

**1.3 410-412 HAUGHTON ROAD, CLAYTON
CONSTRUCTION OF A FOUR STOREY RESIDENTIAL BUILDING COMPRISING
COMMUNITY CARE ACCOMMODATION AND RESIDENTIAL APARTMENTS
(TPA/52504)**

EXECUTIVE SUMMARY:

This application proposes the construction of a four storey building containing both specialist disability accommodation (SDA) and residential apartments. A total of nineteen (19) apartments are proposed in total.

The application was subject to public notification. One (1) objection to the proposal has been received.

Key issues to be considered relate to provision of car parking and traffic, amenity impacts on surrounding properties and internal amenity for future residents.

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

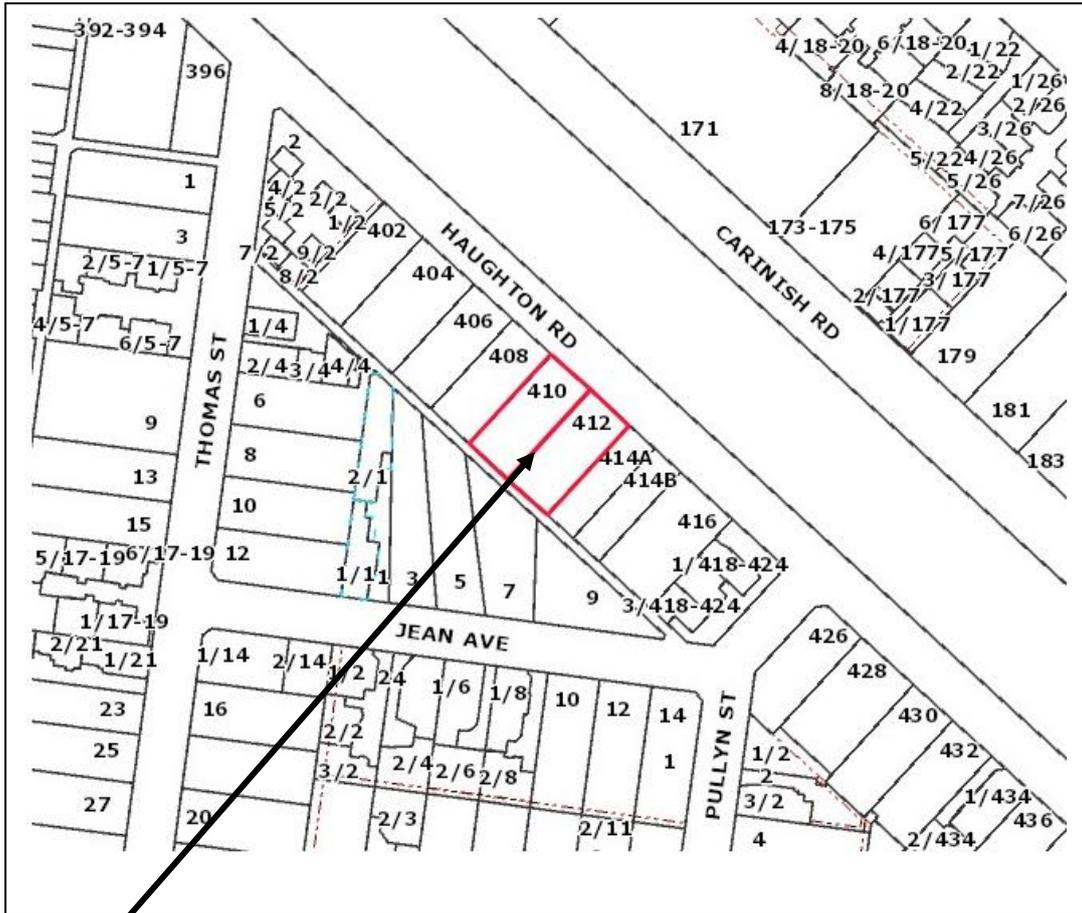
The reason for presenting this report to Council is the proposed development cost of \$5 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Oakleigh
PROPERTY ADDRESS:	410-412 Haughton Road, Clayton
EXISTING LAND USE:	Two single detached dwellings
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	One (1)
ZONING:	Residential Growth Zone, Schedule 3
OVERLAY:	Nil
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne	<u>Local Planning Policy Framework</u> Clause 21.01- Introduction (Municipal Strategic Statement)

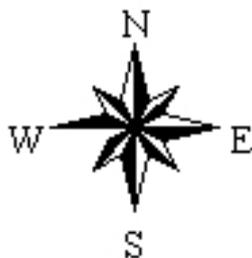
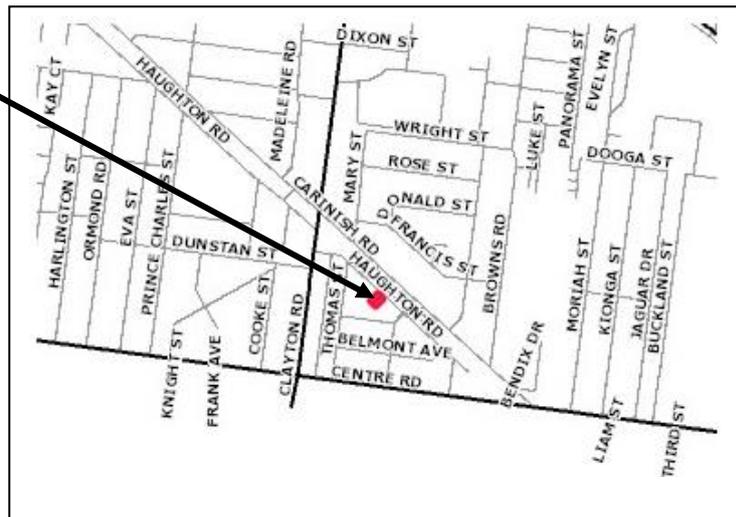
<p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 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 22.04- Stormwater Management Policy</p> <p>Clause 22.05 – Tree Conservation 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 52.22 – Community Care Accommodation</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 55- Two or more dwellings on a lot and residential buildings</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	3 August 2021
DEVELOPMENT COST:	\$5 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/52504)** for the construction of a four storey residential building comprising Community Care accommodation (Specialist Disability Accommodation) and residential apartments, at 410-412 Haughton 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. The plans must be generally in accordance with the plans submitted to Council prepared by CBG, dated 13 April 2021 (Revision B) but modified to show:
 - a) A detailed materials schedule of all external materials including colour swatches.
 - b) Storage to be provided for each dwelling and Specialist Disability Accommodation Apartment in accordance with Standard B44 of Clause 55.07-10. Storage facilities may be located within communal corridors if required.
 - c) Windows and balconies associated with Apartment 103 and 203 to be screened in accordance with Standard B22 of Clause 55.04-6.
 - d) A Landscape Plan in accordance with Condition 3 of this Permit.
 - e) A Tree Management Plan in accordance with Condition 5 of this Permit.All to the satisfaction of the Responsible Authority

Layout not to be Altered

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

Landscape 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by John Patrick Pty Ltd, dated 4 March 2021 except that the plan must be modified to show:
 - a) Any changes as required by Condition 1 of this Permit.
 - b) Planting within planters on the fourth storey to include cascading

plants.

- c) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road
4. Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

Tree Management Plan

5. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 11-14, 24-32, 33-34, 36 & 37 (as identified in the Arborist Report submitted with the application, prepared by John Patrick Pty Ltd dated February 2021).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
- b) Tree protection zones and structural root zones of all trees to be retained,
- c) All tree protection fenced off areas and areas where ground protection systems will be used;
- d) The type of footings within any tree protection zones;
- e) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- f) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- g) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and

pruning of any roots required to be undertaken by the Project Arborist.

- h) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- i) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

6. The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by Ratio Consultants Pty Ltd dated 5 March 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan prepared by JBA Smarter Engineering dated 5 February 2021 must be implemented and complied and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority.

Construction Management Plan

8. 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.

Section 173 Agreement

9. 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 all apartments on the ground, first and second floors are used for Specialist Disability Accommodation (SDA) and that apartment 00A is used only for the purposes of on-site overnight assistance in association with these SDA apartments;

- b) 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; and
- c) Clearly note and acknowledge that should any changes be made to the use of the apartments identified for Specialist Disability Accommodation, 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 Specialist Disability 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.

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.

Use of Land

10. All apartments on the ground, first and second floors are to be used for Specialist Disability Accommodation (SDA) and that apartment 00A is used only for the purposes of on-site overnight assistance in association with these SDA apartments. Should any of these apartments cease to be used for specialist disability 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.

Privacy screens

11. 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 ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Ongoing Architect Involvement

12. As part of the ongoing consultant team, CBG Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
 - a) oversee design and construction of the development; and
 - b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Services and Plant Equipment

13. 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.
14. 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.
15. 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.

Automatic Watering System

16. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Car Parking and Accessways

17. 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;
 - 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.

18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
19. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

20. 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.
21. The accessible parking spaces should be designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.
22. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Drainage and 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, or any alternate system.

Satisfactory Continuation and Completion

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

Time for Starting and Completion

27. 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 2 years from the date of issue.
 - b) 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

- a) within six (6) months afterwards if the development has not commenced; or
- b) 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. Building Permit approval for the works must be obtained prior to the commencement of the approved works.
- B. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- C. Any residents of the approved development will not be entitled to car parking permits for on street car parking.
- D. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.
- E. A plan detailing the drainage works must be submitted to 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 requirements of this permit.
- F. 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.
- G. 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.

BACKGROUND:

History

A previous application was made for the land at 410 and 412 Haughton Road for the use and development of a four (4) storey student accommodation building and reduction to car parking requirements (TPA/50600). The application proposed a total of 57 units. A total of 14 car parking spaces were proposed at the ground level on the eastern side of the building accessed via Haughton Road. The

application was refused at the Council meeting on 31 March 2020 on the following grounds:

- 1. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 of the Monash Planning Scheme.*
- 2. The proposal does not satisfy the objectives of the Student Accommodation Policy at Clause 22.10 of the Monash Planning Scheme as it provides inadequate car parking, open space, landscaping provision and results in poor internal amenity for future occupants.*
- 3. The proposal is inconsistent with the Student Accommodation Policy at Clause 22.10 of the Monash Planning Scheme as it fails to ensure that the development respects sensitive residential interfaces and minimises the appearance of visual bulk.*
- 4. The proposal fails to adequately address the car parking requirements contained in Clause 52.06 of the Monash Planning Scheme.*
- 5. The proposal is considered to be an overdevelopment and represents a poor design outcome for the site and the area.*

The application was not pursued. The proposed development plans denotes a red line to detail the outline of the previously refused proposal.

The Site and Surrounds

The site is located on the south-western side of Houghton Road, approximately 115 metres east of Thomas Street.

The site is located within the Clayton Activity Centre, and within the Monash National Employment and Innovation Cluster (MNEIC). The site is also located approximately 170 metres from the Clayton Train Station, and approximately 370 metres from a proposed station associated with the Suburban Rail Loop (SRL).

The site has a frontage of 32.92 metres, and a depth of 38.10 metres, yielding a total site area of 1254sqm. The land has a slope of approximately 1.4 metres from the north to the south.

The site currently supports two detached single storey weatherboard dwellings which each have a single vehicle crossing to Houghton Road.

There are no significant trees located within the site. Two street trees are located adjacent to the frontage of the site.

The surrounding land is described as follows:

North-East: Houghton Road is located north-east of the site which is a two directional local road. Parking is available on the north-east side of the road, with restrictions present on the south-west side of the road adjacent to the subject site.

The recently completed sky rail and undercroft car parking area divides Haughton Road from Carinish Road.

South-East: No. 414 Haughton Road is located south-east of the site. This site includes a double storey side-by-side development with areas of open space located to the rear of the site. The two dwellings are built boundary to boundary at the ground floor. Vehicle access to each dwellings is provided central to the site with a common crossover.

South-West: An unused right of way is located to the rear of the site, with a width of 3 metres. On the opposite side of the right of way are a number of properties large in size, with unusual shapes, which front Jean Avenue. These dwellings have their open space areas and outbuildings located to the rear of the site.

North-west: A single storey detached dwellings is located north-west of the site at 408 Haughton Road. Vehicle access to the site is located adjacent to the south-east boundary of the site, leading to a garage located to the rear of the dwelling.

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 (4) storey residential building containing fourteen (14) specialist disability accommodation (SDA) apartments, four (4) standard residential apartments and one (1) on-site overnight assistance apartment.

SDA refers to accommodation for people who require specialist housing solutions, including to assist with the delivery of supports that cater for their extreme functional impairment or very high support needs.

The SDA apartments are to be integrated into the development, with three apartments on the ground floor, and two apartments on each of the first and second floors.

The proposal is summarised as follows:

- The maximum overall height of the building proposed is 15.42 metres (measured to the lift overrun).
- The building is set back a minimum of 4 metres from the street.
- The existing vehicle crossover located within the south-east corner of the site is proposed to be widened, allowing for a 3 metre wide access to the site. A total of 10 parking spaces are located at the ground floor to the rear of the site. A total of six (6) car spaces are allocated to the SDA apartments (four being accessible spaces and two being standard spaces). A total of four

- (4) spaces are proposed for the standard residential apartments. A lightweight canopy structure is proposed over the car parking area.
- Ground floor apartments are provided with 24sqm – 66.5sqm of secluded ground level private open space with apartments above provided with balconies ranging in size from 8sqm - 33sqm.
 - Four (4) visitor bicycle spaces are located within the front setback of the site and six (6) resident spaces to the rear of the site.
 - Bin storage is located at the ground floor. Waste is proposed to be collected from within the site via a private contractor.
 - The building is of a contemporary design using a mixture of materials including brick, concrete look finish and paint finish.
 - The proposed site coverage is 65% and permeability of 22%.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

Pursuant to Clause 32.07-2, a Permit is not required to use the land for community care accommodation as the use of the land meets the requirements of Clause 52.22-2. This is due to the ongoing occupation and management of the building being facilitated by the National Disability Insurance Scheme (NDIS) which is an established public / government authority.

Pursuant to Clause 32.07-5, a Permit is required to construct a residential building.

The construction of the SDA apartments do not qualify for the exemption pursuant to Clause 52.22 for Community Care Accommodation, as the construction of the building will be privately funded.

Pursuant to Clause 32.07-9, the height of a residential building should not exceed 14.5 metres (given the land has a slope across the site of greater than 2.5 degrees). It is noted that the overall height proposed is 14.5 metres (not including the lift overrun).

A development must meet the requirements of Clause 55.

Overlays

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

Particular & General Provisions

Community Care Accommodation is not defined with a specific car parking rate at Clause 52.06. Therefore, pursuant to Clause 52.06-6 the number of car parking spaces will need to be to the satisfaction of Council (the Responsible Authority).

For the standard dwellings/apartments, under Clause 52.06-6, one (1) car parking space will be required for each two (2) bedroom dwelling. The proposal meets this requirement and therefore no Permit is required.

As noted above, a Permit is not required to use the land for community care accommodation as use of the land meets the requirements of Clause 52.22-2. The construction of the SDA apartments do not qualify for the exemption pursuant to Clause 52.22 as the construction of the building will be privately funded.

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

CONSULTATION:

The Applicant was verbally advised that this application was coming to the August Council meeting, in addition to a letter that was sent to the Applicant formally informing them 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.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and two signs displayed on Haughton Road.

One (1) objection was received. Issues of objection include concerns regarding the lack of car parking provided on the site.

Attachment 4 details the location of the objector property.

Referrals

External Referral

The application did not require any external referrals.

Internal Referral

Traffic Engineer

Vehicle movements are satisfactory. All vehicles can exit the site in a forwards direction.

The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

The proposed number of parking spaces equates to 0.25 spaces per one-bedroom dwelling and 0.4 spaces per two-bedroom dwelling. This parking rate is considered reasonable for the proposed development, where most of the parking demand is likely to be generated by visitors (short to mid-term needs) during evenings and weekends, which can readily be accommodated by the on-street parking spaces within the vicinity of the site.

Car parking proposed for the residential dwellings meet the requirements of Clause 52.06. No visitor parking is required given the site is located within the Principal Public Transport Network (PPTN).

Furthermore, the traffic report prepared with the application details the empirical data at other comparable SDA apartments in Melbourne and the peak parking rate is discovered to be 0.3 spaces per SDA apartment.

Drainage Engineer

No concerns subject to standard conditions including submission of a drainage plan for approval.

Waste Services

Council's Waste Services advised that the submitted Waste Management Plan has met Council's requirements.

Horticulture Services

The street tree is located 5.5 metres from existing crossover edge. No excavation should occur within 3.3 metres of the tree base. The location of works as shown on the plans will not have an unreasonable impact to the street tree subject to tree protection measures.

DISCUSSION:

State Planning Policy Framework (PPF)

The Planning Policy Framework seeks (among other things) to provide for sufficient supply of housing in established areas which are located to services and public transport.

A key element of the Planning Policy Framework is the encouragement of growth in and around Activity Centres. Specifically:

- Clause 11.03-1S & 1R seeks to provide for different types of housing, including forms of higher density housing located within close proximity to public transport and is within walking distance to shopping, working, leisure and community facilities, and to support development and growth of Metropolitan Activity Centres by ensuring they accommodate significant growth and provide high levels of amenity.

- Clause 11.01-1R-1MM identifies the development of the Suburban Rail Loop through Melbourne's middle suburbs to facilitate substantial growth and address the needs to Melbourne's rapidly growing population.
- Clause 15.01-4R seeks to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- Clause 16.01-2S seeks to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-2R seeks to identify areas for housing growth which are located within Major Activity Centres, areas near existing railway stations and areas designated for residential growth.
- Clause 16.01-3S & R seeks to provide for a range of housing types to meet diverse needs and varying densities that offer more choice in housing.

Plan Melbourne 2017-2050, a reference document to the Monash Planning Scheme also encourages these initiatives by seeking housing growth in and around activity centres. This plan identifies the Clayton Activity Centre as a Major Activity Centre (MAC).

Local Planning Policy Framework (LPPF)

Clause 21.04 (Residential Development) identifies the site as being located within the Clayton Activity Centre, within the residential land within the Monash National Employment and Innovation Cluster and within an accessible area. This policy clearly notes that residential growth should be located within neighbourhood and activity centres, the MNEIC and the boulevards to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance the garden city character and special character in the balance of the Municipality. However, in doing this buildings should be designed with high architectural quality, environmentally sustainable design and providing a diversity of housing needs whilst complementing and enhancing the garden city character of the area.

Clause 21.04 (Residential Development) & Clause 22.01 (Residential Development and Character Policy) identifies the five different character types within the Municipality. The site is identified as being located within the Monash National Employment Cluster and Clayton Activity Centre – Housing Diversity Area. The desired future character statement seeks (in summary):

- Expected to experience major redevelopment which is anticipated to accommodate growth and more diverse housing needs;
- New development to form a transition between the surrounding garden city suburbs;
- New housing to comprise of multi dwelling developments such as units and where appropriate, low rise apartments;
- Front and rear setbacks less than those in garden city areas, however will still provide opportunity for landscaping;

- Landscaping, open space and canopy tree planting will remain as an important feature of this area;
- New developments constructed to a high standard, ensuring they provide a positive architectural impact; and
- On larger sites, multi-level development will be set in open gardens with well-maintained landscaping to address the garden city character, albeit in a more urban form.

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Clayton Activity Centre as a Major Centre. Strategic directions for the centre include (as relevant) encouraging medium rise residential development within the centre, encouraging redevelopment and concentration of activity as well as maintaining the existing historical / cultural resources of the centre and to ensure parking is provided to meet the needs of the centre.

The proposed development being four storeys in height with a mixture of traditional residential apartments and SDA Apartments, located within the Clayton Major Activity Centre satisfies the objectives of the Local Planning Policy Framework, subject to an appropriate design response. A built form and character assessment is provided within the Assessment section of this report.

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 10 or more dwellings, a Sustainability Management Plan is required to be prepared and submitted. A Sustainability Management Plan was prepared by JBA Smarter Engineering which included a BESS assessment. The report indicates that the proposal achieves best practice. The plans include the recommendations of this report including the provision of 20,000L water tank capacity on the site.

Residential Growth Zone

The site is located in the Residential Growth Zone, Schedule 3 which has the following objectives (among other things):

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone*

The schedule to the zone identifies the following Design Objectives:

- *To facilitate housing growth in the form of apartment developments of a high quality design and finish.*

- *To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.*
- *To ensure that the height, scale and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.*

The schedule to the zone provides variations to Clause 55 as detailed in the below table:

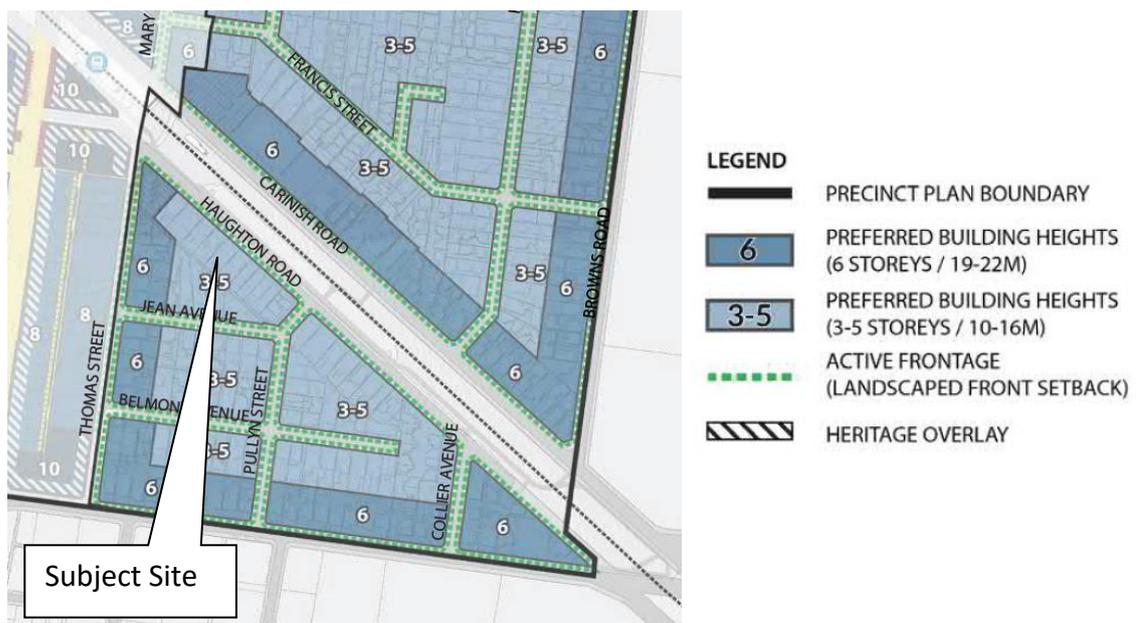
Standard	Requirement	Assessment
B6 – Street Setback	Minimum setback from front street – 4 metres.	Complies – The minimum street setback proposed is 4 metres.
B9 – Landscaping	Retain or provide at least one canopy tree with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater	Complies – A smooth bark apple tree is proposed within the front setback of the site which can reach a height of 15 metres. Three (3) Bloodwood trees are also proposed throughout the site which can reach a height of 10 metres.
B17 – Side and Rear Setbacks	Side setbacks – 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Rear setback – 3 metres for the first 2 storeys plus 2 metres for the third storey.	Variation sought – The rear of the building is set back 3.9 metres for the first three storeys, and 6.2 metres at the third storey. If the measurement is taken from the mid-point of the laneway, these setbacks are met. Minor variations are sought for side setback requirements at the second floor. Setbacks proposed have been guided from the Clayton Precinct Structure Plan.
B28 – Private Open Space	An area of 40 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 3 metres and convenient access from a living room.	Variation sought – Ground floor apartment 2 proposes a secluded private open space area being approximately 27sqm in area with a minimum dimension of 3 metres. Both this apartment and Apartment OOA is not provided with a minimum of 40sqm of private open space.
B32 – Front Fence Height	0.9 metres	Variation sought – A mixture of front fencing is proposed including 900mm high brick fencing and 1.7m high metal mesh fencing.

Clayton Activity Centre Precinct Plan

At its meeting on 28 January 2020, Council adopted the Clayton Activity Centre Precinct Plan (May 2019) in accordance with the recommendations. The plan is yet to proceed to a Planning Scheme Amendment.

The site is identified as being located within Precinct 3, earmarked for residential intensification with a preferred height of 3-5 storeys. Houghton Road is also identified as allowing for an active frontage with a landscaped front setback. The plan anticipates that the character of built form will change across the Activity Centre to accommodate for future development and land use.

Precinct 3 envisages low scale apartment buildings and townhouses with landscaped front gardens that sit comfortably next to detached dwellings and define a high quality and contemporary character for the precinct.



Precinct 3 has a number of development requirements which are outlined within the table below:

	Structure Plan Guidelines	Assessment
Building Height	Lots greater than 30 metres in width – 5-6 storeys (16.5m-19.8m).	Complies – The proposal is 4 storeys in height. The height proposed to the roof is 14.52 metres (15.42m to the lift overrun).
Front Setbacks	4 metres landscape setback from the street for developments up to 9.9 metres. 3 metres additional upper level setback for development above 9.9 metres.	Variation sought – The building is set back 4 metres from the frontage for 3 storeys, being 10.15 metres in height. The fourth storey is set back 7 metres from the street in accordance with this variation.
Rear Setbacks	3 metres rear setback for development up to 9.9 metres, plus 1 metre additional setback for every meter of height over 9.9 metres up to 16.5 metres.	Variation sought – A setback between 3-3.9m is proposed for the ground, first and second floor walls which reaches a height of 11.01 metres. The third floor is set back 6.2 metres which

		does not meet the 7.31m required.
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.	Complies – Side setbacks meet this requirement.

ASSESSMENT

Neighbourhood Character and Built Form

The proposed building is in keeping with the preferred character for the area, which seeks taller buildings whilst maintaining good setbacks to allow for landscaping throughout the site.

The proposal is set back from all boundaries of the site, allowing the rhythm and spacing of the built form to be in keeping with the streetscape. The building presents as three storeys, with a recessed fourth storey to the street. The presentation of the building to the street is in keeping with the Clayton Activity Centre Precinct Plan which seeks to avoid ‘wedding cake’ designs and create a stronger base structure with more generous setbacks and recessed upper levels. Whilst the upper level balconies facing the street are also set back 4 metres from the street, the balustrades are lightweight and finished with planters.

Further to this, materials and balconies have been arranged to the street with a visual break through the centre of the building, breaking up the massing of the built form.

A mixture of materials are proposed including brick, concrete look finish, metal mesh and painted finish. Part of the brickwork proposed includes a ‘checkerboard’ pattern in which every second header of the brick projects from the wall to create a textured finish.

Whilst the front fencing is higher than the preferred height of 0.9 metres as identified in the schedule to the zone, the fencing is staggered with a low planter fronting the street and 1.7 metre high fencing typically set back 2 metres from the street. The higher fencing allows for services required in the front setback of the site to be better integrated within the development. The higher fencing is constructed with metal mesh will allow for some views through to the landscaped open space areas behind whilst still providing for privacy for future residents.

Whilst it is unusual to have at grade car parking to the rear of the site within an apartment development, the parking has been designed to provide for a functional layout whilst also allowing for a landscaping buffer to be maintained along the rear boundary of the site. The proposed site coverage is 65%, however if the car parking structure is taken out of this calculation, the site coverage is 56%. All hard paved areas proposed are necessary to providing the services required and sufficient space for vehicles to manoeuvre within the site.

External Amenity Impacts

Building Bulk

The existing side setback requirements within the Residential Growth Zone, Schedule 3 and the Clayton Precinct Plan vary. Whilst the B17 standard takes a staggered approach, the Clayton Precinct Plan takes an approach allowing for a stronger base form, avoiding a 'wedding cake' design.

The proposal does not meet the B17 Standard, particularly at the front portion of the building. The proposal complies in full with the setback requirements within the Clayton Precinct Plan. This allows for a strong three storey form with recessed fourth storey which is envisaged within the plan. The ground and first floor setbacks to the side boundaries significantly exceed the minimum setback requirements which reduces bulk impacts to adjoining properties and allows for a positive landscaping response for the site.

The existing rear setback requirements existing within the Residential Growth Zone, Schedule 3 and the Clayton Precinct Plan vary. The schedule to the RGZ3 aims to achieve a two storey base, with setbacks above. The proposal meets these setback requirements with the exception of the setback of the second floor, which would be required to be set back 5 metres (in lieu of 3.9 metres).

The Clayton Precinct Plan allows for a taller structure set back 3 metres from the rear, with setbacks required above this. The current proposal do not meet these technical requirements. However, the site abuts an unused laneway which is 3.048 metres in width. Should the setbacks be taken from the mid-point of the laneway, setbacks would be compliant in this instance. Given the presence of the laneway, it is considered that the setbacks are acceptable to minimise unreasonable bulk impacts, but also to allow for sufficient space for landscaping along this boundary.

Equitable Development

The proposed building, being on a double block allows for sufficient setbacks to boundaries of the site to ensure equitable development potential of adjoining properties. Each of the adjoining properties also have the potential to be combined to create a larger development site.

The lower levels of the building have a minimum 3.5 metre setback to the east and west, however this is limited to the front portion of the site with setbacks towards the rear increasing to a minimum of 4.5 metres. The upper levels exceed a setback of 4.5 metres. The rear of the site also exceeds a setback of 4.5 metres from the property boundary of the adjoining open space areas to the south.

The development will therefore not impact the future development of adjoining properties.

Daylight to Windows

There are no northern facing habitable room windows within 3 metres of the site. Setbacks to the east and west of the site will allow for adequate daylight provision of adjoining windows in accordance with Standard

Overshadowing of Secluded Private Open Space

The proposal results in additional shadow cast to adjoining properties. Shadows to the secluded private open space of 408 Haughton Road are limited to 9am, and 414 Haughton Road at 3pm. Additional shadowing to the rear is limited to the secluded private open space of No. 5 and 7 Jean Avenue from 9am through to 11am. Given the size of these areas of open space and the presence of the laneway to the rear of the site, the additional shadowing comfortably complies with the relevant standard.

Overlooking

The proposal will not result in unreasonable overlooking from habitable room windows and balconies, with the exception of the balcony and bedroom windows associated with Apartment 103 and 203 facing east towards 414A Haughton Road. This adjoining property contains a first floor habitable room window. The sectional diagrams associated with these apartments does not satisfactorily show that the screening proposed will prevent unreasonable overlooking and therefore a condition will require further demonstration of compliance with B22 of Clause 55.04-6.

Internal Amenity

Whilst ResCode is not specifically applicable to community care accommodation, it is considered to be a good test at determining a good level of internal amenity for various forms of accommodation.

A high level of internal amenity will be provided for future residents within the proposed apartments which all have habitable room windows with direct access to light, appropriate dimensions to allow for sufficient daylight throughout the apartments and spaces which meet the requirements of Clause 55.07. None of the apartments have a solely south facing orientation, and more than 70% of dwellings are designed to maximise cross ventilation (exceeding the 40% required).

Where screening is required to prevent overlooking, this has been done in a creative manner which creates architectural interest, and limits the height of the screens necessary to prevent overlooking.

All apartments are provided with appropriate areas of open space in the form of a balcony (greater than 8sqm with minimum dimensions met) or ground level open space. Ground floor apartment 2 proposes a secluded private open space area being approximately 27sqm in area with a minimum dimension of 3 metres which does not meet the minimum requirement of 35sqm within the schedule to

the zone. However, the proposed secluded private open space is considered appropriate given it will meet the recreational needs for future residents and provides for landscaping areas surrounding the fenced open space area.

Car Parking, traffic and access

Car Parking

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Number / Size	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Dwelling	4 x two-bedrooms	1 space/dwelling	4 spaces	4 spaces
Specialist Disability Accommodation (SDA)	4 x one-bedroom	To the satisfaction of the RA	To the satisfaction of the RA	1 space
	10 x two-bedrooms	To the satisfaction of the RA	To the satisfaction of the RA	5 spaces
Visitor Parking		0 spaces	0 spaces	0 spaces
Total			4 spaces	10 spaces

The site is located within the Principal Public Transport Network (PPTN) and therefore no visitor parking is required to be provided.

It is noted that Community Care Accommodation, including SDA apartments, is not specifically covered by Clause 52.06. However, 1 space is proposed for the 4 x one-bedroom SDA Apartments (0.25 spaces per dwelling), and 5 spaces for the 10 x two-bedroom SDA Apartments (0.4 spaces per dwelling plus one carer's space).

SDA's cater for the top 6% of disabled persons in terms of their extent of disabilities and therefore none of the eligible residents would own and drive their own vehicle, although a small proportion of residents may own their own vehicle and park it on-site for family members/carers to drive them to shops, medical appointments, etc.

These residents also generally need 24/7 care, with some carers required to stay overnight. It is not proposed that a particular staff member will reside at the site on a permanent basis.

The apartments with two bedrooms can allow for two people with special needs, or one person with special needs and a partner or carer.

Staff typically arrive from 7:00am and have change over times at around 3:00pm and then staff will tend to depart from 7:00pm after dinner. As discussed, some carers may seek to reside on-site overnight on an as-need basis.

The applicant has sourced information from three existing developments that comprise SDA apartments. This includes developments in Greensborough, Richmond and Cheltenham.

The key findings from these developments are as follows:

- Each of the sites had six SDA rooms plus a carer's room;
- Up to 30% of SDA residents may own a vehicle and that would typically be driven by a family member of a carer; and
- Carer numbers vary, depending on the level of care required by individual residents of each facility. Residents who require a high level of care may require a full-time carer, whilst most residents only require one carer per five residents.

The development seeks to allocate five car parking spaces for residents of the 14 SDA apartments representing 36% of car spaces to the total SDA apartments, plus one additional space for carers.

Any carers not provided with an on-site car parking space, as well as other visitors, would need to utilise surrounding on-street parking or alternate modes of transport (public and active transport modes).

Most parts of Haughton Road, Thomas Street, Jean Avenue and Pullyn Street within the vicinity of the site include restricted parking (5 minutes through to 4 hours) or resident Permit zones and therefore do not allow for long term parking.

Whilst residential dwellings are an as of right use within the Residential Growth Zone, if the proposed SDA apartments are to be used for dwellings, an amendment to the Planning Permit would need to be sought. To ensure that this is clear for future owners of the land, a Section 173 Agreement is proposed as a condition of the Permit.

The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

Waste Collection

A bin storage room is proposed at the ground floor, to the rear of the site. Private waste collection is proposed within the site. Swept path diagrams have been provided which show that the waste truck can turn around within the site and exit in a forwards direction.

Bicycle Parking

The requisite car parking spaces required under Clause 52.34 would be provided as shown in the following table:

Use	Number / Size	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Dwelling	4 dwellings	1 space to each 5 dwellings for residents. 1 space to each 10 dwellings for visitors.	1 space for residents. 0 spaces for visitors	4 spaces for residents. 3 spaces for visitors.
Specialist Disability Accommodation (SDA)	14 units	Not specified.		2 spaces for residents. 1 space for visitors.
Total			1 space for residents.	6 spaces for residents. 4 spaces for visitors.

As indicated in the table above, bicycle parking has been provided in excess of the statutory parking requirements and is considered satisfactory.

Landscaping

The application seeks to remove all vegetation from the site. There is no significant vegetation within the property.

A Tree Management Plan will be required to be submitted and endorsed as part of a proposed condition to ensure the health of trees on adjoining properties (including the street trees) is maintained. An Arborist Report was prepared with the application which recommended no excavation within the tree protection zones and limited post holes associated with fencing which may impact the root systems of Trees 11, 12, 13 and 14, 23-28, 29 and 30.

A Landscape Plan has been prepared with the application which proposes 4 canopy trees across the site including one Smooth Bark Apple Tree (15 metres maximum height) within the front setback of the site and three Bloodwood Trees (10 metres maximum height). Five Native Franjipani's are also located to the rear of the site. It is considered that the proposal has an appropriate landscaping response at the ground floor.

Planter boxes are proposed on the third floor of the building. A proposed condition will require some cascading planting within the planters of this level, to assist in further softening the building form.

CONCLUSION:

The proposed four storey apartment building responds appropriately to the aspirations of the planning policy framework, local planning policy framework and the Clayton Structure Plan and provides for a diversity of housing to the area.

The site's location and size makes it appropriate for apartment development which still allows for good opportunities for landscaping within the site. The development provides for a contemporary response which allows for a high level of internal amenity, and will not result in any unreasonable amenity impacts to adjoining properties.

Given the site's location and provision of specialist disability accommodation, it is considered that the proposed provision of car parking is acceptable.

It is recommended that the proposal be supported subject to conditions

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map