

**1.5 671-675 WAVERLEY ROAD, GLEN WAVERLEY
USE AS A CHILD CARE CENTRE AND EIGHT DWELLINGS IN A THREE STOREY
BUILDING OVER A BASEMENT CAR PARK
(TPA/49649)**

EXECUTIVE SUMMARY:

This application proposes a 127 place child care centre and eight dwellings in a three storey building over a basement car park.

The application was subject to public notification. Nine (9) objections to the proposal have been received.

Key issues to be considered relate to traffic congestion and car parking, built form and off-site amenity impacts on adjacent residential properties (overlooking, noise, overshadowing).

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 55, consideration against adopted Amendment C125 and issues raised by objectors

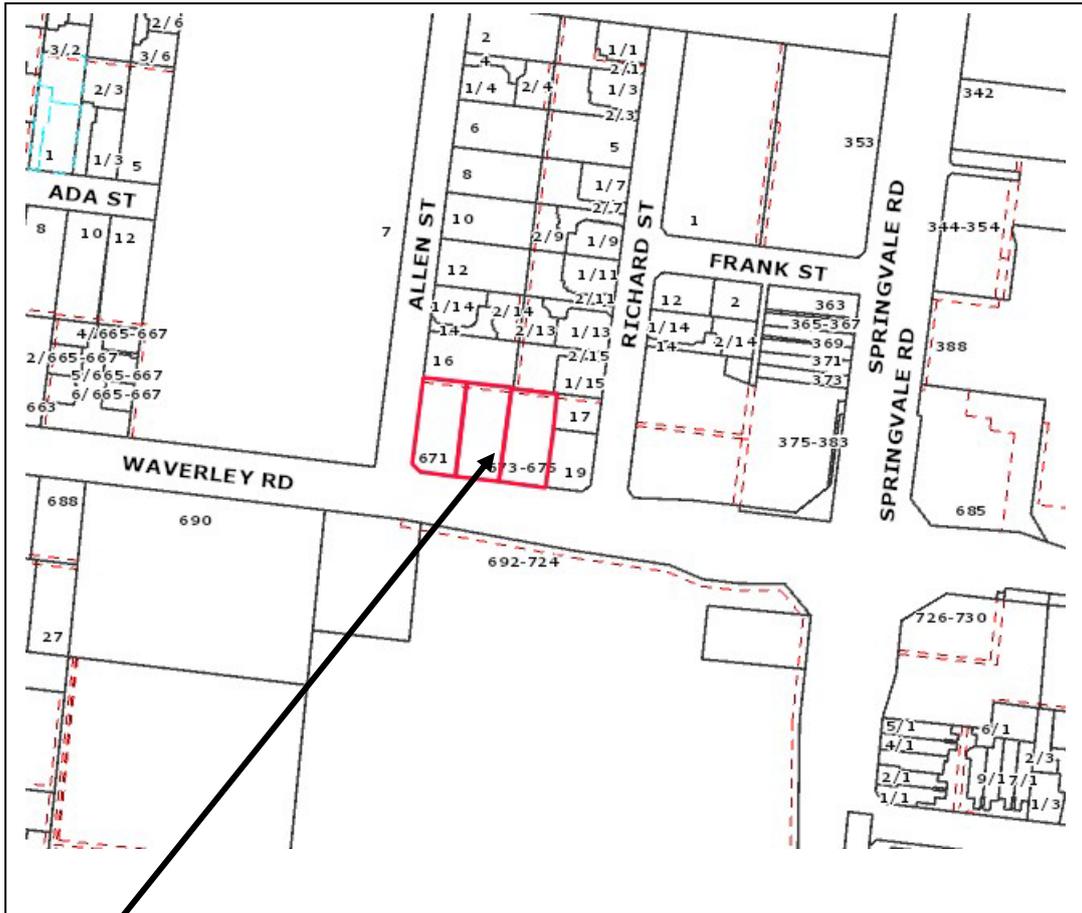
The reason for presenting this report to Council is the proposed development cost of \$3.5 Million.

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:	Rowena Brennan
WARD:	Glen Waverley
PROPERTY ADDRESS:	671-675 Waverley Road, Glen Waverley
EXISTING LAND USE:	2 x residential dwellings
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Nine (9)
ZONING:	General Residential Zone, Schedule 2 Abuts a Road Zone Category 1

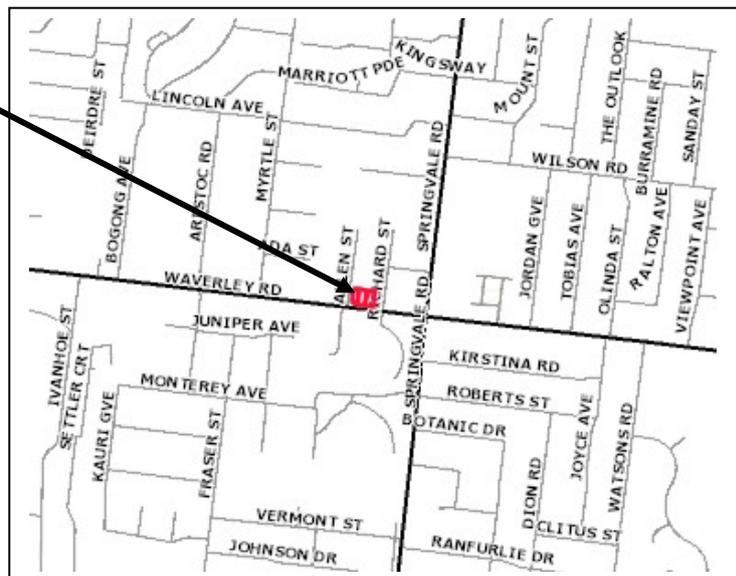
OVERLAY:	Not applicable
AMENDMENT C125 (adopted)	General Residential Zone, Schedule 3
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 00.01 (Purpose) Clause 11 (Settlement) Clause 11.01-1R1 (Metropolitan Melbourne) Clause 15.01 (Built Environment) Clause 15.02 (Sustainable Development) Clause 16 (Housing) Clause 16.01 (Residential Development) Clause 17 (Economic Development) Clause 19 (Infrastructure) Clause 19.02-2S (Education facilities)	<u>Local Planning Policy Framework</u> Clause 21 (Municipal Strategic Statement) Clause 21.04 (Residential Development) Clause 21.08 (Transport and Traffic) Clause 22.01 (Residential Development and Character Policy) Clause 22.04 (Stormwater Management Policy) Clause 22.05 (Tree Conservation Policy) Clause 22.09 (Non-Residential Use and Development in Residential Areas Policy) Clause 22.13 (Environmentally Sustainable Development Policy) <u>Particular Provisions</u> Clause 52.06: Car parking Clause 52.29: Land Adjacent to a Road Zone, Category 1 Clause 55 (Two of More Dwellings on a Lot)
STATUTORY PROCESSING DATE:	31 March 2019
DEVELOPMENT COST:	\$3,500,000

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



671-675 Waverley Road, Glen Waverley - To Use The Land As A Child Care Centre And Eight Dwellings In A Three Storey Building Over A Basement Car Park

RECOMMENDATION:

A. That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49649)** to use the land as a Child Care Centre, together with associated buildings and works, eight dwellings in a three storey building over a basement car park and alteration to access in a Road Zone Category 1, at 671-675 Waverley Road, Glen Waverley subject to the following conditions:

1. Before the development and use starts, one copy of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

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

- a) A Sustainable Management Plan (SMP) in accordance with Condition 11.
- b) The child care centre bin storage relocated to the basement.
- 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) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- d) The north facing kitchen windows of Units 1 and 5 to be screened in accordance with the requirements of Clause 55.04-5 of the Monash Planning Scheme and this detail is to be shown on both the corresponding plans and elevations.
- e) All glass screens at the first and second levels of the child care centre to be of obscure glass.
- f) The privacy screens of the north facing apartment balconies be reduced in height and replaced with alternate screening methods to prevent downward views into the child care centre play spaces.
- g) The eastern property boundary fence to be maintained at a solid height of no more than 1.6 metres together with 0.3 metres of trellis above, for a combined total height of 1.9 metres.
- h) The northern boundary fence to have a height of 2.0 metres.
- i) The basement tandem car spaces are to be allocated to child care staff only.

- j) 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
- k) The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
- Driveway to provide at least 2.1m headroom beneath overhead obstructions.
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 4. There must be no more than 127 enrolled children in the Child Care premises at any one time.
 5. The Child Care use may operate only between the hours of 7:00am to 6:30pm Monday to Friday.
 6. The outdoor play areas of the Child Care centre may only be used between the hours of 7:00am and 6:00pm Monday to Friday.
 7. A minimum of 27 spaces are to be provided in association with the child care use at all times and suitably labelled/signed as such.
 8. No additional roof structures shall be permitted to be added to the second floor level 'roof terrace outdoor play area' north of the edge of the approved pergola, as shown on the endorsed plans, without the written consent of the Responsible Authority.
 9. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recyclables for uses;
 - b) Designation of methods of collection including the utilization of private collection services;

- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas; and
- e) Litter management.
- f) 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.
- g) Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

A copy of this plan must be submitted to Responsible Authority for approval. Once approved the Waste Management Plan will be endorsed to form part of this permit.

10. Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- c) the location of where building materials are to be kept during construction;
- d) site security;
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;
- f) on-site parking of vehicles associated with construction of the development;
- g) wash down areas for trucks and vehicles associated with construction activities;
- h) cleaning and maintaining surrounding road surfaces;
- i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA Guidelines.)

Once approved the plan will be endorsed to form part of this permit.

11. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:

- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.
- b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
- c) Document the means by which the appropriate target or performance is to be achieved.
- d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
- e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
- f) Any relevant requirements of the Condition 1 sub-clauses hereof.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

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

- a) the location of all existing trees and other vegetation to be retained on site
- b) provision of canopy trees with spreading crowns located throughout the site including within the street setback and perimeter of the site. Trees should not be located in the easement or basement envelope.
- c) the TPZ dimensioned for all trees to be retained.

- d) planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - e) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - f) the location and details of all fencing
 - g) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - h) details of all proposed hard surface materials including pathways, patio or decked areas
13. 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
- When approved the plan will be endorsed and will then form part of the permit.
14. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
15. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
16. The existing redundant crossings in Waverley Road are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
17. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
18. The drainage system is to be to the satisfaction of the Responsible Authority.
19. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information

regarding the design of the on-site detention system is provided in the notes section of this permit.

VicRoads Condition:

20. All disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works.

21. Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- ◆ The development is not commenced within two (2) years from the date of this permit.
- ◆ The development is not completed within four (4) years of the date of this permit.
- ◆ The use is not commenced within six (6) months of the date of completion of the development.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES:

1. 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.
2. Building approval must be obtained prior to the commencement of the above approved works.
3. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
4. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
5. Noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
6. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater

must be collected and free drained via a pipe to the Council pit in the nature strip outside Allen Street to be constructed to Council Standards. *(A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit).* Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

7. The private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve. The internal drainage system may include either:
 - a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
8. Detention system requirements for above property are as follows:-
 - Minimum storage = 15.56 m³
 - Maximum discharge rate = 16.78 l/s
 - Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.
9. 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.
10. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
11. 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.
12. Building Over Easement approval is required. Approval will be given subject to:
 - Council and Yarra Valley Water approval being obtained;
 - The registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.
 - A construction joint being made along the easement line.

- The replacement of the existing 225 mm drain within the easement by a 225 mm drain from the junction pit in north-west corner of No. 675 to the junction pit in north – west corner in the naturestrip of No. 671.
- The payment of a \$5,000 refundable security deposit prior to the drainage works commencing.

13. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$2,000 is to be paid prior to the drainage works commencing

14. All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.

15. Residents of the approved development will not be entitled to car parking permits for on street parking.

Vic Roads Notation:

16. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

BACKGROUND:

The Site and Surrounds

The subject site is located on the north-eastern corner of Waverley Road and Allen Street in Glen Waverley. The site is rectangular in shape, apart from a corner splay to the south-western corner, and is comprised of three Titles. The combined site area is 2217 square metres (sqm), having a 52.96 metre frontage to Waverley Road and a 36.58 metre frontage to Allen Street. The land has a slight fall of 1.3 metres from north-east to south-west. A 1.83 metre wide drainage and sewerage easement encumbers the northern boundary.

Two single storey dwellings and associated outbuildings currently occupy the eastern and western sites. The central site is a vacant lot. There are two existing vehicle crossovers on the Waverley Road frontage – one located centrally and one located at the eastern edge of the site. There is also one crossover from Allen Street adjacent to the northern boundary. There is a range of established planting on the site, with taller trees located along the southern boundary.

The established built form of the surrounding area is diverse. The subject site is located at the southern end of a residential area, whilst to the east there are commercial properties, to the west is a school and to the south is Central Reserve. The built form of the surrounding area can be more specifically described as follows:

North

Immediately abutting the northern boundary are the side boundaries of single storey dwellings with pitched tile roofs – 16 Allen Street and 2/15 Richard Street. The Allen Street dwelling is setback 4 metres from the common boundary, has windows which face the subject site and an open grassed garden and yard at the rear. The Richard Street dwelling is the rear of two units and is setback approximately 3 metres from the common boundary and also has windows which face the subject site.

Further north are residential dwellings fronting both Allen and Richard Streets. Dwellings are commonly single storey, with a few double storey in Richard Street, and are of weatherboard or masonry construction with pitched tile roofs.

Allen Street is a dead-end street which terminates at the car parks utilised by the Glenallen School, St Leonards Primary School, the Cerebral Palsy Education Centre and SCOPE.

East

Directly abutting the common boundary to the east are the rear boundaries of No's 17 and 19 Richard Street, being two single storey dwellings which are built in the Federation style and date from the year 2000. Each of these dwellings have habitable room windows and secluded private open space areas which face the subject site. Further east, on the opposite side of Richard Street, is a large car-sales yard which extends to the corner with Springvale Road.

South

Waverley Road spans the southern boundary and is an identified Road Zone. The road supports two lanes of traffic in each direction. On the southern side of the road is Central Reserve, which includes a number of sporting ovals, a bowling club and associated single storey buildings in a landscaped setting.

West

On the opposite side of Allen Street is the Glenallen School (a school for children with physical disabilities and severe health impairments from 5 to 18 years). The portion of the school grounds directly opposite the subject site comprises a landscaped area and secondary car park. Further to the north are the school buildings themselves which are predominantly single storey in form and extend the length of Allen Street.

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

PROPOSAL:

The application proposes to construct a three storey building over a basement car park comprising a child care centre and eight apartments. The building form is designed to wrap around the Waverley Road/Allen Street corner at the ground level, with the uppers levels broken into two distinct building forms. More specifically, the proposal has the following features:

Child Care Centre:

- A maximum of 127 children.
- Proposed hours of operation are: 7am to 6:30pm Monday to Friday.
- The child care centre extends across three levels, with the main service taking up the majority of the ground level.
- The pedestrian entrance is from the Waverley Road/Allen Street corner, and a centrally located lift access from the basement car park.
- Seven childcare rooms are located on the ground floor, together with offices, kitchen and other services.
- A large, open air, outdoor play area is situated in the north-east corner of the site at ground level (401 sqm), as well as a smaller, undercover play area (85 sqm) which is located centrally.
- At the first floor level are two more child care rooms and a 95 sqm play area, as well as a small balcony on the Allen Street frontage.
- At the second floor level is a 138 sqm roof terrace outdoor play area with stair and lift access, and plant and lift overrun above.
- Maximum overall building height of 9.4 metres (not including the lift overrun or 11 metres with the lift overrun).
- Bin storage for the child care centre is located at the ground level on the boundary, next to the basement car park entry.

Apartments:

- Eight, two-bedroom apartments located at the first and second floor levels of the building fronting Waverley Road.
- Four apartments are located on each level.
- Each apartment has an open plan kitchen/living/dining room, together with one bedroom with an ensuite and a second bedroom and communal bathroom.
- Pedestrian access to the apartments from Waverley Road, approximately 9.3 metres from the eastern boundary.
- The central apartments (Units 2, 3, 6 and 7) each have a 10 sqm balcony on the northern elevation and which are screened to prevent views into the child care centre play areas.
- The eastern and western end apartments (Units 1, 4, 5 and 8) have 10 sqm balconies which have outlook to the adjacent roads.
- Maximum overall building height of 11 metres (including the lift overrun) from natural ground level.

Car parking

- The basement car park is accessed from Allen Street, via a widened existing crossover adjacent to the northern boundary.
- Six spaces are provided at grade in the front setback area to Allen Street. Four of these spaces are for short term drop off and two are disabled spaces.
- Eight spaces are provided for the residential apartments in a gated area of the basement.
- Twenty-five spaces are provided in the remainder of the basement for child care parking.
- A substation, bin storage (for residents), bicycle storage and lift access are also in the basement.

Materials comprise brickwork, concrete, colourbond cladding and a polycarbonate roof. Fencing along the Waverley Road frontage is to be 1.8 metres in height comprising brick with metal infills.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The subject site is located within the General Residential Zone (Schedule 2) under the provisions of the Monash Planning Scheme. Pursuant to the provisions of this zone:

- A child care centre is an unspecified (Section 2) use at Clause 32.08-2, and as such requires a permit for the use.
- A permit is required to construct a building or construct or carry out works for a Section 2 use (Clause 32.08-9).
- A permit is required to construct two or more dwellings on a lot (Clause 32.08-6)
- A mandatory minimum garden area of 35% is required (Clause 32.08-4)
- A maximum building height for a dwelling or residential building of 11 metres (and no more than 3 storeys) (Clause 32.08-10)

Overlay Control

The site is not subject to any overlay controls.

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

Particular Provisions

Clause 52.06: Car Parking

Prior to a new building being occupied the required parking spaces must be provided on the land or as approved by the responsible authority.

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

A permit is required to create or alter access to a road in a Road Zone, Category 1. Existing crossovers onto Waverley Road are proposed to be removed as a result of this application.

Amendment C125

Amendment C125 to the Monash Planning Scheme was adopted by Council on 28 February 2017. The amendment proposes to include the site within the General Residential Zone Schedule 3. Part 1 of the Amendment (Neighbourhood Residential & Residential Growth Zone) was approved on 19 April 2018. Part 2, being the General Residential Zone areas, remains with the Minister for Planning and is a seriously entertained document that applications should have regard.

The proposed new Schedule 3 would include specific changes to several Clause 55 (ResCode) standards. These include a reduction in the building site coverage from 60% to 50%, an increase in permeable area from 20% to 30%, a rear setback of 5 metres and the provision of 35 square metres of private secluded open space clear of structures and services to each dwelling.

CONSULTATION:

Further information was requested of the Permit Applicant on 22 October 2018. In this letter, officers also raised the following preliminary concerns:

- The transition in built form on the Allen Street frontage to the abutting residential dwellings to the north is not well resolved. Concern was raised that the northern building appears top heavy, and will also end up with more structures at the roof top level, such as shade sails, which will add to this bulk.
- Screening of all apartment building balconies was considered to be excessive.
- A three metre landscape strip along the Allen Street frontage was recommended to provide for a generous landscape buffer to soften the car park interface with the street.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 30 January 2019 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address some of the concerns raised. Key changes to the revised submission included reorientation of balconies so that the apartments on the eastern and western ends no longer required balcony screening, and increased landscape setback on the Allen Street frontage. No change was made to the form of the northern building and instead further justification was provided relating to building setbacks, articulation of the building and the scale of transition.

The Applicant was verbally advised on 8 April 2019 that this application was coming to the May Council meeting. A letter 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

Notice of the application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*. Two (2) large signs were displayed on the site during the notification period.

Nine (9) objections to the proposal have been received.

Objections received for the applications included the following concerns:

- Traffic congestion in Allen Street, particularly during the afternoon school pick up peak
- Dangerous intersection
- Privacy
- Overlooking
- Loss of natural light
- Noise
- Loss of property value
- Impact on existing drainage system
- Wall built on the boundary
- Height of fence on the boundary
- Height and scale of the buildings
- Insufficient 'at-grade' parking for child care pick up and drop off
- Lack of visitor parking

Referrals

The application has been referred to Council's Traffic and Drainage Engineers for comment.

Standard drainage engineering conditions were recommended and no concerns identified.

Council's Traffic Engineer has not raised any significant concerns with the proposal and recommends standard conditions for inclusion on a permit should one be issued. Specific comments about the proposal were also provided, as follows:

- The proposed development consists of a 127 child capacity child care centre, 8 x 2-bed apartments with 6 ground level (including 2 accessible) car spaces in the Allen Street frontage and 33 basement level, for a total of 39 spaces. The child care centre requires 27 spaces and the dwellings require 8 spaces,

resulting in a total statutory requirement for 35 spaces. Consequently the Planning Scheme parking provision requirements are exceeded.

- *“There is concern regarding the location of the childcare centre bin storage adjacent to the neighbouring dwelling and the potential for reversing vehicles, fumes etc. to affect residential amenity.*
- *Vehicle turning movements are satisfactory.*
- *All vehicles can exit in a forward direction.*
- *According to the traffic report, the development is expected to generate 106 trips (52 inbound and 54 outbound) in the AM peak and 93 trips (47 inbound and 48 outbound) in the PM peak. The report also indicates that the peak departure time for a childcare centre does not coincide with the school peak, which is considered a reasonable approach in line with other long day-care centres. The AM peak (7.45-8.45) will have the higher combined traffic volume of 410 vehicles/hour. In order to determine if there will be impact on traffic movements, the traffic consultant has assessed traffic movements and the capacity of the Waverley Road/Allen Street intersection to cater for the post-development traffic. A gap assessment for the combined existing traffic and the development traffic was undertaken, assuming simultaneous left turn exit and right turn entry can occur when a suitable 7 second gap occurs. The gap assessment is summarised below.”*

	AM Peak		PM Peak	
	Required Gaps	Available Gaps	Required Gaps	Available Gaps
7 Second Gap	129	278	27	105
11 Second Gap	22	44	23	56

Table 1: Turning Traffic Gap Availability

This indicates that there are sufficient gaps in Waverley Road traffic in both AM and PM peaks to cater for the increase in turning traffic at the intersection.”

The application was also referred to VicRoads given that two crossovers onto Waverley Road are proposed to be removed, which is deemed an alteration to the access from a designated main road. VicRoads advised that it does not object to the proposal and requires the inclusion of one condition on any permit issued.

DISCUSSION:

State Policy

Clause 11.01R1 of the Monash Planning Scheme sets clear strategies for settlement in Metropolitan Melbourne as identified under Plan Melbourne 2017-2050. Strategies include:

“Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.”

In relation to Building Design, Clause 15.01-2S of the Scheme states an objective as:

“To achieve building design outcomes that contribute positively to the local context and enhance the public realm.”

And the objective of Clause 15.0-5S Neighbourhood Character is:

“To recognise, support and protect neighbourhood character, cultural identity, and sense of place.”

Clause 16.01 of the Scheme relates specifically to residential development, where integrated housing, housing diversity and housing affordability are supported.

Residential development integrated housing policy at Clause 16.01-1S seeks to:

“Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land. Ensure that an appropriate quantity, quality and type of housing is provided...”

Housing diversity objectives and strategies at Clause 16.01-3S seek:

“To provide for a range of housing types to meet diverse needs.

Facilitate diverse housing that offers choice and meets changing household needs through:

- *A mix of housing types....*

Encourage the development of well-designed medium-density housing that:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*

Support opportunities for a range of income groups to choose housing in well serviced locations.”

Strategy at Clause 16.01-3R seeks to:

“Create mixed-use neighbourhoods at varying densities that offer more choice in housing.”

Clause 19.02-2S Education facilities contains the objective:

“To assist the integration of education and early childhood facilities with local and regional communities”

Relevant strategies for the location of childcare facilities under the clause include locating to maximise access by public transport and safe walking and cycling routes, as well as ensuring the provision of safe vehicular drop-off zones.

The mixed used childcare and residential proposed for this site is considered to be consistent with the Planning Policy Framework in that it is an integrated development that will see an increase in the residential density and is consistent with housing diversity objectives. The proposed development is considered to be consistent with policy requirements relating to built form, site context and mixed used development which is well designed, of high architectural quality and provides for high levels of internal amenity.

The location of the child care centre adjacent to the Glenallen School and in close proximity to other schools is considered positive and provides opportunities for multi-purpose trips.

Local Policy

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

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

Clause 21.05 (Economic Development) includes an objective:

“To encourage appropriate mixed use development whilst ensuring the amenity of neighbourhoods is not adversely affected”.

The “Residential Development and Character Policy” at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the Area.

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

The “Non-Residential Uses and Development in Residential Areas” policy at Clause 22.09 contains the following objectives:

“To ensure that development is appropriate having regard to the residential environment of the surrounds and that the amenity of the neighbourhood is not adversely affected by a business conducted in a residential area.

To ensure that all built form in residential areas is respectful of residential character.

To ensure that adequate and well-located vehicle parking is provided for all new developments.”

Critical in determining the appropriateness of the child care use is to minimise and mitigate the impact of the use on adjoining residential amenity and ensuring the built form suitably integrates with the surrounding residential context.

Performance and locational criteria are set out at Clause 22.09-4 for selected uses, including child care centres. The locational criteria include “locate discretionary non-residential uses in residential areas ... on higher order and busier streets and roads, and particularly on corner sites”. The location of the subject site on the corner of Waverley Road and Allen Street readily meets this criterion and is considered to be an ideal location of this type of non-residential use. Typically, the vehicle access is from the side street with the pedestrian access and activity of the child care centre focussed to Waverley Road. Furthermore, its position at the southern end of a residential area means that it has minimal off-site amenity impacts on adjoining residential properties. Whilst the building form is contemporary and of a larger scale than existing residential dwellings to the east and north, the main road location and other surrounding non-residential uses mean that this development form will sit comfortably in this mixed environment.

The architectural styling clearly differentiates between the residential and child care components of the proposed buildings which will neatly bookend the residentially zoned land to the north.

One large tree in the south-west corner is also proposed to be retained which will give an immediate established landscape ‘feel’ to the development. In addition, there is ample room on site for the planting of new trees to contribute to the Garden City Character.

Monash Housing Strategy 2014

The Monash Housing Strategy has been developed to review Council’s current housing strategies based on an assessment of key State and Local Strategies and research from all tiers of Government and other research bodies.

The Housing strategy identifies that a key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability.

Under this Strategy the subject site is identified as being within Category 8 – ‘Garden City Suburbs’ where the residential outcome is for:

“Predominantly conventional detached houses, units and townhouse reflecting the existing scale and neighbourhood character. On larger lots, in suitable locations, lower to medium scale apartment development may be appropriate, subject to careful design and the provision of substantial landscaped setbacks.”

The proposal is considered to be consistent with the objectives of this strategy in that the built form is appropriately setback from the low scale residential land to the north (2.8-3.5 metres), whilst the medium-scale apartments address Waverley Road (7 – 8.5 metres setback). Landscaped setbacks on both street frontages are also incorporated and which will be able to readily accommodate new canopy trees.

General Residential Zone – Schedule 2

The objectives of the General Residential Zone at Clause 32.08 include:

- *“To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”*

For the reasons already outlined above, the proposed mixed-use development is considered to be an appropriate use and form for this site, which itself is located on the edge of the General Residential Zone.

Neighbourhood Character and Built Form

New development must be designed to ensure that the design response respects existing neighbourhood character, contributes to the preferred future character and responds to the features of the site. The height and setbacks of buildings must also respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

The subject site is considered to be suitable for a mixed used development of the scale proposed due to the main road location at the southern end of the residential zone. The site abuts predominantly non-residential uses to the east, west and south and provides for the consolidation of three lots. The proposal responds to the features of the site and surrounding area by positioning the building massing along the southern and western edges of the site, and thus addressing the active street frontages. Landscaping elements along perimeters of the site and use of a diverse materials and finishes palette serve to break up building massing. The building design is a contemporary response to the context.

Ground level setbacks from both street frontages are appropriate. The Waverley Road setback varies between 7.58 to 8.34 metres, with just the apartment entry element being fractionally closer at 7.037m. This slight encroachment into the 7.6 metre setback requirement of the Schedule to the zone is considered acceptable in this instance as it serves to highlight the apartment entry. Furthermore, the one adjacent dwelling to the east is setback 7.112m from Waverley Road, and thus the difference is less than 10cm and is negligible in this context.

The setback from Allen Street is significantly more, in order to provide a 3m wide landscape buffer, together with parking near the entrance on the site. This landscape strip is wide enough to accommodate canopy trees which will serve to soften the appearance of the development and contribute to the Garden City character.

The three storey form along the Waverley Road frontage is appropriate for the main road context and is sufficiently modulated through the use of materials and design elements to be visually interesting. Whilst the height is more than the adjacent single storey dwellings, the setback to the eastern boundary meets requirements of Clause 55.04-1 in terms of height.

A single storey wall is proposed to be built on the eastern boundary for a length of 8.4 metres. This wall meets the objective of Clause 55.04-2, as well as the height and length requirements detailed in the associated Standard.

The property immediately to the north contains a single storey residential dwelling. The proposal is for a double storey form setback approximately 2.6 metres at the first floor level at the closest point. Such a setback and two storey scale is appropriate in this context, as it provides a suitable transition from the single storey dwelling to the north.

A further step-up to the next level above, which comprises a roof terrace for outdoor play and lift/stairwell, is setback 3.5 metres at the closest point, with a 1.8m high glass balustrade proposed. The lift and stairwell component, which themselves comprise a full height third storey, are situated close to the southern edge of the roof terrace and thus the proposal appears to be stepping away from the northern boundary with each additional level – providing for a transition in height. The glass balustrade is a visually permeable element which will sit lightly on top of the first floor roof level and will read as a transitional element when viewed from the streetscape. The materials and colours of this northern building are also much lighter than the darker red brick used in the southern apartment building. This serves to differentiate the two buildings, as well as give the northern building a softer appearance in the streetscape.

Overall, it is considered that the transition in height across the northern building – increasing from north to south – provides for a respectful change in height from the single storey dwelling to the north, whilst allowing for sufficient outdoor space for the child care centre. Furthermore, a condition will be included to ensure no

more structures can be added to the roof (such as shade sails) to ensure there is no increase in visual bulk.

The development provides for side and rear setbacks in accordance with the requirement of Clause 55. The basement of the development is fully submerged resulting in a built form outcome attune with the existing natural ground level. The basement itself is setback from all property boundaries, thus ensuring there is ample room for deep soil planting adjacent to all boundaries which will further assist to soften the massing of the development.

Landscaping requirements will include planting of large canopy trees, particularly along the Allen Street frontage. Notably there is one existing tree, situated in the south-west corner, which is also proposed to be retained, which will give the landscaping design an established feel from day one.

The streetscape facades provide for visual interest through the use of breaks in the building form on the Allen Street frontage, as well as a high degree of façade articulation which serves to reduce the massing impact. The buildings are articulated both vertically and horizontally, through the use of differing materials, balconies, framing elements and windows. These features work together to mitigate the perception of building massing.

Design Detail

The proposed development form adopts a contemporary architectural response to the site's context, whilst incorporating some features which reflect the residential setting of properties to the north. The use of an articulated brick façade, together with angled roof pitches for the residential component of the building, reflects this buildings residential use rather than taking on an institutional approach. Meanwhile, the use of more commercial building elements, such as articulated concrete walls, for the ground floor child care and northern building, suitably reflect the commercial use of this part. These two distinct forms complement one another, whilst also assisting to break up the massing and create visual interest across the site.

Fencing along the Waverley Road frontage, wrapping around the child care play space in this location, is designed to complement the built form through the use of matching bricks and with metal picket infills. This style is also appropriate in the context of the main road setting and the metal fencing found on the adjacent Glenallen School to the west. This fence is proposed to be 1.8 metres tall, which is 0.6 metres taller than the 1.2 metre requirement of the Schedule to the zone. However this increase in height is considered to be appropriate in this main road context, particularly as the existing fencing on the site is solid timber palings at 1.8 metres in height and the propose fencing will be visually permeable above 1.2 metres.

The proposed location of the child care centre bin storage, adjacent to the northern boundary, and nestled between the fence and the basement car park

entry, is not supported given that there is the potential for negative amenity impacts on the adjacent residential property. A permit condition is recommended to relocate this storage area into the basement of the development.

Site Coverage, Garden Area and Landscaping

The proposal readily meets the requirements for site coverage (50.11%), permeability (41.38%) and the mandatory minimum Garden Area of 35% - with 37.52% achieved. The site coverage and permeability also meet the more restrictive requirements proposed under Amendment 125.

An indicative landscaping response has been shown on the development plans. Proposed conditions will require the provision of trees within the street setback areas on the street frontages, as well as other suitable planting of trees and shrubs throughout the site to contribute to the Garden City character.

Overlooking

Windows of the apartments facing the adjoining residential properties to the east (Units 1 and 5) are highlight windows and will not cause any overlooking. Similarly the north facing kitchen windows of these two units are annotated on the floor plan as being highlight windows and with obscure glass, although the corresponding northern elevation does not show this detail. A suitable permit condition is recommended to require these kitchen windows be suitably screened, with the detail to be shown on both the plans and elevations.

The apartment balconies have been either located or suitably screened to prevent views into the child care centre or adjoining residential properties. A permit condition is recommended to further require that the north facing balcony screens be modified in order to reduce the reliance on vertical screening, which can make the balcony space feel enclosed, and instead utilise other methods to prevent downward views – such as horizontal screens or the like.

First and second floor level play areas for the child care centre are to be surrounded by 1.8m glass screens, however no detail is provided on the plans regarding whether they are proposed to be constructed using obscure glazing. A permit condition is recommended to require that obscure glazing be used for all glass screens where there are views possible within 9 metres of the boundary. Notably, the use of obscure glazing on the second floor roof terrace will still read as a light architectural element in the context of the building as a whole and will not unduly add to the perception of building bulk at this level.

Overshadowing

Shadow diagrams submitted with the application indicate that the majority of the shadows cast by the development will be predominantly contained within the subject site or fall in the public domain (being Waverley Road) at the September equinox.

However, the development will result in some increased overshadowing to the adjacent residential properties abutting the eastern boundary in the afternoon. The relevant Clause 55 standard at B21 states:

“Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 percent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.” (Emphasis added)

A detailed area analysis of the existing and proposed overshadowing for 1pm, 2pm and 3pm for the secluded private open space areas of No’s 17 and 19 Richard Street, provided by the applicant, reveal that there is a reduction in sunlight to below 40 sqm at certain times – detailed in the table below:

Areas of SPOS free from shadow (and thus receiving direct sunlight)

	1pm	2pm	3pm
19 Richard Street	48.8 sqm	41.1 sqm	29 sqm
17 Richard Street	36.4 sqm	31.9 sqm	25 sqm

Note that a detailed area analysis was not provided for times earlier than 1pm, however the shadow diagrams indicate that internal shadowing at No’s 17 and 19 Richard Street would be less than 40 sqm at 9am and possibly 10am and thus both these properties definitely will not achieve sufficient sunlight for five hours between 9am and 3pm.

This new shadowing is not caused by the proposed buildings, but rather by the proposed 2 metre metal boundary fence along the common boundary. The current fence is 1.6 metres in height and constructed of timber palings. In order to prevent the new, excessive shadowing, a permit condition is recommended to require that this fence be maintained at a solid height that is no higher than the existing condition (being 1.6 metres) and that 0.3 metres of trellis be added above which will serve the dual purpose of adding height and privacy to the fence, whilst still allowing filtered light through to the existing secluded private open spaces. This would then ensure compliance with the objective of Standard B21.

Internal Amenity

The proposed development demonstrates good internal amenity outcomes for the residential dwellings. All habitable rooms are provided with direct access to daylight and ventilation, having no reliance on borrowed light.

Each apartment has an internal area of 78 sqm – 86 sqm. Bedroom and living room internal dimensions are compliant with the applicable minimum room standards for apartments. The layout of the dwellings is functional, with limited corridor space, resulting in larger habitable room sizes and generally well-apportioned apartments.

Private Open Space

Each of the eight apartments have been provided with a 10 sqm balcony which is directly accessible from the living area. This balcony size is above the minimum 8 sqm requirement (with a minimum dimension of 2.0m) that is specified for apartments at Standard B43 at Clause 55.07-9.

Each balcony has a good orientation, with six of the eight able to receive direct northern light, and two with an eastern orientation.

Waste Management

A Waste Management Plan was submitted with the application as part of the supporting documentation. Private collection of waste is proposed for the development. Council's Waste Services department have confirmed that this is supported.

Construction Management

A Construction Management Plan including details of staging of construction works and construction vehicle access traffic management detail will be a permit requirement. Construction Management Plan requirements will seek to minimise amenity impacts of the proposed development on the surrounding area.

Car Parking, traffic and access

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

Use	Number of Dwellings	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Two bedroom dwelling	8	1 space/two bedroom)	8	8
	Number of children	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Child care centre	127	0.22/child	27	31
Total			35	39

In this instance, the subject site is located within the PPTN, and as such there is no requirement for visitor car parking for the residential component of the proposal.

The provision of on-site car parking exceeds the statutory requirement of the scheme by four spaces. Three of the spaces for the child care centre in the basement are provided in tandem, and thus will only be able to be used by staff. An appropriate permit condition is recommended to reflect this requirement.

Council's Traffic Engineer has reviewed the submitted traffic and car parking assessment reports and is satisfied that there is adequate car parking. Furthermore, car manoeuvres and traffic generation are considered to be acceptable and will be able to be accommodated within the existing street network without any impact on safety.

Noise

A detailed acoustic assessment report was submitted with the application. This report looks at noise likely to be generated by the proposed centre, including children playing outdoors, car park and mechanical plant and equipment. The findings of the report are that future noise generated from the site will generally comply with the relevant noise criteria.

The original noise report submitted with the application included modelling based on there being a 3.3 metre acoustic barrier on the northern and eastern boundaries of the child care centre.

During the course of the application, it was clarified by the applicant that only a 2 metre high fence would be proposed on the eastern boundary and a 3.0 metres fence on the northern boundary. The eastern boundary fence has been discussed earlier in this report in relation to overshadowing matters.

Council officers are of the view that the proposed acoustic fencing will add to the visual bulk of the proposal when viewed from the rear gardens of adjacent properties. It is considered that it is unnecessary to require tall acoustic fencing given that there are no requirements to do so. This is because there are no official noise regulations in Victoria regarding the sound of children playing associated with a child care centre. Furthermore, VCAT has previously found that the noise from children playing are not be considered as offensive. Instead it is considered to be sufficient to limit the hours in which children are allowed to play outdoors at the child care centre to those that were recommended in the acoustic report (being to between 7 am and 6pm only), together with a maximum fence height of 2.0 metres.

The acoustic report also recommends a 1.8m high acoustic barrier for the first floor outdoor play area. The report is silent for the second floor, however a 1.8m high barrier has been shown which is consistent with the lower level and is considered appropriate.

Objections not previously addressed

- Loss of property value

This is not a consideration that can be taken into account when assessing a planning application on its merits.

- Impact on existing drainage system
The application was referred to Council's Development Engineer. No concerns were raised about the proposal's impact on the drainage system and standard drainage conditions have been recommended for inclusion on any permit issued.

CONCLUSION:

The proposal is appropriate given the zoning of the land and the design response which is generally consistent with the objectives and requirements of the relevant state and local policies. The child care centre use will cater for families within the broader community. The residential apartments will cater for housing diversity and urban consolidation objectives. The design is generally site responsive and will not result in any unreasonable amenity impacts on surrounding properties, subject to suitable conditions for some minor modifications.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.