EXECUTIVE SUMMARY:

The application was submitted on the 23 November 2011 and was for the development of the site for the purpose of constructing a three storey building containing ten (10) residential dwellings with basement car parking (9 double car stackers and 3 bicycle spaces) and construction of a brick front fence 1.8 metres in height.

The application was placed on public notification on 23 January 2012 with one (1) objection received with concerns relating to the height, car parking, overshadowing and excavation.

The applicant submitted amended plans under section 57A of the Planning and Environment Act which took effect on 18 May 2012 showing the removal of the third level and the removal of the second bedroom to unit 1 to create a larger balcony to buffer noise from the driveway to the basement.

The amended application was readvertised with the objector from the original application submitting further concerns. Other concerns raised are the proposed block wall along the south elevation to be finished in a manner that is attractive with screen planting requested along the south boundary to soften the appearance of the building. These plans now form the basis for assessment of this application.

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

The report is before Council as the proposed development cost is 1.6 million.

It is recommended that Council issue a Notice of Decision to grant a Planning Permit.
<table>
<thead>
<tr>
<th><strong>PRE-APPLICATION MEETING:</strong></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NUMBER OF OBJECTIONS:</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>ZONING:</strong></td>
<td>Residential 1 Zone</td>
</tr>
<tr>
<td><strong>EXISTING LAND USE:</strong></td>
<td>Single storey dwelling</td>
</tr>
<tr>
<td><strong>OVERLAY:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>RELEVANT CLAUSES:</strong></td>
<td>Clause 32.01 Residential 1 Zone</td>
</tr>
<tr>
<td><strong>STATUTORY PROCESSING DATE:</strong></td>
<td>13 September 2012</td>
</tr>
<tr>
<td><strong>DEVELOPMENT COST:</strong></td>
<td>Amended 1.6 Million</td>
</tr>
</tbody>
</table>
**RECOMMENDATION:**

Council resolves to issue a **Notice of Decision** to grant a Permit under the Monash planning scheme to the land described as 46 Kanooka Grove Clayton, TPA/39977 for the development of the site for the purpose of constructing a two storey building containing eight (8) residential dwellings with basement car parking and construction of a front fence 1.8 metres in height, 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. 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) 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”.

b) The location of gas and water meters

c) Balcony of dwelling 1 not to extend along the southern boundary past the west elevation wall of the sitting/dining room.

d) West elevation to dwelling 6 balcony is to be setback from the west boundary (Kanooka Grove) 7.6 metres.

e) The crossing is to have a maximum width of 3 metres

f) The gradient on and near the access driveways shall be a maximum of 1:10 between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 5 metres with the ram grade being the following:
   - gradient of 1:10 within 5 metres of the frontage; then
   - 1:8 (2 metres); then
   - 1:4 (6.5 metres); then
   - 1:10 (2 metres) into the basement car park.

g) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of an exit lane of each vehicle crossing to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.

h) The upper level bedroom windows along the north and south elevations must be screened in accordance with Standard B22. If windows are to have
fixed obscure glazing it must be to a height of 1.7m above the finished floor level with any window above this level clear and openable.

i) To accommodate vehicle turning manoeuvres to non-stacker parking spaces, the following is required:
   • Parking space numbers 6, 9 and 10 must be widened to a minimum of 3.2m.

j) The layout of the development is required to provide the following:
   • To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2100mm.

k) Removal of the standard passenger car stacker in basement car parking.

l) No fewer than 10 car parking spaces must be provided on the land for the development with the deletion of the car stackers.

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

3. 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.

4. 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.
• Screen planting is required along the north and south boundary.
• 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.

5. 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.

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

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. Three (3) bicycle parking spaces are proposed. Bicycle parking shall follow the Australian Standard for Bicycle Parking Facilities, AS 2890.3.

9. As the development has an enclosed bin storage arrangement the following measures are required:
   • Appropriate ventilation.
   • Bin washing facility.
   • Suitable capacity to store all the bins.

10. 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 prior to works commencing.

    Note:- A drainage contribution may be accepted in lieu of the installation of the detention system.

11. 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 the south west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the Council pit in the nature strip of 48 Kanooka Grove via a 225mm pipe and a 900 mm x 600 mm junction pit to be constructed to Council Standards. *(A new pit is to be constructed if a pit does not exist or is not a standard Council pit)*.

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

**NOTES—**

1. No excavation is to take place within 2.2m of the street tree in front of the subject site, from the trunk at ground level.

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

3. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council pits and these works are to be inspected by Council (telephone 9518 3690).

4. The proposed crossing is to be constructed in accordance with the City of Monash standards.

5. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

6. All new crossings are to provide a minimum of 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, drainage or service pit, or other services.

7. The crossing is within 1.5 metres of an adjoining crossing and shall be converted to a double crossing.

8. All on-site visitor parking space is required to be provided and should be clearly marked.

9. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.
10. 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 prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable crossing is to be removed and reinstated with kerb and channel to the satisfaction of the Council.

11. The drainage contribution applicable at the date of this permit is $3,827.00 may be accepted in lieu of a detention system. This amount is valid until 30 June 2013. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided (64.21% impermeable surfaces) and any additional hard surfaced areas included on amended, landscape or drainage plans will alter this amount.

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

13. Detention system requirements for the property are as follows:
   - Minimum storage = 3.79 cubic metres
   - Maximum discharge rate = 6.53 litres per second
   - Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

14. 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.

15. Residential Parking Permits will not be issued for residents of the development hereby permitted.

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:

History
No previous applications have been received for this subject site.

A pre-application meeting PAP/2011/2862 was held for the use and development of 10 residential apartments (3 storey and basement car parking) on 2 November 2011.

**The Site and Surrounds**
The site is located on the west side of Kanooka Grove in Clayton. The site currently contains a single storey weather board house with vehicular access toward the north of the site along the north boundary.

The site slopes approximately 2 metres from the east (rear) to the west.

The subject site is rectangular in shaped with the front (west) and east boundary have a length of 15.24 metres with the north and south boundaries having a length 45.72 metres and has a total area of 697 square metres.

The subject site is to the east of Monash Medical Centre in an area with the emerging infill character of the surrounding neighbourhood generally including two storey multi unit development.

The adjoining properties can be described as follows:
- North – a number of two-storey attached houses.
- East – Single and two storey dwellings.
- West – three storey building associated with the Monash Medical Centre.
- South – a series of two storey attached units.

The subject site is located opposite the Monash Medical Centre precinct and in close proximity to public transport routes and the Clayton Shopping Precinct, which is designated a Major Activity Centre under ‘Melbourne 2030’.

**PLANNING CONTROLS:**

*State Planning Policy Framework*
Clause 11: Settlement
Clause 15: Built Environment and Heritage
Clause 16: Housing

*Local Planning Policy Framework*
Clause 21: Municipal Strategic Statement
Clause 22: Local Planning Policies
Clause 32.01: Residential Zone
Clause 55: Two or more dwellings on a lot and residential buildings
Clause 65: Decision guidelines
**PROPOSAL:**

The application proposes the development of the site for the purpose of constructing a two storey building containing eight residential dwellings with basement car parking and construction of a front fence 1.8 metres in height.

Plans submitted with the amended application provide for the following:

- One of the eight apartments has a single bedroom with the remaining seven being two bedrooms each.
- Each apartment contains bedroom(s), sitting/dining rooms, kitchen, bathroom and laundry.
- There is a main entrance/foyer that is accessed from Kanooka Grove.
- At ground level the building setbacks are as follows:
  - 7.6 metres from Kanooka Grove.
  - 1 metre setback from the northern boundary.
  - 1 metre setback from the southern boundary.
  - 8 metres from the rear/east boundary.
- At first level the building setbacks are as follows:
  - 7.5 metres from Kanooka Grove.
  - 2 metre setback from the northern boundary.
  - 2 metre setback from the southern boundary.
  - 6.2 metres from the rear/east boundary from the balcony.
- Parking is provided in the basement for 12 car spaces with 2 double stackers included. Storage alcoves, bicycle parking and bin storage areas are also provided within the basement.

**CONSULTATION:**

**Public Notice**

The application was advertised in accordance with section 52 of the Planning and Environment Act 1987 by way of 12 letters were sent to the surrounding property owners/occupiers, and a sign displayed on the frontage of the site.

An objection was received for the amended application which was the same objector to the original application. The objector requested that the proposed block wall along the south elevation to be finished in a manner that is attractive with screen planting requested along the south boundary to soften the appearance of the building.

**Referrals**

The application was referred internally to Council’s Drainage and Traffic Engineers who have not objected to the proposal.
The Traffic Engineers require modifications to the plans be undertaken to provide for safe vehicle and pedestrian movement. Conditions have been included to address these issues.

The Drainage Engineers have not objected and have requested standard conditions be placed into a permit.

No external referrals were required.

DISCUSSION:

Consistency with State and Local Planning Policies
An increase in residential density development is sought by state and local policies which this application complies with.

Amendment VC75 was introduced by the State Government to amend references in Clause 16 (Housing) of the SPPF that relate to the location of residential development. The amendment changed the wording of Clause 16 from supporting all main road sites, to sites that are appropriate. Therefore, if the site is appropriate, multi storey development can be supported in principle, regardless of its location outside of an activity centre. This policy allows for appropriately placed higher density housing being approved and constructed along main roads and outside Activity Centres.

Clause 16.01-2 (Location of residential development) states as an objective: -

“To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport”

It goes on to note the following strategies: -

- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.

- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

- Identify opportunities for increased residential densities to help consolidate urban areas.

It is considered that the proposed development on this site is supportive of the provisions of this Clause as it provides for increased densities in an area that is well located with respect to public transport, public infrastructure and employment. The
location of the subject site in close proximity to the Monash Medical Centre, which has undergone major redevelopment, further supports the location of this development being within context of the neighbourhood character.

In the Municipal Strategic Statement at Clause 21 the Garden City Character of the municipality is identified as a core value held by the community and Council as a significant and important consideration in all land use and development decisions.

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

A change in housing structure and dwelling requirements shows a noticeable shift towards increased density forms of housing, generally characterised by multi-unit dwellings.

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 application is consistent with these requirements with many multi level developments within the immediate area. The proposal is providing articulated and graduated elevations avoiding the “box-like” design with the height of the front fence also being consistent to existing neighbourhood character which show neighbouring front fencing of similar height and materials.

**Assessment Under Clause 55 (Rescode)**

**Neighbourhood Character and Built Form**

Standard B1 requires the design of a development to respect existing neighbourhood character or contribute to a preferred character. The architecture should address the street and complement the scale form and colour of adjacent buildings.

The character of the surrounding residential area comprises double storey development including multi unit developments with basement car parking with the Monash Medical Centre to the west having a height in excess of 9 metres.

Properties on the eastern side of Kanooka Grove have 1.8 metre high fences using the materials of timber and brick along the front boundaries. The application proposes to erect a new 1.8 metre high face brick front fence along the Kanooka Grove frontage of the site which integrates well with the height of fencing within the street and is therefore satisfactory.
**Vehicle Management**

The proposal provides the requisite number of car parking spaces pursuant to Clause 52.06 as detailed in the following table.

<table>
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<tr>
<th>Use</th>
<th>Number of units</th>
<th>Clause 52.06 Requirement</th>
<th>Car spaces provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom unit</td>
<td>1</td>
<td>1 (1 space/one bedroom)</td>
<td>1</td>
</tr>
<tr>
<td>Two bedroom unit</td>
<td>7</td>
<td>1(1 space/two bedroom)</td>
<td>7</td>
</tr>
<tr>
<td>Visitor Parking</td>
<td></td>
<td>2 (1 space for every 5 dwellings)</td>
<td>2</td>
</tr>
<tr>
<td>Excess car spaces</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>8</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

Council’s Traffic Engineers do not object to the proposal subject to modifications to the plans to address design deficiencies in the layout of the car parking and access ramps preventing safe, manageable and convenient vehicular access. These include:

- The ramp gradient to be modified and provide a transitional area
- The height between the floor and an overhead obstruction to be a minimum of 2100mm.
- If car stackers are to be retained then compliance with stacker requirements are to be met.
- On site visitor car parking is required to be provided and be clearly marked.
- Parking spaces 6, 9 and 10 are to be widened to a minimum of 3.2 metres.

The application has provided 2 car spaces in excess of the requirement set down in Clause 52.06 and as such the need for a car stacker is not considered necessary. To address concerns relating to the basement car parking the removal of the car stackers is recommended with the requirement that 10 car spaces be provided on site within the basement area.

**Neighbour Amenity**

The development has provided measures to ensure overlooking into neighbouring property is limited with obscure glazing to windows and screening on balconies to
limit the overlooking. A condition has been included in the permit to ensure that this requirement is met.

**On-site Amenity**

For dwellings with access to ground level an area of 75 square metres, including one area to the side or rear of 35 square metres with a minimum dimension of 5 metres, is to be provided per dwelling.

There are 4 dwellings at ground level. Three dwellings at ground level provide 75 square metres each of open space. Dwelling 1 is providing a 26 square metre balcony which is above the driveway to the basement. Given its location and the fact that this dwelling contains only 1 bedroom, it is considered an acceptable size for the enjoyment of any resident.

For dwellings at first floor or above without direct access to ground level space a balcony area of 8 square metres with a minimum width of 1.6 metres is required. Each of the 4 dwellings at the first floor level complying with this requirement.

**CONCLUSION:**

The proposal satisfies the increased density objectives of the Monash Planning Scheme and is considered to be in keeping with the neighbourhood character with the design response complying with form and scale providing required car parking.

It is recommended that Council support the application and issue a Notice of Decision for a Planning Permit.