EXECUTIVE SUMMARY:

The application proposes the development of a three storey apartment building comprising of 20 dwellings with basement car parking and alteration of access to a road zone.

No objections to the proposal have been received.

Key issues affecting the application relate to neighbourhood character, building height, parking provision, traffic and vehicle access, landscaping, overlooking and construction management.

This report assesses the proposal against the relevant zoning and overlay provisions, local planning policy framework and direction provided by the previous Victorian Civil and Administrative Tribunal (VCAT) determination relating to the site. Appropriate conditions addressing issues, including car parking, have been recommended should the development be approved.

The reason for presenting this report to Council is the proposed development cost of $2.5 million.

The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that a Planning Permit be issued subject to conditions.
Clause 10.01 (Purpose)
Clause 10.02 (Goal)
Clause 10.04 (Integrated Decision Making)
Clause 11 (Settlement)
Clause 11.04 (Metropolitan Melbourne)
Clause 14.02-1 (Catchment Planning and Management)
Clause 15 (Built Environment and Heritage)
Clause 16 (Housing)
Clause 16.01-2 (Location of residential development)
Clause 16.01-3 (Strategic redevelopment sites)
Clause 16.01-4 (Housing diversity)

Clause 21 (Municipal Strategic Statement)
Clause 21.04 (Residential Development)
Clause 21.08 (Transport and Traffic)
Clause 22.01 (Residential Development and Character Policy)
Clause 22.04 (Stormwater Management Policy)

Particular Provisions
Clause 52.06 (Car Parking)
Clause 52.29 (Land Adjacent to a Road Zone, Category 1)
Clause 52.34 (Bicycle Facilities)
Clause 65.01 (Decision guidelines)

STATUTORY PROCESSING DATE: 25 January 2014
DEVELOPMENT COST: $2.5 Million
RECOMMENDATION:

That Council resolves to grant a Planning Permit under the Monash Planning Scheme to the land described as 1451-1453 Centre Road Clayton, TPA/42083 for the development of a three-storey building comprising 20 dwellings with a basement level car park and alteration of access to a road zone, 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) Enhanced schedule of materials and finishes including the provision of face brickwork and timber elements to the development;

   b) The basement ramp and basement layout modified to extend the ramp into the northern aisle (through car spaces 22 and 23 resulting in the sharp turn at the base of the ramp removed), and car spaces 22 and 23 relocated adjacent to the west of the stairwell/lift shaft (N.B. basement re-design should be undertaken in consultation with City of Monash Traffic Engineers having regard to the design standards of Clause 52.06-8);

   c) Provision of an expanded bin storage area within the basement to accommodate sufficient bin storage in accordance with the required Waste Management Plan;

   d) Detailed specification of privacy screens having regard to the requirements of Clause 55.04-6;

   e) A notation on plans to specify redundant vehicle crossings removed and reinstated with nature strip, kerb and channel;

   f) Clearance to car parking spaces to be in accordance with Clause 52.06-8 (Diagram 1) in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space;

   g) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development;

   h) Provision of 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 x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road;
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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

4. No bin or receptacle or any form of rubbish or refuse 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.

5. Adequate provision must be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

6. Prior to the commencement of works on the site, the owner must prepare 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 including by private contractor;
   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.

7. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
   a) measures to control noise, dust and water runoff;
   b) prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
   c) the location of where building materials are to be kept during construction;
   d) site security;
   e) maintenance of safe movements of vehicles to and from the site during the construction phase;
f) on-site parking of vehicles associated with construction of the development;

g) wash down areas for trucks and vehicles associated with construction activities;

h) cleaning and maintaining surrounding road surfaces;

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

8. 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.

9. 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.

10. 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.

11. 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.

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

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is located to the south of the property where the entire sites stormwater must be collected and free drained via a pipe to the Council pit in the nature strip to Council Standards.

If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

13. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

14. 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.

15. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed to the satisfaction of the Responsible Authority;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
   (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
   (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.
16. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
   a) Accessway to provide at least 2.1m headroom beneath overhead obstructions.
   b) Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
   c) Minimum requirements for parking space dimensions to be in accordance with Table 2.
   d) Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.

17. Resident and visitor car parking is to be provided on the subject land in accordance with the requirements of Clause 52.06 of the Monash Planning Scheme. Visitor car parking spaces must be clearly marked and allocated within common property upon any future subdivision of the development.

18. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

**Conditions 19 – 25 required by VicRoads (ref: 08747/12)**

19. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

20. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the use of the works approved.

21. Prior to the commencement of the use of the works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
   i. Formed to such levels and drained so that they can be used in accordance with the plan.
   ii. Treated with an all-weather seal or some other durable surface

22. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
23. The proposed crossover is to be constructed with the edges of the crossover angled outwards at 60 degrees to the road reserve.

24. Corner splays or areas at least 50% clear of visual obstructions extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides of driveway must be provided to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the footpath of the frontage road.

25. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the use of the works approved.

26. 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 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.

NOTES-

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

2. 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.

3. Any new drainage connections onto a Council easement drain / 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 $500 is to be paid prior to drainage work commencing.

4. 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 (tel. 9518 3555).

5. Detention system requirements for the property are as follows:
   • Minimum storage = 10.54 cubic metres
   • Maximum discharge rate = 11.38 litres per second
   • Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

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

7. In the event that any parking restrictions are introduced in the surrounding area, residents of the development will not be issued with parking permits.

8. 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.

BACKGROUND:

History
Application for planning permit TPA/38160 proposing the development of thirty-one (31) dwellings in a three (3) level apartment building with basement car parking and associated landscaping and alteration of access to a Road Zone Category 1 was refused by Council on 26 August 2010.

Council’s refusal grounds related to non and poor compliance with relevant residential local policy, neighbourhood character, access, car parking, private open space, setbacks, site services, storage, noise, and internal amenity. VicRoads also objected to the application.

Council’s refusal of the application was subsequently appealed at VCAT and Council’s decision was affirmed.

Key issues within the VCAT determination related to the appropriateness of the proposal having regard to local policy, neighbourhood character, facade articulation and detailing, adequacy and landscaping outcomes. The VCAT decision acknowledges the suitability of the site for medium density development.

The Site and Surrounds
The subject land is located on the northern side of Centre Road approximately 530 metres east of its intersection with Clayton Road. The subject land consists of two adjoining residential lots with a total area of
approximately 1,460 square metres, a combined frontage of approximately 36.73 metres and a depth of approximately 44.73 metres. The site is irregular in shape and partially abuts a 25 metre wide public reserve at the rear, which in turn abuts the Pakenham/Cranbourne railway corridor.

The subject land is currently occupied by two single storey detached weatherboard dwellings.

The site has a north-south orientation with single detached dwellings to the east and west and a residential unit (one of three) that abuts part of the rear boundary. Industrial land is opposite the subject land to the south predominantly comprising of large factory complexes up to two storeys in height.

The subject land is located within residential character “Type B” having regard to Clause 22.01-4. Elements that contribute to the character of the area include flat topography, grid subdivision pattern, consistent building setbacks, common functional architectural style, variety in materials and finishes, well-planted front gardens, and low front fences and walls.

**PERMIT TRIGGERS:**

**Zoning**
The subject site is located within a Residential 1 Zone under the provisions of the Monash Planning Scheme.

A planning permit is required to construct two or more dwellings on a lot in accordance with Clause 32.01-4 of the Scheme.

**Particular Provisions**

Clause 52.06: Car parking
Prior to a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved by the responsible authority.

Clause 52.29: Land adjacent to a road zone
A planning permit is required to create or alter access to a road in a Road Zone, Category 1.

**Rescode**

Clause 55: Two or more dwellings on a lot and residential buildings
A development must meet all of the objectives of this clause and should meet all of the standards.
PROPOSAL:
The application proposes the development of a three storey building comprising of 20 dwellings with a basement level car park and alteration of access to a road zone.

Details of the proposal can be summarised as follows:
• 20 x two bedroom apartments;
• Ground floor dwelling secluded private open space areas of 18m²-75m²;
• Upper level apartments provided with a balcony space area of 8m²-12m² having a minimum dimension of 1.6m;
• Basement car park providing parking for 24 vehicles including 4 designated visitor car parking spaces. Bicycle, waste and resident storage spaces are also provided within the basement;
• Basement vehicle access via a new crossover to the south-west corner of the property;
• Overall height of up to 9.755m (excluding rooftop plant) from natural ground level;
• Contemporary palate of materials and finishes predominantly comprising of rendered pre-cast concrete and lightweight cladding, substantial glazing elements, and a pitched tile roof.

CONSULTATION:

Public Notice
Notice of the application was given in pursuant to the requirements of Section 52 of the Planning and Environment Act 1987 by way of sending letters property owners and occupants within the surrounding vicinity. Two (2) large signs were displayed on the site during the notification period.

No objections to the proposal were received.

Referrals
VicRoads
The application was referred to VicRoads pursuant to the requirements of Clause 52.29 of the Monash Planning Scheme. The authority consents to the grant of a planning permit for the proposed development subject to conditions.

Internal Referral
The application has been referred to Council’s Traffic and Drainage Engineers for comment. Relevant comments form part of the assessment of the application.

DISCUSSION:

Consistency with State and Local Planning Policies
Increased residential density and dwelling diversity is sought by state and local policy. Relevant policy encourages higher density development along main roads within close proximity of activity centres and serviced by public transport. Development of increased scale and density should have appropriate regard to the established and preferred neighbourhood character of the surrounding area. The proposal is generally consistent with relevant increased density and strategic re-development site objectives of the state and local planning policy framework.

The Municipal Strategic Statement at Clause 21 highlights the Garden City Character of the municipality as a core value held by the community and Council. Contribution to overarching Garden City Character Policy and principle is a significant and important consideration in all land use and development decisions. The proposal provides ability to provide for landscaping of the land in particular along street frontages and to the residential properties.

Clause 21.04 specifies Council’s goal is for residential development in the City is to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

The Residential Development and Character Policy at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area. The proposal is generally consistent with relevant objectives including built form and scale, private open space and landscaping provision.

One of the objectives of the Tree Conservation Policy at Clause 22.05 is to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.

The subject land and proposed design response is consistent with relevant urban consolidation and increased density objectives as envisaged by relevant elements of the State and Local Planning Policy Framework. The subject land is located on a main road within reasonable proximity of the Clayton Major Activity Centre. The consolidation of the two land parcels allows for greater scope for more intensive development, not dissimilar to that already approved in this area.

Neighbourhood Character
Standard B1 requires that the design response must be appropriate to the neighbourhood and the site, and must respect the existing or preferred neighbourhood character and respond to the opportunities and constraints of the site.
In addition, the height and setback of buildings must also respect the existing or preferred neighbourhood character and the impact on the amenity of existing dwellings must be minimised.

The land is located within Residential Character Type ‘B’ having regard to the Monash Urban Character Study. The desired future character statement envisages:

“The neighbourhood character of this area will, as it develops, retain its modest and unassuming character by ensuring that multi housing developments, including dual occupancies, are appropriate in scale and form to existing dwellings.

The built-form will be unified by a general consistency in building setback. New dwellings will address the street and complement the scale and form of adjacent buildings. Redevelopments will be single storey unless there is a gradated change in height or on-site trees and large shrubs to soften the transition between buildings...”

The relevant VCAT determination (P2540/2010, 27/04/11) relating to the site highlighted the importance of neighbourhood character and local policy in developing a future design response for the land.

The design response has been developed to suitably integrate with the surrounding residential precinct. Particular regard has been paid to the east and west interface to soften the immediate massing impact on the adjoining properties and surrounding residential area.

The proposed development is respectful of the character of the surrounding area in that it facilitates suitable transition in scale and form from the established residential areas to the north, east and west.

The architectural styling of the proposed development including a mix of contemporary and traditional materials and finishes, appropriately integrates the development with the diverse surrounding built form. Further refinement and greater detail of the proposed materials and finishes could improve the developments integration with the surrounding residential area.

Building Height, Scale, Visual Bulk and Mass, Density

The development provides for suitable height transition and meaningful façade articulation having regard to the surrounding context.

Apartment development has been approved on land of similar size with main road frontages within the surrounding area. Of critical importance is the ability for development of scale to appropriately integrate with the built form and character of the surrounding area. Development should provide for appropriate height transition from established residential areas.
The design response has suitable regard for the adjoining residential interfaces. The application provides for a front setback of 7.6 meters along with side and rear setbacks of up to 5.0 metres at ground level allowing for substantial ground floor open space areas and the potential for meaningful canopy tree planting potential. Boundary walls to the adjoining properties have been minimized and do not adversely impact the adjoining properties.

Upper levels provide for graduated height transition to the upper levels. The application proposes first floor façade setbacks to the adjoining residential properties of 3.48 metres - 7.0 metres, and second floor façade setbacks to the adjoining residential properties of 5.9 metres to 11.49 metres. The proposed side and rear setbacks of the development are in excess of the minimum prescribed setbacks under Clause 55.04-1 (Standard B17 – Side and rear setbacks). Upper level visual breaks of have been proposed to minimize the perception of mass and an overall scale and form not dissimilar to that of typical townhouse development.

**Architectural Quality and Design Detail**
The building has been designed utilizing an attractive range of contemporary materials, and finishes. The façade treatment provides for an appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimize the perception of visual bulk.

Elements of the proposed materials and finishes could be refined to more appropriately blend with the established built form of the surrounding area. This can be achieved by permit conditions.

**Car Parking, traffic and access**
The proposal provides for the required number of resident parking spaces pursuant to Clause 52.06 as detailed in the following table:

<table>
<thead>
<tr>
<th>No. of dwellings</th>
<th>Clause 52.06 requirement</th>
<th>Car spaces required</th>
<th>Car spaces provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>One and two bedroom dwellings</td>
<td>20</td>
<td>1 space per dwelling</td>
<td>20</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>20</td>
<td>1 space per 5 dwellings</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total required</strong></td>
<td></td>
<td></td>
<td>24</td>
</tr>
<tr>
<td><strong>Total provided</strong></td>
<td></td>
<td></td>
<td>24</td>
</tr>
</tbody>
</table>

Council’s traffic engineers have assessed the proposed car parking and access arrangements as being acceptable subject to modification. The proposed basement access arrangement is awkward requiring a sharp turn at the base
of the ramp. Council’s Engineers have proposed an alternate access arrangement by permit condition.

**Landscaping**
The development provides substantial opportunity for meaningful landscaping provision on a site which has been without vegetation or landscaping site for some time. The building setbacks allow opportunity for meaningful landscaping provision. The design response facilitates an open, spacious and well landscaped presentation to the street with capacity for canopy tree provision consistent with Garden City Character policy objectives.

Detail of landscaping provision can be required by condition, to the satisfaction of the Responsible Authority.

**Construction Management**
A construction management plan including construction vehicle access traffic management detail will be a permit requirement.

**Waste Management**
A waste management plan will be required by permit condition. Given the scale of the development and the number of bins required for on street Council waste collection a requirement can be placed on the permit to require private collection of waste. The proposed bin storage area is relatively small in size and should be expanded.

**CONCLUSION:**
The proposal is appropriate given the zoning of the land and the design response is generally consistent with the objectives and applicable requirements of state and local policies. The proposal has addressed issues identified within the previous VCAT determination. The proposed development will provide an appropriate mix of housing and suitable design response having regard to the site context and diverse surrounding built form. The design response is generally site responsive and will not result in any unreasonable amenity impacts on the surrounding properties. It is recommended that the proposal be approved, subject to conditions.