

**1.2 209-211 CLAYTON ROAD, CLAYTON
CONSTRUCTION OF A FOUR STOREY BUILDING WITH BASEMENT FOR STUDENT
ACCOMMODATION
(TPA/51193)**

EXECUTIVE SUMMARY:

This application proposes the construction of a four (4) storey building to be used for student accommodation.

The application was subject to public notification. No objections have been received.

Key issues to be considered relate to the appropriateness of the location for student accommodation, building height and scale, setbacks, the adequacy of communal open space, car parking provision, vehicle access, internal amenity and external amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and Clause 55.

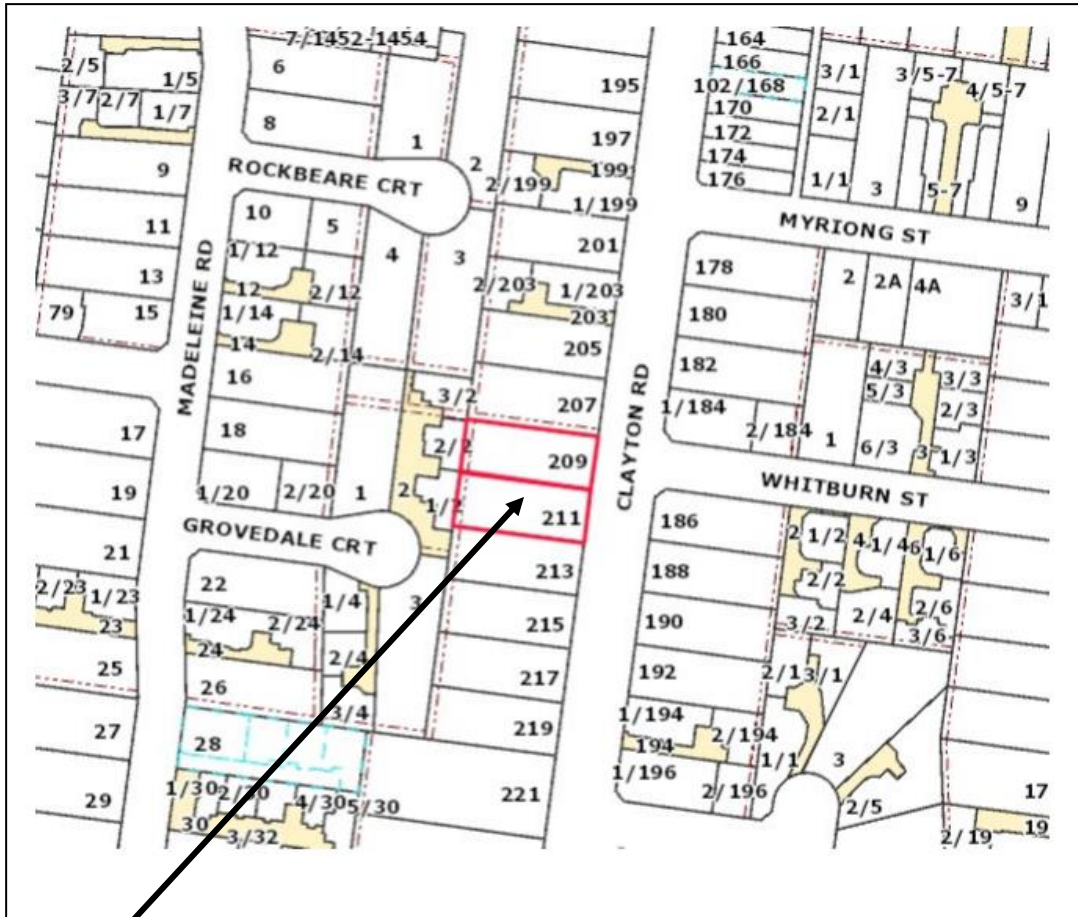
The reason for presenting this report to Council is the proposed development cost of \$19.995 Million.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	209-211 Clayton Road, Clayton
EXISTING LAND USE:	One dwelling on each lot
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Nil
ZONING:	Residential Growth Zone Schedule 3
OVERLAY:	None
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement)

<p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 17.01-1S&R- Diversified Economy</p> <p>Clause 17.02-1S- Business</p> <p>Clause 18.01-1S- Land Use and Transport Planning</p> <p>Clause 18.02-1S & R- Sustainable Personal Transport</p> <p>Clause 18.02-2R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Car Parking</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p>Clause 21.04- Residential Development</p> <p>Clause 21.06- Major Activity and Neighbourhood Centres</p> <p>Clause 21.08- Transport and Traffic</p> <p>Clause 21.13- Sustainability and Environment</p> <p>Clause 22.01- Residential Development and Character Policy</p> <p>Clause 22.03- Industry and business development and character policy</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.10- Student Accommodation Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.23- Rooming House</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 52.29- Land Adjacent to a Road Zone, Category 1</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	12 September 2021
DEVELOPMENT COST:	\$19.995 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to **Grant a Planning Permit (TPA/51193)** for the construction of a four storey building for the purpose of accommodation (student accommodation) over basement car parking, and alternation of access to a road in a Road Zone Category 1, at 209-211 Clayton Road, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. 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 to Council prepared by CPO Architects (DA-001 to DA-052 Revision 5; DA-099 Revision 7; DA-100 to DA-103 Revision 8; DA-104 & DA-200 Revision 7; DA-300 to DA-302 & DA-310 to DA-322 Revision 6; DA-323 to DA-330 Revision 5;) but modified to show:
 - a) Front fencing reduced in a height to a maximum of 0.9 metres;
 - b) The location of bin storage rearranged within the basement to allow for bin collection vehicles to enter and collect waste from within the basement, whilst maintaining a minimum of 24 car parking spaces on site.
 - c) Car parking space (no.8), south of the bike store, provided with an additional 300mm clearance to the adjacent bike store;
 - d) Provision of a turning bay area within the approximate location of car parking space 20. The turning bay area should be clearly Line marked (hatched) and labelled;
 - e) Provision of additional architectural features, façade articulation and more subdued/neutral materiality to the elevated sections of multi-storey blank sheer walls on the southern and northern façade to break up the massing impact of the façade and reduce the visual dominance of the stairwell;
 - f) Material FB-2 modified to a more subdued and neutral colour;
 - g) The location of tree 12 *Acer palmatum (Japanese Maple)* located at 207 Clayton Road and its tree protection measures clearly annotated with any changes required to prevent adverse impacts to this tree., in accordance with supplementary arboricultural advice;
 - h) A section showing the design and materials of the proposed window screens to restrict overlooking;

- i) The edges of the new crossover angled at 60 degrees to the road reserve boundary at least for the first 3 metres from the edge of the road;
- j) Number of bicycle parking spaces in each 'bike storage' (in lieu of square metres);
- k) The location of the boom gate to the basement garage (if any) from the front property boundary to ensure no vehicles overhanging the footpath while waiting for the gate to open;
- l) The hydrant booster enclosure, electricity supply, gas and water meter boxes incorporated in the landscape setting;
- m) An amended Landscape Plan prepared in accordance with Condition 3;
- n) An amended Waste Management Plan prepared in accordance with Condition 8; and
- o) An amended Sustainable Management Plan prepared in accordance with Condition 10.

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscaping Plan

3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by John Patrick (Revision A) dated 7 October 2019 except that the plan must show:
 - a) The revised building layout in accordance with the development plan (DA-099 Revision 7; DA-100 to DA-103 Revision 8) and changes required under condition 1;
 - b) The hydrant booster enclosure, electricity supply, gas and water meter boxes incorporated into the landscape setting;
 - c) Additional small to medium sized trees within the 3 metre northern setback and along the southern side of the common driveway;
 - d) The detail of the proposed paving;
 - e) The location of external lighting (if any); and

- f) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas, all to the satisfaction of the Responsible Authority.
4. 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.
 5. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

S173 Agreement

6. Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
 - a) That no person may reside in the building unless that person is a bona fide student or academic whether part time, full time, short term or resides there in a supervisory, management or caretaker capacity of the facility;
 - b) Car parking spaces are only permitted to be used by the occupants of the units and their visitors;
 - c) Car spaces must not be individually subdivided, on-sold, leased, rented or made available to any other person other than an owner, occupant or visitor of the premises;
 - d) That residents of the units will be notified in writing as part of any lease or rental agreement that they will not be entitled to car parking permits for on street car parking;
 - e) Clearly note and acknowledge that should the land cease to be used for student housing, a new planning permit may be required for an alternative use. It should be noted that any dispensation for on-site car parking given to the student accommodation use is not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the Monash Planning Scheme;
 - f) That the student accommodation premises must be managed by a single entity with responsibility for all aspects of the use; and
 - g) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 7 of this permit.

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority

Student Accommodation Management Plan

7. Prior to the commencement of the student accommodation, an Operational Management Plan for the use of the site must be submitted to and approved by the Responsible Authority. The Plan should detail but not limited to:
 - a) Student accommodation units managed and under the control of a single operator responsible for the operation and maintenance of the entire premises for the life of the use as student accommodation;
 - b) The 24 hour contact details for the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible management contact person;
 - c) After hours contact details for management of the facility;
 - d) Appropriate management of the car park including access arrangements;
 - e) Appropriate maintenance of buildings and grounds, including all landscaped areas;
 - f) Permanent display of the Management Plan in a common area accessible to all residents of the student accommodation facility.

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

8. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be substantially generally with the Waste Management Plan prepared by Onemilegrid, dated 25 October 2019 but revised to the satisfaction of the Responsible Authority:
 - a) The bin store area located within the basement (as per the development plans prepared by CPO Architects Revision 7), with collection undertaken from the basement;
 - b) Include details of the purpose of the Waste Management plan as stated in the City of Monash Waste Management Guide for Applicants;

- c) Swept path diagrams showing the movement of the waste truck to the collection point and turning around within the site to enable exiting the site in a forwards direction;
- d) Revised waste volume calculation and provide for food waste recycling;
- e) Provision of future separated glass recycling as per Victorian Government Recycling Victoria Policy;
- f) Revised details of the private bins collection time and methods;
- g) Include a Management Communications Strategy to ensure occupants will understand their responsibilities regarding contamination, recycling and waste reduction; and
- h) Provide details of waste collection process supported by scaled plans.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

9. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
- a) Appropriate measures to control noise, dust and water and sediment laden runoff;
 - b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
 - e) A program for the cleaning and maintaining surrounding road surfaces;
 - f) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
 - g) Measures to provide for public Safety and site security;

- h) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- i) A Traffic Management Plan showing truck routes to and from the site;
- j) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- l) The provision of contact details of key construction site staff; and
- m) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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 that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Sustainable Management Plan (SMP)

10. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Low Impact Development Consulting Dated 16 October 2019, except that the plan must be modified to show the amended development layout to reflect the development plan (DA-099 Revision 7; DA-100 to DA-103 Revision 8).

Use of Land

11. The development can only be used for the purpose of student accommodation. Should the land cease to be used for student accommodation, a new planning permit may be required for any

alternative use. The car parking requirements for any subsequent use will be assessed in accordance with the provisions of the Monash Planning Scheme.

12. Not more than one person may reside in each bedroom shown on the endorsed plans at any one time.
13. All common areas on the endorsed plans must be made available and accessible to a resident on a shared basis at all times.
14. A resident on-site manager must be on the premises at all times.

Car Parking and Accessways

15. All car parking spaces are to remain in common property for the communal use of residents.
16. Before the use starts or any building is occupied, 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; and
 - 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.

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

Privacy screens

18. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Services and Plant Equipment

19. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
20. 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.
21. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.
22. 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.

Drainage & Stormwater

23. The site must be drained to the satisfaction of the Responsible Authority.
24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
25. 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.

Satisfactory Continuation

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

Department of Transport Conditions (Ref: PPR 31975/20)

27. Prior to the occupation of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Head, Transport for Victoria (formerly VicRoads) or the Responsible Authority.

28. Prior to the occupation of the development hereby approved, the new access crossover with the edges of the crossover angled at 60 degrees to the road reserve boundary at least for the first 3 metres from the edge of the road must be constructed and sealed to the satisfaction of and at no cost to the Head, Transport for Victoria or the Responsible Authority.
29. All vehicles must enter and exit the site in a forward direction at all times.

Time for Starting and Completion

30. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (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:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. This is **not** a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit is to be paid prior to any drainage works commencing.
- C. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention system is to be separated from the storm water detention system for the property.
- D. 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.

- E. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- F. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- G. Unless no permit is required under the planning scheme any signs must not be constructed or displayed without a further permit.
- H. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
- I. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.
- J. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- K. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
- L. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- M. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- N. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- O. Residents of the approved development will not be entitled to car parking permits for on street car parking.

Notes required by Department of Transport

- P. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 2017* and any regulations created under those Act.

BACKGROUND:

History

Planning application TPA/48089 to construct twelve dwellings over three levels with at-grade car parking was refused by Council on 19 January 2018.

The main grounds of refusal related to neighbourhood character, street setback, building height, landscaping, design detail, car parking and garden area.

Planning Scheme Amendment C125 Part 1 was gazetted in April 2018 and the subject land was rezoned from General Residential Schedule 3 (GRZ3) to Residential Growth Schedule 3 (RGZ3).

Despite the change in planning scheme controls, Council's decision to refuse the application was upheld at VCAT on 24 September 2018. A brief summary of the VCAT decision is as follows:

- The purpose of the Residential Growth Zone (RGZ) does not make any reference to neighbourhood character. The Planning Scheme seeks to maintain and enhance the Garden City outcome across the municipality. A landscaping response for this site and this proposal must be contextual.
- Although the proposed landscaping response is confined to the boundaries, this is an acceptable response particularly given the zoning of the land and the expectations of higher built form that this brings.
- The proposal will be a more dominant element in the streetscape than what presently exists. However, a proposal of this scale is exactly what the policy context of the Scheme envisages for this area, noting that the RGZ allows up to four storeys.
- The interface with the adjoining properties on either side is not particularly sensitive given both of the adjoining properties to the north and south are similarly zoned to the review site. This must be considered in balancing all of the objectives and policy sought for this site in assessing whether the impact will be unacceptable.
- The key failing of this proposal is the poor internal amenity outcome for future residents, particularly:
 - A significant number of habitable room windows above ground floor level are proposed to be screened or would be required to be screened.

- There is expectation that the adjoining sites to the north and south are will be developed. Therefore, an equitable development solution would need to be provided on that site that provides adequate separation between the two developments.

The Site and Surrounds

The subject site is comprised of two lots located on the western side of Clayton Road. The land has a frontage of 34.14 metres to Clayton Road, a depth of 42.52 metres, yielding a total site area of approximately 1450 square metres. There is a 2.44m wide drainage and sewerage easement spanning the western (rear) boundary.

The site currently contains two single storey dwellings and associated outbuildings. Each lot has one vehicle crossover to Clayton Road. The site has a slope from north-east to south-west of approximately 3.0 metres.

The site is within a residential precinct supporting the Monash National Employment and Innovation Cluster (MNEIC). The property is in close proximity to a range of services being approximately 700 metres north of the shops and Clayton train station. Monash University is located approximately 600 metres northeast of the site, and Monash Medical Centre is approximately 400 metres south of the site.

Overall the character of the area is predominantly residential with a mix of both single and double storey dwellings built with a variety of architectural styles, mostly commonly brick veneer construction with pitched tiled roofs. There is a row of eight commercial premises approximately 80 metres to the northeast of the site on Clayton Road which contains restaurants and shops.

Features of adjoining land is as follows:

North: A single storey brick dwelling at 207 Clayton Road with a single garage and driveway. Planning Permit TPA/49996 was issued on 31 July 2019 for the land at 205-207 Clayton Road, Clayton to allow construction of a four storey residential building containing 36 residential apartments with basement car park. The permit was extended to allow construction to commence before 31 July 2023. The development has not yet commenced.

South: A single storey brick dwelling at 213 Clayton Road with a single garage and double width driveway.

East: Clayton Road is to the immediate east, has four lanes and is in a Road Zone Category 1. Beyond Clayton Road to the east is characterised by detached single storey dwellings. Each has a single vehicle crossover and private open space to the rear.

West: A three dwelling development facing Grovedale Court known as 2 Grovedale Court. Units 1 and 2's garages and secluded private open space areas directly adjoin the subject land. All three dwellings are single storey detached brick dwellings.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:

The proposal seeks to construct a four storey building comprising 80 units to be used for student accommodation. A total of 29 car spaces are proposed within the basement car park.

Vehicle access to the basement car park will be via the modified existing vehicle crossover to Clayton Road, which is located near the southern boundary.

Details of the proposal are summarised as follows:

- Four storey building having a maximum building height of 13.7 metres, (measured to the top of the lift overrun).

- The proposed building setbacks are:

	East - (Clayton Road)	West - (rear)	North	South
Ground Level	4m	4.2m	1m - 3m	1.6m - 4.4m
Level 1	4m	4.2m	2m - 3m	2m - 4.5m
Level 2	4m	5.2m	3m	3m - 4.5m
Level 3	4m	6.17m	3m - 6.4m	4.4m - 6.65m

- 80 units for student accommodation over four levels:

	Studio Apartments (no separate bedroom)
Ground level	20
Level 1	23
Level 2	22
Level 3 (Top level)	15
Total	80

- All units are self-contained and range from 24 to 34.2 square metres with minimum width of 3.4 metres.
- A total of 29 car parking spaces and 48 bicycle spaces are provided.
- Communal open space area of approximately 400 square metres is provided at ground level within the centre of the building and along the rear property boundary. An additional 130 square metres of open space area is provided within the front setback.

- Indoor communal lounge spaces are provided on levels 1, 2 and 3 and range in size from 23 square metres to 34.7 square metres.
- A dedicated bin storage room within the basement near the driveway ramp.
- A 1.8 metre high fence along the front boundary on Clayton Road consisting of brick and glass and a 1.5 metre high power coated metal fence along the pedestrian entrance path.
- The building is of a contemporary design with a mixture of material finishes including face brick, render finishes and feature and metal screening.
- A new crossover constructed adjacent the south-eastern corner of the site providing access to the basement car park. The existing vehicle crossovers on Clayton Road to be removed.
- All trees within the site are to be removed. Existing street trees on the nature strip will be retained.
- Site coverage is 60.3%.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The subject site is located within the Residential Growth Zone, Schedule 3 (RGZ3) under the provisions of the Monash Planning Scheme.

Pursuant to the Residential Growth Zone (Clause 32.07-2), a permit is required to use the land for student accommodation. A permit is also required to construct a building or construct or carry out works for the proposed use.

Overlay

The land is not affected by any overlays under the provisions of the Monash Planning Scheme.

Particular & General Provisions

Clause 52.06 *Car Parking* and Clause 52.34 *Bicycle Facilities* apply as the proposal includes new uses of student accommodation. Council's Student Accommodation Policy at Clause 22.10-4 specifies car parking and bicycle parking spaces to be provided at a rate of 0.3 spaces per bed and 0.5 spaces per bed respectively.

As the required car parking and bicycle spaces are provided, no permission is required under the provision of Clause 52.06 *Car Parking* and 52.34 *Bicycle Facilities*.

Clause 52.29: Land adjacent to a Road Zone, Category 1

A permit is required to create or alter access to a Road Zone, Category 1. A permit is required for the creation of a new crossover and removal of existing crossovers on Clayton Road.

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

CONSULTATION:**Public Notice**

The original and amended application were advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners/occupiers, and displaying two (2) large signs on the street frontage of the site.

No objections were received.

Amended Plans

Following public notification of the original application in June 2020, Council officers reiterated the advice to the Permit Applicant that the application would be recommended for refusal. This was based on the concerns raised in the further information letter including the poor internal amenity, the lack of communal facilities and the insufficient building setbacks.

The Permit Applicant advised their intention to address the concerns and after numerous discussions, a formal amendment under Section 57A of the *Planning and Environment Act* was submitted to Council on 14 July 2021.

Key changes included in the amended proposal include:

- Reduction of the total number of units from 96 to 80.
- Increased unit sizes to a minimum 24 square metres.
- Internal reconfiguration to provide indoor communal areas above ground level.
- Front setback reduced from 5 to 4 metres.
- Increased level 3 (top level) setbacks to the northern and southern boundaries from 3 & 4.5 metres to 3- 6.4 & 4.4- 6.65 metres.
- Part of the basement was extended to the southern boundary to accommodate the bin room.
- Minor changes in materials and colour palette on south elevation.

The building height and the car parking provision did not change from the originally advertised proposal.

Public notification of the amended application was undertaken between 15 July to 2 August 2021.

This report is prepared based on the amended plans (revision 8) received by Council on 14 July 2021.

The Applicant has been formally advised that this application was coming to the August Council meeting, and a letter was sent to the Applicant informing of the details of the Council meeting.

The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Referrals

External Referrals

Department of Transport (PPR 31975/20)

The original and amended applications were referred to the Department of Transport pursuant to the following Clauses of the Monash Planning Scheme:

- Clause 52.29- An application to create or alter access to a road in a Road Zone, Category 1 where Clayton Road is declared as a Road Zone Category 1.
- Clause 66.02- An application to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms. The proposed residential building contains a total of 80 lodging rooms.

The Department of Transport did not object to the proposal, subject to general conditions relating to removal of the existing vehicle crossover and design requirements for the new vehicle crossover.

Internal Referral

Traffic Engineer

The application has been referred to Council's Traffic Engineers who have provided advice and recommended conditions in relation to clearance to car parking space 8; and provision of a turning bay so vehicles can turn around and exit the basement in a forward direction when all spaces are occupied.

Drainage Engineer

Council's drainage engineers advised that the property is within an overland flow path and require the ground level of the proposed building to have a minimum finished floor level of 76.1 metres Australian Height Datum (AHD). The proposal meets this requirement.

Waste Services

Council's Waste Officers advised that the proposed bin collection on the street frontage is not supported and the development is required to provide private collection within the property, given the scale of the development.

The Permit Applicant responded to this advice by relocating the proposed bin room from the ground level to the basement. An amended Waste Management Plan will be required to reflect the amended proposal.

DISCUSSION:

Consistency with State and Local Planning Policies

State Planning Policy Framework (PPF)

Plan Melbourne Refresh identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (MNEIC). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne's position as a global city and will be supported into the future.

The subject site is located within the MNEIC where the scale of new residential development will generally comprise larger footprint residential development of a high quality design and finish. In addition, Stage 1 of the Suburban Rail Loop project is envisaged for commencement in 2022 and proposes a new rail line connecting Melbourne's major employment, health and education precincts and activity centres. There will be a station located in or around the Monash University and Clayton railway station.

This proposal to develop a multi-storey residential building for the use of student accommodation with high architectural quality over two lots of land meets the intent of the relevant strategic policies.

Local Planning Policy Framework (LPPF)

Clause 21.04 (Residential Development) identifies that a key issue for the City of Monash is demand for quality student accommodation which has resulted in housing shortages and a significant number of students living in substandard, shared housing facilities.

Clause 22.01 (Residential Development and Character Policy) identifies the site within the *Housing Growth Area- Clayton Activity Centre and Monash National Employment Cluster*. The site is earmarked to provide larger footprint apartment development of a high-quality design and finish. Setbacks from all boundaries will be less than the other parts of Monash, and developments will ensure the incorporation of well-maintained landscaping to address the Garden City Character, albeit in a more urban form.

Clause 22.10 (Student Accommodation Policy) requires student accommodation to be of high quality and well designed and responds to the desired future character. Student accommodation should include adequate and well-proportioned communal open space areas, and shared facilities or common areas integrated into the design, to meet the amenity and recreation needs of student residents.

Developments should also provide adequate on site car parking and bicycle storage to minimise car parking impact on existing streets.

The housing strategy identifies that there is increasing demand for student accommodation around the Monash University and a variety of affordable housing is encouraged to support the high technology research and development industries within the MNEIC.

The subject site is within the Clayton Activity Centre, approximately 700 metres from the commercial precinct and Clayton train station. It has good access to community services and is in the vicinity of the Monash Medical Centre and Monash University. It also benefits from the good public transport network on Clayton Road and Dandenong/ North Road. It is an appropriate location to provide accommodation for students.

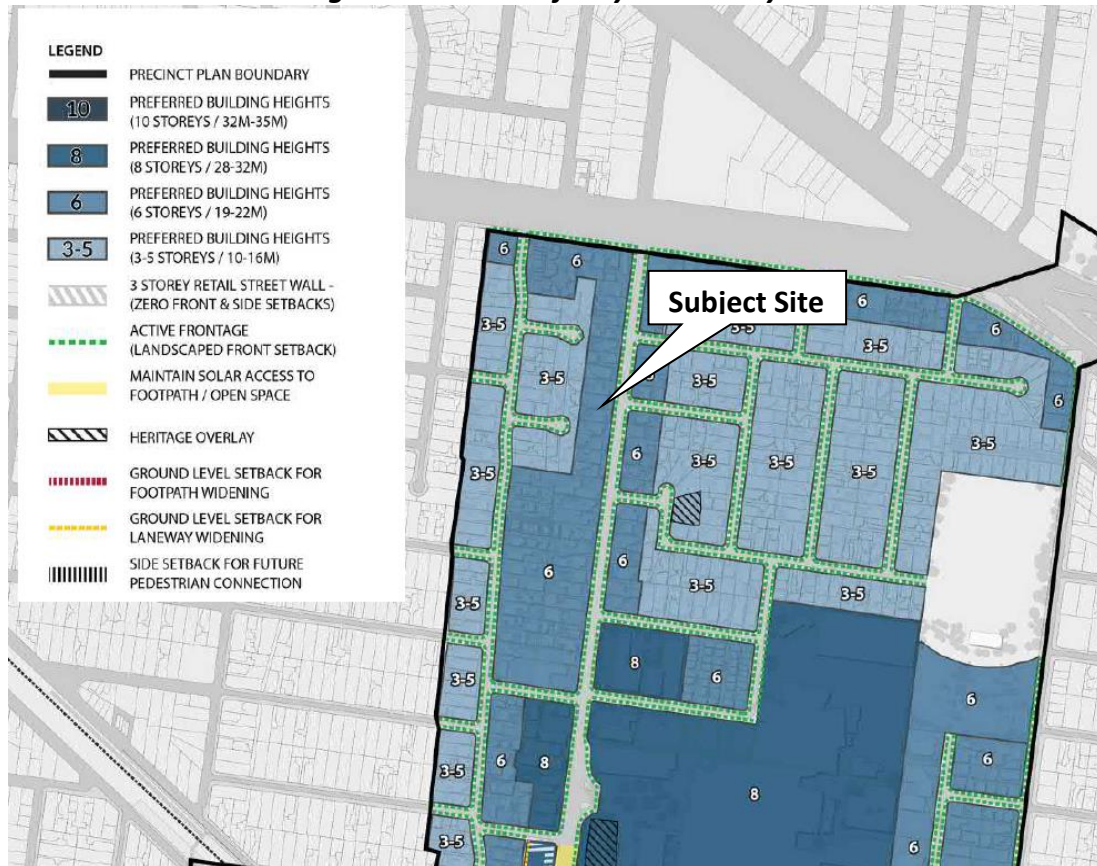
Clayton Activity Centre Precinct Plan

At its meeting on 28 January 2020, Council adopted the Clayton Activity Centre Precinct Plan. The plan is yet to proceed to a Planning Scheme Amendment, but it is intended that the Precinct Plan articulates what Council would consider as “appropriate change” for the centre as identified in Clause 22.03.

The subject site is identified within “*Precinct 2: Health and Medical*” which aims to strengthen the role of the Monash Medical Centre as a land use and employment anchor for the precinct. New developments will activate the precinct through high quality mixed use buildings to provide medical suites, offices and housing.

The Precinct Plan identifies that residential developments will provide for medium scale (6-8 storeys) with a preferred maximum building height of 6 storeys. Development outcomes seek to promote visual interest and variation in the Activity Centre skyline, to provide a high quality landscaped setting for buildings that related to the existing character and establish a pedestrian scale environment at street level. It aims to avoid unarticulated facades that give a bulk appearance especially from oblique views and avoid repetitive stepped / ‘wedding cake’ designs.

Figure 1 - Extract of Clayton Activity Centre Built Form Plan



REQUIREMENT	VARIATION	RESPONSE
Preferred maximum Building Height	6 storeys (19-22 metres)	Compliance achieved The proposal has a maximum building height of 13.7 metres.
Front Setback	4 metre landscape setback from the street for development up to 12 metres. 3 metre additional upper level setback for development above 12 metres.	Minor Non - Compliance achieved Proposed 4 metres setback from the front boundary up to the maximum wall height of 12.2 metres. The slight variation of 0.2 metres is considered acceptable as the proposed architectural presentation is high quality and would be diminished if we sought to reduce its height on this level.
Rear Setback	3 metre rear setback for development up to 9.9 metres, plus 1 metre additional setback for every metre of height over 9.9 metres up to 16.5 metres.	Compliance achieved Ground level and first level are setback 4.2 metres and the second level is setback 5.2 metres which exceeds the setback requirement.

		The top level (13 metres in height) is required to setback 6.1 metres and the proposed setback of 6.17 metres also exceeds the requirement.
Side Setbacks	1 metre setback, plus 0.3 metres for every metre of height, over 3.6 metres up to 9.9 metres, plus 1 metre for every metre of height over 9.9 metres, up to 16.5 metres.	<p>Variation required-</p> <p>Proposed varying setbacks between 2 to 4.5 metres from the northern and southern boundaries satisfy the requirement.</p> <p>Level 3 (13 metres in height) requires a setback of 5.5-5.9 metres given the angled roof. The proposal meets this requirement.</p> <p>The wall height and the roof form have been modified to comply with the height and setback requirements. The setback to the northern boundary has also been increased to comply with the requirement.</p> <p>The stairwell of the development provides for a setback of 3 metres to the northern boundary and is considered to be an acceptable encroachment. This will be further discussed in the assessment section.</p>

Clause 32.07- Residential Growth Zone – Schedule 3

The principal control affecting the subject site is the Residential Growth Zone Schedule 3 (RGZ3) which seeks to facilitate housing growth in the form of apartment buildings of a high quality design and finish. The site is located in an area which is expected to undergo substantial change to provide for housing intensification. 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.

RGZ3 nominates variations to Clause 55 (ResCode) applicable to the site. The submitted proposal generally complies with the varied requirements. Details of assessment of the proposal against the RGZ3 are as follows:

REQUIREMENT	RESPONSE
Minimum front street setback of 4 metres	<p>Compliance achieved</p> <p>The proposed front setback is 4 metres.</p>

<p>Minimum rear setback of 3 metres for the first 2 storeys plus 2 metres for the third storey.</p>	<p>Compliance achieved</p> <p>The first 2 storeys (Ground Floor & Level 1) are setback 4.2 metres, and levels 2 & 3 are setback 5.2 & 6.17 metres from the rear boundary.</p>
<p>Landscaping – Retain or provide at least one canopy tree with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.</p>	<p>Compliance achieved</p> <p>The front setback is sufficient to accommodate new canopy trees with mature height of 12 or more metres.</p>
<p>Front fence height – 0.9 metres</p>	<p>Variation required-</p> <p>The proposed front fence of 1.5 & 1.8 metres in height exceeds the preferred maximum height of 0.9 metres. Objectives of the RGZ3 seek to provide no or low front fences to allow an open landscape presentation to the street. Permit conditions will require the front fencing to be reduced to no higher than 0.9 metres.</p> <p>Council notes that VCAT approved a 1.8 metres high front fence on the previous proposal however the previous proposal was for a multi-unit development which had a completely different built form and presentation to the streetscape.</p>
<p>Private/ communal open space</p>	<p>Compliance achieved</p> <p>Communal open space areas are located at the ground level, including approximately 122 square metres of area in the central courtyard. Additional open space area is provided within the front, rear and side setback areas.</p> <p>Indoor communal areas are provided above ground level.</p>
<p>Preferred maximum building height of 13.5 metres</p>	<p>Variation required-</p> <p>The proposed building complies with the exception of the lift overrun which is maximum 13.7 metres in height.</p> <p>The lift overrun will not cause significant visual impacts to any person as it is setback almost 14 metres from the front boundary, 6 metres from the northern boundary, and over 20 metres from the southern and rear boundaries.</p>

ASSESSMENT

Site Context, Built Form and Scale

Whilst the purpose of the RGZ3 is to facilitate housing growth through the development of apartment buildings, it requires new development to contribute to the Garden City Character and minimise amenity and visual bulk impacts to any sensitive residential interface.

The subject site is located at the edge of the Residential Growth Zone, with the adjoining land to the rear (west) zoned General Residential Schedule 3. The adjoining residential land has less intense development opportunities than the subject land. The current zoning limits this to three stories. The Clayton Activity Centre Precinct Plan identifies it as being appropriate for housing development of between 3-5 stories, should the recommendations of that plan eventuate and the necessary rezoning occur to allow this.

The site is located on a main road where development of a greater scale and intensity is to be expected and encouraged. The façade is highly articulated through use of quality materials and finishes including the use of decorative architectural screening and contrasting materials. This provides for an appropriate architectural response to Clayton Road consistent with design objectives of the zone.

The proposed development has a somewhat austere presentation to the northern and southern interfaces as a consequence of large sections of visually prominent, elevated, blank façade walls. In some sections of the southern façade this is exacerbated through the use of intense red face brickwork. Additional articulation is required to break up the sections of blank walls on the northern and southern facades to improve the presentation of these aspects of the development on adjoining properties. This can be achieved utilizing various techniques including a more neutral colour palette to minimize the prominence of the façade, and provision of additional architectural features within the façade presentation through the use of contrasting materiality and/or decorative screening. A condition to address this has been included in the recommendation.

The north adjoining property at 205-207 Clayton Road has a planning permit for a four storey apartment building. The design response integrates well with the approved development on the adjoining property to the north.

The site, having a total land size of over 1,450 square metres, is capable of accommodating a well-designed larger building. The proposed building design responds to the features of the site and has had appropriate regard to the existing residential interfaces. The proposed conditions will further enhance the presentation of the building and some features of note are:

- Architectural features and varied materials and finishes are utilised to provide high quality architecture. The material and colour palette assist to soften the perception of visual bulk and mass however permit conditions will require the dominance of the stairwells to be softened.

- The varied setbacks and central courtyard assist to break up the façade to avoid large block like structures or lengthy sheer facades.
- The proposed front setback of 4 metres is consistent with the preferred setback in the RGZ3; and the rear setback of 4.2- 6.17 metres exceeds the setback guidance in RGZ3. There will be sufficient room for canopy tree or screen planting along all boundaries to maintain the Garden City Character.
- A reduced height of front fencing will allow presentation of an open garden setting to the street including the provision of canopy trees and understory planting.

Streetscape presence and integration

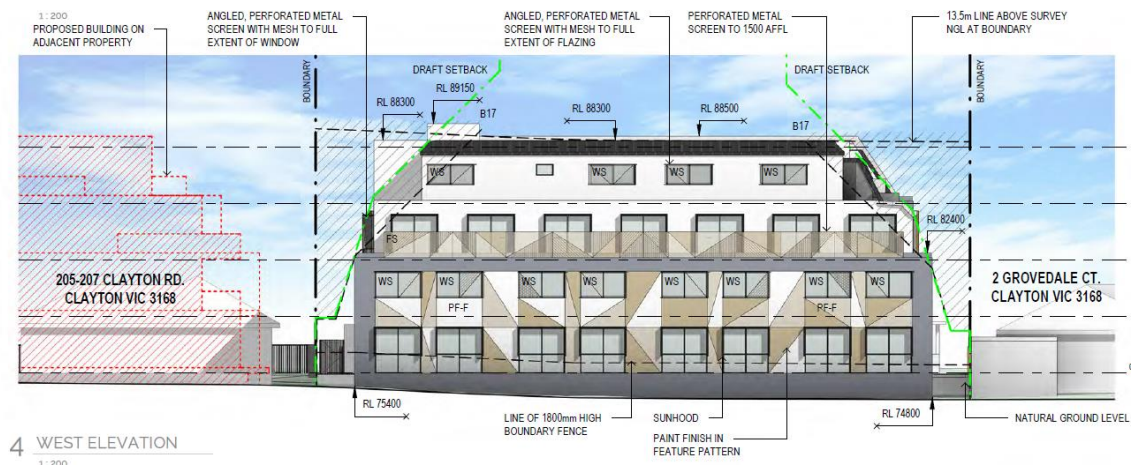
- The proposal contains a dynamic façade which maintains a human scale, maximises the opportunities for outlook to the public realm and provides excellent active and passive surveillance to the street.
- The variation of materials and colours creates interest. The architectural features provide a capping element to the three storey built form with a recessed fourth level.
- Pedestrian entry is located on Clayton Road and identified with an architectural feature and climbers.
- Paving within the front setback is minimised to allow for canopy tree planting and landscaping.
- One vehicle crossover is proposed on Clayton Road to minimise visual disruption to the streetscape.
- Details of the location of the hydrant booster enclosure, gas and water meters and substation are required to ensure they will be integrated within the landscape setting. This will be requested via permit condition.

As discussed in the VCAT decision *Pan vs Monash CC [2018] VCAT 1309* 'it envisages that development in this zone is likely to be quite different to that which presently exists'. Overall, the proposed four storey built form responds well to all interfaces through its setbacks and articulation, façade detailing, visual break and material and colour palette.

Off site amenity impacts

Side Setbacks

The proposed setbacks do not comply with those recommended in Standard B17 of Clause 55.04. The top two levels to the northern and southern boundaries, indicated in the diagram below are non-compliant.



The above diagram shows that the proposal does not comply with the setback requirement under Standard B17 however it generally complies with the setback requirement in the Clayton Activity Centre Precinct Plan (shown in green dotted line). The extent of encroachment relates the main internal stairwell and top edge of the lift overrun. These sections of the building will have a minimal visual massing impact on the adjoining property to the north and the encroachment is considered acceptable. Revision of the architecture of the stairwell would however further reduce its dominance to the northern interface. This can-be achieved via permit condition.

The subject site is located within the Residential Growth Zone, and the Clayton Activity Centre Precinct Plan is adopted by Council with variation of setback requirements to envisage higher scale development in this area. The proposal satisfying the requirements in the Clayton Activity Centre Precinct Plan is an appropriate response to Council's local planning policies.

Overshadowing

Shadows from the proposed building generally fall onto the front and side setbacks of southern adjoining property, and there will be minimal shadowing to the secluded private open space area, complying with the requirement of Standard B21 of Clause 55.04 (*Overshadowing Open Space Objective*).

Additional shadow falls onto the western adjoining properties early in the morning. The shadow starts to move away from 10am and these properties are free from any additional shadow from the proposed building from 11am onwards. These properties will receive a minimum of four hours of sunlight instead of the five hours between 9am and 3pm as encouraged in Standard B21 of Clause 55.04 (*Overshadowing Open Space Objective*). The non-compliance is considered reasonable, given these properties adjoin a residential growth area where it envisages higher intensity development. This proposal is considered a balanced outcome of preferred higher density development while minimising impacts on existing amenity.

New development is required to consider its impact on any existing rooftop solar energy systems on adjoining dwellings. In this case there are solar panels located on the northern roof of the adjoining dwelling to the south.

In considering the potential impacts of the development regard should be given to compliance with development setbacks and whether the rooftop solar energy system is appropriately located to protect it from overshadowing through placement higher on the roof and as far from existing lot boundaries as possible.

The adjoining solar panels are located as far from the boundary as possible, whilst still facing north, but are positioned on the lower section of the roof and accordingly susceptible to being overshadowed. The submitted shadow diagrams demonstrate that the development does not affect the solar panels when measured at the equinox. Shadows of the development will touch the gutter edge of the roof adjacent to the solar panels throughout the course of the day, but will not overshadow the existing solar panels.

North facing existing windows

Standard B20 of Clause 55.04-4 North facing windows objective requires new buildings to be setback sufficiently from a north facing habitable room window of an existing dwelling, where the habitable room window is within 3 metres of a boundary on an abutting lot.

The proposed building is opposite to two north facing habitable room (bedroom) windows of the south adjoining property, setback 1.7 metres from the common boundary. The wall height of the proposed building and required setbacks are shown in the table below:

	Wall height	Setback required in Standard B20	Setback to the south adjoining windows
Ground level	3.8m	1m	3m
Level 1	6.8m	1.96m	6.2m
Level 2	9.9m	5.98m	6.2m
Level 3	12.8m	8.98m	8m

Variation is required to the prescribed setback requirement of level 3 by 980mm. It is considered that reasonable solar amenity is provided to the adjoining north facing windows. They are provided with an effective light well having a minimum width of 5.7 metres.

These properties are within the Residential Growth Zone, where higher scale developments are expected. This proposal is considered a balanced outcome of preferred higher density developments while minimising existing amenities.

Overlooking

Habitable room windows are to be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres.

All habitable room windows with potential overlooking are provided with external screening, however details of the screens will be needed to ensure they complement the architecture of the building, and effectively prevent overlooking.

Equitable Development

The proposal has been designed to allow for equitable development of the northern and southern adjoining properties, as they are zoned the same as the subject site.

VCAT decision *Pan v Monash CC [2018] VCAT 1309* commented to the previous proposed development that a *'significant number of habitable room windows above ground floor level are proposed to be screened or would be required to be screened, which would result in a poor outcome for future occupants of the proposal as a whole'*.

In the previous proposal, eight out of twelve balconies were setback 2.3 metres to the northern and southern boundaries and were all screened to prevent overlooking. The Tribunal did not consider this to be an acceptable outcome.

The current proposal before Council has significantly changed its presentation to the side boundary interfaces and reduced the number of habitable room window facing south to zero, and north to only four with a setback of less than 4.5 metres and requiring screening.

On balance, the screening four windows along the northern elevation is considered a balanced response which will allow ample opportunity for equitable development of the adjoining properties. Furthermore, the proposed setbacks comply with the side and rear setbacks of the Residential Growth Zone and the Clayton Precinct Plan. It is considered that adequate building separation has been provided having regard to potential development on adjoining properties, with an acceptable level of internal amenity.

Internal Amenity

The proposed development provides adequate space and amenities to deliver an acceptable standard of living for students as required by the Council's Student Accommodation Policy.

Communal Open Space

The Policy encourages development that provides communal open space at ground level, located to the side or rear of the building with convenient access. The Policy requires a communal open space area with a minimum area of 75 square

metres or 4 square metres per student, whichever is the greater, designed with a minimum dimension of 3 metres, including one area to the side or rear of the building of 35 square metres with a minimum dimension of 5 metres.

The proposal with 80 students requires a total of 320 square metres of communal open space. An area of approximately 400 square metres of outdoor communal open space is provided centrally within the site and along the rear property boundary, which is conveniently accessible. Additional open space area is provided within the front setback and along the side boundaries to provide for landscaping.

Room Sizes and Amenities

Clause 22.10-4 *Student Accommodation Policy* recommends that a building used for student accommodation should incorporate the following amenities:

Category	Requirement	Compliance
Room size	Self-contained accommodation: minimum of 24 square metres floor area per unit.	Compliance achieved All units are self-contained and they are a minimum size of 24 square metres.
Room Facilities	Separate sleeping area, study area with desk and seating, ensuite facilities, independent heating and cooling, inbuilt cupboards for storage of personal items, internet access, and for self-contained units, individual kitchen facilities	Compliance achieved All units are a studio type, with bathroom and individual kitchen facilities.
Communal Amenities	Communal facilities should include individual mailboxes and a dedicated waste storage area Unless provided to individual units common facilities should also include laundry, kitchen and meals area facilities.	Compliance achieved A communal area is provided on each level; and a common laundry is provided within the basement near the stairs/ lift.

Overall, the proposal will provide good on site amenity for future residents.

Management Plan

Council's Student Accommodation Policy has a requirement for a management plan to be provided and this can be included as a condition on a permit.

Daylight to new windows

Concern was raised initially during the application with respect to daylight to the rooms which face towards the internal courtyard. A daylight modelling report was prepared by LID Consultants. A daylight factor of 0.5% - 93% of the floor area in each room is considered reasonable. 89 out of 96 rooms originally complied with this requirement. Those with the poorest result were those at the ground floor, and two rooms on level 01 at the northern end of the courtyard area.

The proposal has been revised from having seven rooms to six rooms at the ground floor; and eight rooms to six rooms on level 1 facing the internal courtyard. In doing

this, the widths of the rooms have increased allowing better access to daylight for most of these internal facing rooms.

Environmentally Sustainable Development

A Sustainability Management Plan was provided with the application, prepared by LID Consultants. The report suggests the use of a 15,000L water tanks to supply water to toilets and reduce potable water consumption. A proposed water tank is located beneath the proposed basement.

Overall, the proposed development exceeds the mandatory Environmentally Sustainable Design (ESD) requirements and demonstrates a Best Practice environmentally sustainable development.

Landscaping

The Monash Planning Scheme seeks to maintain and enhance the Garden City Character of the Municipality and the Residential Growth Zone seeks to ensure development occurs within a garden setting which allows retention of existing significant trees or planting of new canopy trees.

The subject site contains existing trees ranging between 5-8 metres in height. They are all in fair to poor condition with no to low retention value. Other existing vegetation are shrubs, weeds and fruit trees. All trees are to be removed.

The majority of the neighbouring trees will not be adversely affected by the proposed development given the minor level of encroachment into the Tree Protection Zone. An exception to this is to the neighbouring Tree No.12 *Acer palmatum* (*Japanese Maple*) located at 207 Clayton Road. The proposal will encroach into the Tree Protection Zone of this tree by 23.8% which is a major encroachment. This tree is indicated for removal in the approved development at 205-207 Clayton Road Clayton under Planning Permit TPA/49996.

However as the development has not commenced, the tree should be protected. The arborist report provided by the Permit Applicant suggested that the paving located in the Tree Protection Zone of this tree should be installed above natural grade and using permeable material; and ground protection should also be installed in the Tree Protection Zone area during demolition and construction phases. A permit condition will require additional details of any potential adverse impacts to this tree, and changes/ measures to minimise this impact.

Proposed landscaping

The submitted landscape plan shows the proposed planting of three (3) *Acacia melanoxylon* '*Blackwood*' with a mature height of 12 to 20 metres within the front setback, five (5) *Corymbia eximia* '*Bloodwood*' with a mature height of 10 metres along the rear boundary and three trees of 7-10 metres mature height within the southern setback. These trees will assist to soften the streetscape, buffer the development to adjoining properties, and maintain a Garden City Character. The plan shows only shrubs along the northern boundary. It is considered the proposed

3 metre setback should be sufficient for canopy tree planting to soften this interface which could be achieved via permit condition.

Additional small trees, shrubs and ground cover planting are provided along property boundaries and within the central courtyard to further enhance the internal amenity of the building.

Car Parking, traffic and access

Clause 22.10 *Student Accommodation* states that car spaces should be provided on site at the rate of at least 0.3 car spaces per bed for sites located within Preferred Locations, and 0.4 car spaces per bed for sites located outside Preferred Locations. There is no requirement for visitor parking.

The subject site is within a preferred location and also within the Principal Public Transport Network (PPTN) area. The car parking requirements for the proposal are set out in the following table:

Use	Number of units/ bedroom	Clause 22.10 Requirements	Car spaces Required	Car spaces on advertised plans
Student Accommodation	80 units/ bedroom	0.3 car spaces per bedroom	24 car spaces	29 car spaces

The proposed car parking provision is in excess of the statutory requirement. Location of the boom gate has not been indicated on the submitted plans however a condition will be included to ensure it will be located to avoid vehicles overhanging the footpath whilst waiting for the gate to open.

Council's Traffic Engineer advises that the proposal is generally satisfactory. Parking space 8 should be provided with an additional 300mm clearance to the bike store which could be achieved via permit condition. In addition it is recommended that parking space 20 be turned into a turning bay for scenarios when all parking spaces are occupied. This could also be achieved via permit condition.

In addition to these changes, a rearrangement of the bin storage room within the basement will be required and will result in the additional loss of 4 car parking spaces. This is discussed in more detail below. The overall loss of 5 spaces due to changes within the basement is satisfactory, given the surplus parking originally proposed. The provision of 24 spaces for 80 units will continue provide adequate on site car parking, in accordance with Council's requirements.

Use	Number of units/ bedroom	Clause 22.10 Requirements	Car spaces Required	Car spaces on advertised plans	Car spaces following amendments required in the basement
Student Accommodation	80 units/ bedroom	0.3 car spaces per bedroom	24 car spaces	29 car spaces	24 car spaces

Council's Traffic Engineers also advised that the level of traffic generated by the proposed uses is considered to be low and would have minimal impact on the safety and operation of Clayton Road and the surrounding road network. The Department of Transport also did not raise any concerns regarding the proposed car parking provision and vehicle access arrangement.

Bicycle Parking

Clause 22.10 *Student Accommodation* specifies that bicycle parking should be provided at a rate of 1 bicycle space for every 2 students. Bicycle space design must comply with the requirements of Clause 52.34 *Bicycle Facilities* of the Monash Planning Scheme.

The proposed building provides a total of 80 units, therefore a minimum of 40 bicycle spaces are required. The proposal exceeds the requirement with the provision of 48 bicycle spaces within the basement and ground level.

Permit conditions will require the number of bicycle parking spaces in each store area to be provided on the plans to ensure they correlate to the total number of bicycle parking spaces provided in the development summary.

Waste Collection

The Waste Management Plan submitted requires major revision to satisfy the requirements of Council's Waste Services as the original proposal for bin collection by a private contractor on Clayton Road was not supported by Council's Waste Services.

The proposal was amended to relocate the bin storage within the basement car park, aiming to allow for on-site private collection. The location of the bin storage area requires relocation due to its proximity to the driveway ramp. The applicant has advised that bin storage room could be rearranged within the basement by removing no more than 4 car parking spaces. This will bring the total number of car parking spaces down to a minimum of 24, whilst still meeting the statutory car parking requirement.

The current basement ramp clearance is 2.4 metres which will allow for access of a waste vehicle.

CONCLUSION:

The proposed development is considered appropriate given the locality and relevant objectives of state and local policies relating to housing, increased residential density and provision of student accommodation in these locations. The design response has been developed having appropriate regard to objectives of the Residential Growth Zone Schedule 3.

The proposed architecture is of a high standard and will provide a positive architectural impact in the neighbourhood. The proposed building will be setback adequately to property boundaries to limit off site amenity impacts and allow for landscaping opportunities to maintain the garden city character.

Adequate communal open space is provided for recreation and landscaping purposes. Common areas are provided within the building to avoid social isolation, and internal amenity of the units is satisfactory.

The car parking provision for the proposal is considered adequate and supported by Council's Traffic Engineer.

Overall, the proposal is considered appropriate in both its concept and design and it is recommended that a permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.