blackburn Road and 110 metres south of Monash University, Clayton Campus. The land is regular in shape with frontage to Morton Street of 16.76 metres, depth of 45.11 metres and overall site area of 756.2 square metres. A 1.83 metre wide easement extends along the rear boundary of the site. There is slight fall of 1 metre across the land from the rear to the front boundary.

The land currently contains a single storey brick veneer dwelling with pitched roof, and the associated outbuildings. There are no significant trees on the site.

Surrounding development comprises of conventional dwellings and an increasing amount of residential buildings and multi-unit developments given the sites close proximity to Monash University.

More specifically the properties adjoining and directly opposite the subject site comprise the following:
North: Multi-unit development with access from Wellington Road.
South: Single detached dwellings.
East: Multi-unit development with access from Morton Street.
West: Single storey dwelling to site frontage and two storey dwelling to the rear.

The land is located within Residential Character Type ‘B’. The elements that contribute to character are the consistent building setbacks, post-War weatherboard and brick dwellings and well planted front gardens, low fences or hedges which enables vegetation to be visible from the street.

PROPOSAL:
The application is for a purpose built student accommodation building comprising 26 self contained/one bedroom units. The plans submitted with the application detail the following:
A two storey building setback 7.6 metres from the site frontage, 3 metres from the rear property boundary and varying side boundary setbacks of between 1.5-3 metres.

A semi-basement car park, providing accommodation for 8 vehicles, 14 bicycles, external storage to units, bin storage and a laundry facility.

A total of 26 one bedroom units.

The ground floor of the building comprises a lobby, a managers office, 13 one bedroom units and a communal lounge area with ground floor access to an external recreation area of 64.1 square metres.

The first floor level also comprises of a lobby, 13 one bedroom units and a communal lounge.

Each of the individual units comprises of an open plan bedroom/study/lounge area with a small kitchenette and bathroom facilities.

Due to the proposed semi-basement car park, the maximum height of the building is 8.6 metres for the front portion of the building. Towards the rear of the site this maximum height drops to 6.6 metres.

Ground level units are provided with small areas of private open space of approximately 9 square metres.

A communal north-facing area of open space, of 64.1 square metres in area, is provided at ground level to the rear of the building. Additional open space is located within the front setback of the site.

It is proposed to utilise the existing crossover and realign it to 3 metres in width in order to provide access to the semi-basement car park.

The building is contemporary in design with varying pitched and flat roof forms, use of textured walls, rendered cement finishes and stained wood finishes. A combination of obscure glazed windows and timber screens are proposed to upper level windows to limit overlooking onto adjoining properties.

**CONSULTATION:**

**Public Notice**
The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of 36 notices and copies of plans sent to the surrounding property owners/occupiers, and one sign displayed on the street frontage.

Three objections were received for the applications and included the following:

- Concern with visual bulk.
- Overshadowing of adjoining properties habitable rooms and open space areas.
- Loss of privacy as a result of overlooking.
- Increased parking and traffic congestion on Morton Street as a result of the proposal.
- Lack of on-site car parking.
• Overdevelopment of the site.
• Not in keeping with the area.
• Loss of enjoyment of surrounding properties.
• Decrease in property and rental values.
• Increased noise pollution as a result of students occupying the premises.
• Concern with impact of construction works associated with the basement car park onto the adjoining residential properties.
• Noise and associated traffic issues during the construction of the development.
• Concern for potential damage of common boundary fence.

Referrals
Council’s Drainage Engineers have no objection to the proposal subject to conditions being included on any permit that may be granted.

Council’s Traffic Engineers have no concern with the proposed development. The predicted traffic generation is likely to have a negligible impact on the local street network and a number of conditions to be incorporated into a planning permit, should one issue, have been provided.

DISCUSSION:

Consistency with State and Local Planning Policies
Council’s strategy document, Monash 2021, identifies that there is an increasing demand for a variety of different housing styles to cater for changing household sizes and structures. The Monash Housing Strategy 2004 provides strategic support for the provision of housing to meet the diverse needs of the community, including high quality student accommodation.

This policy supports the Strategies detailed in the Residential Character and Development Policy at Clause 21.04-3, specifically to: -

“Encourage the provision of high quality student accommodation in preferred locations such as in proximity to education facilities, which minimises potential conflicts with neighbouring uses”.

Given that the subject site is located approximately 100 metres south of Monash University’s Clayton campus, the use of the site for purpose built student accommodation is considered appropriate.

Increasing residential density development is sought by state and local policies and it is considered the proposal is generally consistent with the local planning policy framework in light of its impact on neighbourhood character.

In respect to the detailed design of the proposal the following comments are made.

Layout
The proposed 7.6 metre front setback of the building is satisfactory and provides for a seamless transition between the two adjacent properties which have front setbacks ranging between 7.5 metres and 7.7 metres. Suitable areas for the planting of substantial vegetation within the front setback area are provided.

There is concern with the front facade and strong porch element of the building and how this integrates with the existing residential neighbourhood character. Particularly, as this facade incorporates the main stair access to the building. This concern can be addressed via a requirement for amended plans seeking variation to the proposed architectural treatment of the front facade and a reduction in the footprint of the front stairway and lobby area to better integrate with the adjacent residential properties. The applicant has provided sketch plans detailing how this can be achieved. (See Attachment 2)

Side and rear boundary setbacks are considered satisfactory and will provide for areas of planting that should soften the built form. Minimal articulation is provided at the upper level through the staggering of setbacks however this could be significantly improved by requiring Units 16 and 17 and Units 23 and 24 to be setback a minimum of 4.5 metres from their respective side boundaries.

This can be seamlessly incorporated into the building design and will result in the overall loss of 2 units, one from each side of the building. (See Attachment 2)

Internally, the individual units are suitably catered for and adequate communal areas in line with Council’s Student Accommodation Policy provided.

There is concern with the number of steps required for those ground floor units provided with private areas of open space. This is discussed below together with building height concerns.

**Built Form and Building Height**

Given the sites proximity to a major tertiary institution, as well as its strong public transport links, Morton Street is located in an area where change is anticipated. Students prefer to live in close proximity to their institution, creating significant localised student populations.

With a height of 8.6 metres, the proposed purpose built building will appear as a dominant structure within the streetscape. This height and built form is accentuated by the proposed semi-basement car park and the significant number of steps required to access the building at its entrance. This is considered at odds with the streetscape and to the visual detriment of the adjacent residential properties. As such, should a permit issue it is considered appropriate to require the semi basement to become a full basement car park and that the finished floor level of the ground floor be reduced in order to minimise the number of steps required to access the building. This will minimise the visual impact on the street, as well as to the adjoining neighbouring properties (for which objection has been raised), whilst also improving building accessibility from the street and from the ground floor level apartments to their
private open space areas. This will ensure that this new development more appropriately responds to the context of its surrounds, in line with the performance measures and objectives of Clause 22.10.

**Amenity**
Each unit provides for an appropriate level of amenity for future residents including internal amenity and open space areas, generally in accordance with Council's Student Accommodation Policy at Clause 22.10. Adequate areas of communal open space are provided, as well as the ground floor units being allocated small private areas of secluded open space.

Potential overlooking to adjacent residential properties is addressed through the use of louvered screens to any affected habitable room windows.

Whilst objection has been raised with regards to overshadowing, shadow diagrams submitted with the proposal indicate that overshadowing complies with ResCode requirements.

**Loss of enjoyment of surrounding properties**
Objector concerns have been raised with regards to the loss of enjoyment of their properties and noise pollution.

As discussed above, overlooking concerns are addressed through the use of louvered screens and overshadowing complies with ResCode requirements. Noise and construction hours associated with the development must accord with EPA guidelines. Conditions regarding this can be incorporated into any planning permit issued.

Given the site's close proximity to Monash University, and located within a preferred location for student accommodation, it is anticipated the character of Morton Street will evolve. There is a strong demand for student accommodation within this area and purpose built facilities are less likely to have a negative amenity impact on surrounding residential properties as compared to shared living arrangements within stand alone dwellings.

**Car Parking**
In accordance with Council’s Student Accommodation Policy, car parking must be provided on site at a rate of 0.3 car spaces per bed for sites located within the ‘Preferred locations’ specified in Element 1 of the Guide. Based on a total of 26 beds, 8 car parking spaces are required and provided for within the basement car park. The aforementioned loss of 2 beds as a result of the upper level redesign does not affect the requirement for 8 car parking spaces.

It is noted that adequate bicycle parking and waste storage is also provided within the basement.

**Decrease in property and rental values**
Decrease in property and rental values are not a relevant planning consideration.
**Damage to common boundary fence**
Objector concern regarding any potential damage to the common side boundary fence as a result of construction works is a civil matter.

**CONCLUSION:**
There is a strong student population living within existing housing in this location and a purpose built accommodation building, in line with the performance measures outlined within Council’s Student Accommodation policy, is considered appropriate and consistent with State and Local Planning Policies.

Subject to a number of conditions and design alterations, it is considered that the proposal is satisfactory and the issue of a Notice of Decision to Grant a Planning permit is recommended.