

**1.6 1-9 ALLEN STREET & 777-781 WARRIGAL ROAD, OAKLEIGH
THE CONSTRUCTION OF A FOUR STOREY RESIDENTIAL AGED CARE FACILITY; AND
A MEDICAL CENTRE
(TPA/49990)**

EXECUTIVE SUMMARY:

This application proposes the construction of a residential aged care facility comprising of 155 residential aged care beds/rooms, associated services, amenities, wellness centre and medical centre in a four storey building and 56 on-site car spaces within a basement car park. The proposal also includes removal of a vehicle access in Warrigal Road.

The application was subject to public notification. Five (5) objections to the proposal have been received with three (3) objections from the same property.

Key issues to be considered relate to neighbourhood character, building height and mass, design detail, traffic impact, adequacy of car parking, construction impact and impacts to residential amenity.

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

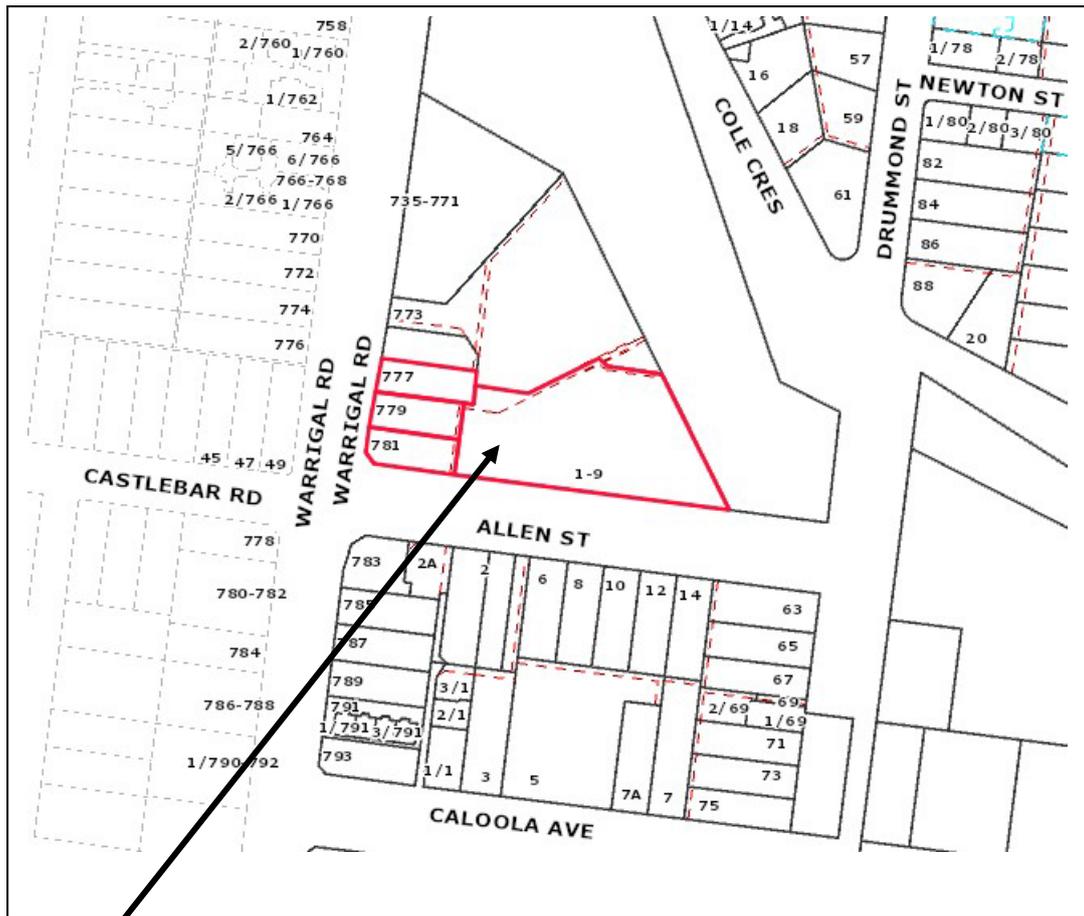
The reason for presenting this report to Council is the proposed development cost of \$25 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	1-9 Allen Street & 777-781 Warrigal Road, Oakleigh
EXISTING LAND USE:	Dwellings and former community care and accommodation facility
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Five (5)

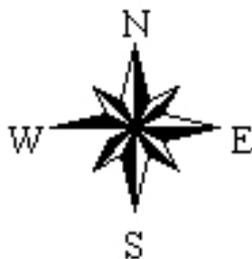
ZONING:	<p>Neighbourhood Residential 2 (1-9 Allen Street)</p> <p>Neighbourhood Residential 3 (777-781 Warrigal Road)</p> <p>Approved under Amendment C125.</p>
OVERLAY:	No Overlays
<p>RELEVANT CLAUSES:</p> <p><u>State Planning Policy Framework</u></p> <p>Clause 00.01 (Purpose)</p> <p>Clause 11 (Settlement)</p> <p>Clause 11.01-1R1 (Metropolitan Melbourne)</p> <p>Clause 14.02-1S (Catchment Planning and Management)</p> <p>Clause 15.01 (Built Environment)</p> <p>Clause 15.02 (Sustainable Development)</p> <p>Clause 16 (Housing)</p> <p>Clause 16.01 (Residential Development)</p> <p>Clause 19.02-1S (Health Facilities)</p>	<p><u>Local Planning Policy Framework</u></p> <p>Clause 21 – Municipal Strategic Statement</p> <p>Clause 21.04 – Residential Development</p> <p>Clause 21.05 – Economic Development</p> <p>Clause 22 – Local Planning Policies</p> <p>Clause 22.01 – Residential Development and Character Policy</p> <p>Clause 22.09- Non Residential Use and Development in Residential Areas</p> <p>Clause 22.13 – Environmental Sustainable Development Particular Provisions</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.29 – Land adjacent to a Road Zone, Category 1</p> <p>Clause 52.34 – Bicycle facilities</p> <p>Clause 53.17- Residential Aged Care Facility</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	2 April 2019
DEVELOPMENT COST:	\$25 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/49990)** for the construction of a four storey residential aged care facility, use of the premises for a medical centre and alteration (removal) of access to a road in Road Zone, Category 1 at 1-9 Allen Street & 777-781 Warrigal Road, Oakleigh subject to the following grounds:

1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 16.01-7S, 21.04 and 22.01 of the Monash Planning Scheme.
2. The proposal is inconsistent with the Monash Housing Strategy 2014.
3. The proposal does not satisfy the purpose of Clause 53.17 of the Monash Planning Scheme.
4. The proposal does not adequately satisfy the objectives of the Neighbourhood Residential Zone.
5. The proposal is out of character with the existing development in the area in particular with regard to building height, mass, bulk and scale.
6. The proposal would have a detrimental impact on the amenity of surrounding land.
7. The design details of the medical centre does not allow easy and convenient access to the medical centre.

BACKGROUND:**History**

Council previously issued a Notice of Decision to Grant a Planning Permit (TPA/48803) for the construction of a residential aged care facility comprising of 136 beds within a two storey building with basement car parking and alteration (removal) of access to a Road Zone, Category 1 on 31 October 2018. The decision has been appealed by objectors and a conditions appeal has also been lodged to VCAT by the permit applicant.

A compulsory conference on this matter has occurred on 27 March 2019 and the matter was settled. The consent includes the lower ground floor eastern boundary setback increased from 3.2 to 6 metres.

This application for a four storey building is now possible as a result of the changes of planning regulations for Aged Care Facilities which was introduced on 26

October 2018 by the State Government (Amendment VC 152). The previous application for a two storey building was restricted by a maximum height limit of 9 metres under the Neighbourhood Residential Zone, while the new regulations for Aged Care Facilities allows a maximum height of 16 metres.

The Site and Surrounds

The subject land is located on the north-eastern corner of the intersection of Warrigal Road and Allen Street in Oakleigh. The land is irregular in shape, has an overall area of 6,309 square metres including a 44.5 metre frontage to Warrigal Road (western boundary) and 115.5 metre frontage to Allen Street (southern boundary). The land has a fall of approximately 8 metres from west to east. Numerous drainage and sewerage easements encumber the land and span existing rear and side title boundaries. The land comprises of four individual titles encompassing 3 detached single storey dwellings oriented to Warrigal Road. The land at 1-9 Allen Street is currently vacant.

The dwellings orientated to Warrigal Road were constructed circa 1950's. One dwelling on each lot of 777, 779 and 781 Warrigal Road. Previously a single storey brick building existed at 1-9 Allen Street. It was formerly occupied by OC Connections and utilised as a residential building and for community programs. OC Connections have occupied the Allen Street property and adjoining land to the north since the 1960's. The building at Allen Street was demolished in late 2018 and since then the land remains vacant. The land at 777-781 Warrigal Road includes some existing scattered vegetation along the periphery of the site. There are no existing vegetation on the Allen Street land.

OC Connections continue to occupy the adjoining properties to the north at 773 Warrigal Road.

The surrounding precinct to the south is a residential area forming part of Heritage Overlay HO93 and is described in the Monash Heritage Study (1998) as:

“This small residential area slopes steeply to the Caloola Reserve and consists of two street blocks with an additional row of bungalows facing Drummond Street on its east side. It is bounded on the west by Warrigal Road, on the north by the Oakleigh Centre complex, on the east by the Caloola Reserve which follows the course of Scotchman's Creek and on the south by recent commercial development associated with Dandenong Road. Approximately two thirds of the houses contribute to its cultural values. The majority of these are unpretentious Californian bungalows of the inter-war period, usually of timber construction. There are also two Federation period villas and “Cumnock”, erected in its surviving spacious grounds during the late 1880's....”

The majority of dwellings on the southern side of Allen Street are the original housing stock being detached Californian bungalows dating back to the 1930's and 1940's. Dwellings are generally well maintained and include landscaped gardens within the street setback.

Caloola Reserve and the Scotchman's Creek linear park and bicycle trail is located to the north-east. A children's playground occupies Caloola Reserve to the immediate north-east with established dense vegetation along the common boundary.

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

PROPOSAL:

The application seeks to construct a four storey residential aged care facility including basement car parking.

The main features of the proposal can be summarised as:

- Demolition of all existing buildings on site.
- Construction of a four storey building including a basement car park. The building presents as three stories along the Warrigal Road frontage, and three to four stories along Allen Street and adjacent to Scotchmans Creek frontage due to the slope of the land. The building has a maximum overall height of 13.3 metres from natural ground level adjacent to the eastern boundary where the land falls away.
- The building will be setback 7.9-9.6 metres to the Warrigal Road and 4.3-6 metres to the Allen Street boundaries.
- The building will be setback a minimum of 2.3 metres to the northern boundary and 4 metres to the eastern boundary, where it adjoins the Scotchmans Creek Trail.
- Provision of a porte cochere with pick up and drop off area fronting Allen Street.
- The basement car park will be accessed via a new vehicle crossover near the eastern end in Allen Street.
- The residential aged care facility will comprise 155 beds with various ancillary facilities and services including dining, lounge and café areas, gym, theatre, activity rooms, outdoor terraces, wellness area and a medical centre.
- 56 onsite car spaces including three disabled spaces and a loading bay are provided within the basement / lower ground floor.
- The medical centre is located on the ground level fronting Warrigal Road. It can be accessed via a pedestrian footpath from Warrigal Road, or via the lift or staircase from the basement car park. The medical centre will provide up to 6 practitioners and operate between 7am to 8pm every day. It is not indicated to be exclusive to the aged care facility.
- Two large internal courtyard spaces are proposed along with a rooftop terrace space.

- The architectural styling of the development is contemporary in appearance. The building will have limited articulation with building setbacks across its frontage towards Warrigal Road or along Allen Street, with the exception that the fourth level is setback from the eastern boundary.
- The use of a variety of materials is proposed including timber cladding, textured render, substantial glazing and decorative feature screening.
- The existing vehicle crossovers on Warrigal Road will be removed.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The subject land is located within multiple residential zones:

- 1-9 Allen Street is zoned Neighbourhood Residential Zone 2 (NRZ2);
 - 777-781 Warrigal Road is zoned Neighbourhood Residential Zone 3 (NRZ3);
- under the provisions of the Monash Planning Scheme.

No permit is required for use of land as a residential aged care facility within the Neighbourhood Residential Zone. However, a permit is required to construct or carry out works for a residential aged care facility within the Zone. A development must meet the requirements of Clause 53.17.

Pursuant to Clause 32.089-2 a permit is required for use of land as a medical centre if the gross floor area of all buildings exceeds 250 square metre, and it is not located in an existing building.

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.

Clause 52.34: Bicycle Facilities

A new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

Clause 53.17: Residential Aged Care Facility

This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed

Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The following requirements are applicable to this application:

- In the Neighbourhood Residential Zone the maximum building height must not exceed 16 metres.
- Minimum street setback: If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is lesser.
- Minimum side street setback: Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 4 metres, whichever is the lesser.
- Noise sources such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.
- The site area covered by buildings should not exceed 80%.
- Access: provide direct access to on site car and bicycle parking, to the building for emergency vehicles and for service and delivery vehicles to on site loading bays and storage areas. Ensure vehicles can enter and exit a development in a forward direction.
- Building entry: the main pedestrian entry to a building should have convenient access from a street and designed vehicle standing area suitable for use by a community bus. A disabled parking area should be provided in an area that is convenient for the drop off and pick up of residents.
- Communal open space: accessible and useable communal open space should be provided for residents and staff.
- Front fence: 2 metres in height in streets in a Road Category 1.

Further Information Request

Further information was requested of the Permit Applicant on 17 January 2019. In this letter, officers also raised the following preliminary concerns:

- The sheer three to four storey height and expansive scale of the proposed development fails to acknowledge and suitably integrate with the immediately adjoining Scotchmans Creek environs and surrounding heritage precinct where a more modest built form prevails. The visually dominant and overwhelming building mass of the proposed development is considered excessive given the context.
- Whilst Clause 53.17 residential aged care provisions allow for a building height of up to 16 metres, the height, scale and architectural styling of the proposed development poorly integrates with the established built form and character of development within the surrounding area and relevant residential development policy.

- Development on the site should be reflective of a more modest scale and form. The four storey scale and expansive massing impact of the proposal is excessive having regard to the surrounding residential precinct which is typically characterised by single and double storey detached dwellings within a landscaped setting and adjoining creek environs public open space area. Residential policy applicable to the area envisages a lesser building scale, generous building setbacks and modest built form outcomes in a densely landscaped bushland setting.
- The location of the medical centre premises is not considered optimal for customers accessing the medical centre by car. Parking and vehicle access will require staff and visitors to access the premises through the residential aged care facility basement at the eastern end of Allen Street. Pedestrian access to the medical centre from Warrigal Road is not considered to be safe or convenient given “No Stopping” restrictions along Warrigal Road, high traffic volumes and congestion.
- There will be overlooking issues to the adjoining properties to the north.

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 24 January 2019 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they disagree with the assessment about the built form and neighbourhood character as they believe the proposal is below the mandatory height limit of 16 metres and believe the proposal responds positively to the neighbourhood context. In regards to the location of the medical centre, the applicant believes that it is suitably located as it will be clearly identified from the street, and conveniently accessed via the lift from the basement car park. They also advised that the proposal has been amended to address the overlooking concerns to the residential property at 775 Warrigal Road.

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

CONSULTATION:

Public Notice

Notice of the application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*. Notices were posted to the owners and occupants of properties adjoining the subject land and within the surrounding area. Six (6) signs were displayed on the site during the notification period.

Five (5) objections to the proposal were received.

Key issues raised within objections can be summarised as:

- Inappropriate scale, built form and building mass.
- Neighbourhood character and impacts to the Scotchmans Creek and the heritage precinct.
- Traffic and vehicle access.
- Adequacy of car parking provision and impacts from the car park.
- Overlooking and loss of privacy.
- Overshadowing.
- Construction impact.
- Security.
- Insufficient landscaping.
- Loss of property values.

Public information session

Council officers facilitated a public information session during the public notification period on Thursday 21 February 2019 at the Monash Seminar and Training Centre. Council officers and representatives of the developer were in attendance to answer questions about the proposal. The session was attended by approximately 3 community members.

Attachment 4 details the location of objector properties.

Referrals

Council Engineering

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

VicRoads

The application was referred to VicRoads pursuant to the requirements of Clause 52.29. VicRoads have no objection to the proposal subject to conditions.

DISCUSSION:

Consistency with State and Local Planning Policies

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. Plan Melbourne recognises an aging population trend and the need to provide for age appropriate housing forms and different types of accommodation over a lifetime.

State policies variously require consideration of appropriateness of the scale and appearance of built form associated with residential development. The specific policy in Clause 16.01-7S refines and directs the focus of consideration with residential aged care facilities and provides as follows:

Residential aged care facility policy at Clause 16.01-7S seeks to:

“To facilitate the development of well-designed and appropriately located residential aged care facilities.”

Applicable strategies:

“Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:

- *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
- *Enables older people to live in appropriate housing in their local community.*

Provide for a mix of housing for older people with appropriate access to care and support services.

....

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.”

The above mentioned policy recognises the increasing need for additional residential aged care facilities within established urban areas. It is expected the built form and scale outcomes of these facilities will be different and more intense in built form to conventional detached dwellings. Residential aged care development should be of high quality and provide for suitable internal amenity outcomes. The design response should have regard to context and interface to suitably integrate the built form outcome with the surrounding area.

Site analysis provides the basis for the consideration of height, scale and massing of new development, and it is important to ensure development provides landscaping that responds to its site contexts, enhances the built form and creates safe and attractive spaces. The context of the subject site contains a residential and commercial interface to the northern boundary, the Scotchmans Creek to the eastern boundary and a residential heritage precinct on the opposite side of Allen Street. This unique and sensitive context for the subject site requires the careful design of the proposal having regards to the protection of the surrounding environs.

Whilst increased height and larger built form outcomes are typically more accepted on main roads and larger sites, the subject land is unique in terms of its limited aspect to Warrigal Road and its interface to Scotchman’s Creek. The form

of development needs to have careful consideration as to how it interfaces and integrates with the site context. The proposal contains a substantial section of 3 to 3.5 storey wall massing against the Scotchmans Creek interface which is not considered a site responsive design.

The proposal presents as a three storey building form to Warrigal Road and three to four storey form to the surrounding residential properties in Allen Street. The overall massing and visual impact of the development is dominant. The significant length of the site results in an overall continuous massing extending greater than 130 metres in length to a height between 10 to 13 metres along Allen Street. The scale of the proposal is substantially greater than the established form of the surrounding area and poorly integrates with the built form in the surrounding context with regard to the streetscape of the residential heritage precinct in Allen Street, where the dwellings are heritage listed as the 'original Oakleigh Township' (Heritage Overlay 93).

The architectural design directly transferred from the previously approved two storey building (under Planning Permit TPA/48803) does not help to relieve the three to four storey building form. The overall building scale, mass, and building setbacks are not compatible.

The design response needs to more appropriately integrate with the established residential area. The scale of the development should be more akin to the existing character of Allen Street, providing for a more modest building form with more landscaping that supports the amenity and attractiveness of Allen Street and the Scotchmans Creek.

The Municipal Strategic Statement at Clause 21 identifies the Garden City Character of the municipality as a core value held by the community and Council as a significant and important consideration in all land use and development decisions. Clause 21.04 (Residential Development Policy) mentioned 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. The current proposal to develop and use the land for residential aged care facility is considered consistent with the objectives of this clause in providing facilities to meet existing and future needs of residents from the municipality, subject to a better design to respect to the scale and built form to the surrounding neighbourhood. The Residential Development and Character Policy at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area.

The proposal includes a contemporary design of the building with architecture features which will complement the established development within the surrounding area. A variety of materials and finishes have been utilised including face brickwork, rendering elements, and flat roofing generally complimentary to the streetscape character of the surrounding area.

Whilst the contemporary design of the proposal is deemed satisfactory, the submitted proposal is inconsistent with this policy guidance which seeks a more modest design response. The proposal has not been designed to have regard to the surrounding context particularly to the north adjoining residential interface at 775 Warrigal Road, the Scotchmans Creek interface and the heritage overlay precinct on the south side of Allen Street. It also fails to provide sufficient setbacks along the Scotchman's Creek boundary to allow sufficient landscaping to respect the landscaped setting. The natural and treed environs of Scotchman's Creek precinct where future planning policy seeks to retain an open landscaped character, provision of substantial landscaped setbacks and envisages development of a much lesser scale than the current proposal. Any redevelopment of the land should be reflective of a more modest scale and form that is respectful to the surrounding residential precinct within a landscaped setting and adjoining creek environs public open space area.

In addition, Neighbourhood character objectives applicable to the land seek:

“NRZ2 – Creek Abuttal Area

To emphasise the visual dominance of landscaping, particularly along the interfaces with the creek corridors.

To ensure new development transitions down in scale towards the creeks, respecting and reinforcing the natural topography.

To respect and enhance the existing character and functions of the open spaces along the creek corridors.

NRZ3 – Creek Environs Area

To ensure new development transitions down in scale towards the creeks, respecting and reinforcing the natural topography.

To ensure development is defined by its spacious and generous garden settings, tall canopy trees and consistent built form and setbacks.”

The objectives seek a landscaped edged to the development and a lower scale development adjacent to Scotchmans Creek. Provisions of the zone seek a rear setback of 7 metres to the creek abuttal (eastern boundary). The proposed development provides a setback of 4.3 metres to the eastern boundary. The setback of the development adjacent to the eastern boundary should be increased to provide for improved height transition and more substantial landscaping adjacent to the Scotchmans Creek interface.

It is considered that a more appropriate design response for the site would better integrate new residential development having regard to the existing and preferred character of the area. Development of the land should be less visually dominant, more modest in scale and massing and provide for appropriate interface to Allen Street and the Scotchman's Creek interface. A lower scale building form should be

more reflective and sympathetic of the predominant character and form of the surrounding area.

The Environmental Sustainability Development Policy at Clause 22.13 aims to integrate environmental sustainability into new developments. The applicant has submitted related environmental assessments that achieve the policy.

Aged Care Use

The age structure for the City of Monash (2006 Census) shows that Monash has an ageing population, with 28 per cent of the total population being over 55 years of age. Available census data indicated that the population of Monash is predominantly of an older bracket and is evidently increasing in age. The Department of Health and Ageing has identified the eastern metropolitan region of Melbourne as an area which requires additional aged care beds to meet the national standard of aged care places.

The City of Monash *Council Action Plan 2009-2013* and *Positive Ageing Action Plan 2011-2014* identify the need to provide for additional aged care facilities and accommodation types in appropriate locations.

Objectives of the *Victorian Government Residential Aged Care Policy 2009* recognise:

“Residential aged care facilities should be appropriately located close to community amenities and where there is good access to public transport for visitors and staff. The State’s planning system has a role in facilitating the development of residential aged care facilities...”

Whilst the provision of additional aged care accommodation has sound strategic policy justification, the location and form of any such development needs to respond to applicable housing policy provisions.

Medical Centre Use

Clause 22.09 is to ensure development is appropriate having regard to the residential environment of the surrounds, although car parking for the medical centre have not been designed to connect well with the centre, which will be further discussed below. The development generally complies with the performance and location criteria specified under Clause 22.09-4 as follows:

Locational criteria

- The site is located adjacent to a small commercial building at 735-771 Warrigal Road, and Chadstone Shopping Centre is within 750 metres west of the subject site.
- The site is located on a higher order road and is not within a heritage precinct.
- A medical centre use will provide services to the proposed residential aged care facility.

- The intensity of the proposed use with six practitioners operating from the site with sufficient car parking provision is not considered to have any unreasonable cumulative impacts on the existing residential amenity.

Urban design criteria

The medical centre will be located within the same building as the proposed residential aged care facility. The design and built form of the building has been assessed against the state and local planning policies, and will be further assessed below against the design requirements in Clause 53.17- Residential Aged Care Facility.

While the use of the medical centre is considered appropriate in respected meeting the locational criteria, the design detail should pay more attention to the connection between the medical centre and its car park to allow easy and safe pedestrian and vehicle access, without needing to go through the aged care facility.

There are no public transport stops within 400 metres walking distance of the subject site, it is expected that customers visiting the medical centre will mainly rely on cars. Warrigal Road has 'No Standing' and with the high traffic volumes on Warrigal Road, visitors will either have to walk from the porte cochere in Allen Street through the aged care facility to the medical centre, or park in the basement car park via the entrance at the eastern end of Allen Street. There is a poor connection between the medical centre and its car park. This is not considered an appropriate outcome given the medical centre is not exclusive to the aged care centre.

The car parking and landscape criteria will be assessed with the overall proposal in the below assessment section.

Monash Housing Strategy 2014

The Monash Housing Strategy was 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 highlights the municipality's ageing general population and a growth in residents aged between 70-84 years of age. The housing strategy identifies that facilitating housing diversity, provision of specialised accommodation and services for older residents and providing appropriate housing for an ageing population will be key issues for Monash within the foreseeable future.

The need for the City of Monash to adopt a proactive role to address housing issues has been imperative and the Monash Housing Strategy forms part of that role.

The subject land is located within the “Creek Environs” precinct where policy objectives envisage lower scale development and an open landscaped character. Residential development outcomes seek conventional lower density detached housing and unit development with larger setbacks to boundaries adjacent to Scotchman’s Creek.

The submitted proposal is at odds with the objectives and guidance of this strategy. The subject land and surrounding area has not been identified for increased residential density and development of the scale proposed. The design response pays little regard for the unique surrounding context in terms of built form outcomes, design objectives of the housing strategy and neighbourhood character. The Housing Strategy envisages development of a much lesser scale adjacent to Scotchman’s Creek typically in the form of modest detached dwellings and substantial development setbacks adjacent to the creek corridor in a spacious landscaped setting. The four storey built form of the proposed development will be visually dominant on the neighbourhood and landscape character of the surrounding area, particularly when viewed from the Scotchman’s Creek linear park and bicycle trail (east elevation).

Assessment

Residential Aged Care Facility

The subject site is within the Neighbourhood Residential Zone and the purpose of the zone is to:

- *Implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *Recognise areas of predominantly single and double storey residential development.*
- *Manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *Allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Clause 32.09-8 states that development of a residential aged care facility must meet the requirements of Clause 53.17- Residential aged care facility.

Clause 53.17 recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood. It sets out development requirements to ensure development of residential aged facilities do not unreasonably impact on the amenity of adjoining dwellings.

This clause also specify that if there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

The table below shows if the proposal meets the development requirements in Clause 53.17.

Requirement	Proposed	Compliance with requirement
Building Height- in the Neighbourhood Residential Zone the maximum building height must not exceed 16 metres.	The maximum building height of the proposal is 13.3 metres.	Compliance achieved
Street Setback- If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochere. Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 4 metres whichever is the lesser.	The proposed front setback to the Warrigal Road frontage is between 7.9 metres to 9.6 metres. The front wall of the building facing the side street (Allen Street) is setback between 4 metres to 6 metres.	Compliance achieved Compliance achieved
Side and rear setbacks- a new building not on or within 200mm of a boundary should be setback from side or rear boundaries by 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.	The building is setback a minimum of 2.3 metres from the side boundary or rear boundaries.	Compliance achieved.
Walls on boundaries	The proposal does not contain any walls to be built on property boundaries	N/A
Daylight to existing windows- building opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.	The building is setback 2.3 metres from the residential dwelling at 775 Warrigal Road.	Compliance achieved
North facing windows	There are no north facing habitable room windows of an existing dwelling within 3 metres of the boundary on an abutting lot.	N/A
Overshadowing	The proposal will not overshadow the secluded private open space of an existing dwelling.	Compliance achieved
Solar panel overshadowing	There are no solar panel facilities on the adjoining dwelling.	N/A
Overlooking	The proposal includes vertical privacy screens for the north facing windows to prevent overlooking to the dwelling at 775 Warrigal Road	Compliance achieved-however if Council were of a mind to support the application, permit conditions will require the screens to be amended to

Requirement	Proposed	Compliance with requirement
		horizontal batten to more effectively prevent overlooking.
Noise impact- noise sources such as mechanical plant should not be located near bedrooms of immediately adjacent existing dwellings	There are no noise sources located near the adjoining dwelling.	Compliance achieved
Daylight to new windows- A window in a habitable room should be located to face: <ul style="list-style-type: none"> - An outdoor space clear to sky or a light court with a minimum of 3 square metres and minimum dimension of 1 metre clear to the sky - A verandah provided it is open for at least one third of its perimeter, or - A carport provided it has two or more open sides and is open for at least one third of its perimeter 	All habitable room windows are located to face the internal courtyards or with a light court of minimum 3 square metres.	Compliance achieved
Site coverage- should not exceed 80%	Proposed site coverage is 63.4%	Compliance achieved
Access- access ways should be designed to provide direct access to on site car and bicycle parking, to the building for emergency vehicles, for service and delivery vehicles to on site loading bays and storage areas and to ensure vehicles can enter and exit a development in a forward direction. Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction. The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority	The proposed porte cochere or basement car park have been well designed to allow vehicle access via Allen Street. The application has been referred to VicRoads and Council's Traffic Engineering and they did not object to the proposal.	Compliance achieved
Building entry- the main pedestrian entry to a building should: <ul style="list-style-type: none"> - Have convenient access from a street - Be sheltered from the weather - Have convenient access from on site car parking. - Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area shall be provided in an area that is convenient for the drop off and pick up of residents. 	The proposal includes a porte cochere at the entrance of the building in Allen Street.	Compliance achieved
Communal open space- accessible and useable communal open space should be provided for residents and staff	Communal open space have been provided to the residents.	Compliance achieved
Front fence- should not exceed 2 metres in height in streets in a Road Category 1, and 1.5 metres in height on all other street	The proposal includes a 1.4 metres high front fence along the Warrigal Road and Allen Street frontage.	Compliance achieved

The decision guidelines of Clause 53.17 requires the responsible authority to consider:

- The Municipal Planning Strategy and Planning Policy Framework.
- How the proposed development responds to the site and context description.
- The proposed amenity for future residents of the residential aged care facility.

The proposal generally complies with the design requirements set out in Clause 53.17- Residential Aged Care Facility. However merely meeting the numerical requirements does not mean that the proposal meets the purpose of the Clause. As discussed in the previous section, the proposal has not been designed to adequately respond to the unique context of the site in terms of building height, bulk and mass, and fails to 'ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings'. The proposed built form will be visually intrusive to the adjoining residential properties, and to the Scotchmans Creek interface which will be at-odds to the streetscapes, and pays little to no regard to the Neighbourhood Residential Zone, nor does it attempt to respond to the site and surrounds in any meaningful way.

Landscaping

The application proposes removal of all existing vegetation on the land at 777-781 Warrigal Road (not subject to planning permit requirement) and a comprehensive landscaping treatment integrated with the proposed development. There are no existing vegetation on land 1-9 Allen Street.

Existing trees on site have been assessed with no high value vegetation identified within the submitted Arboricultural Assessment. The existing trees were not considered worthy of retention as they make a limited contribution to the streetscape and are of fair/poor health and structure. Existing vegetation within the Scotchmans Creek reserve have been assessed and will not be compromised by the development.

The landscape submitted with the application provides for a suitable landscaping treatment including provision of 55 new trees to be planted. Greater building setback along the eastern boundary will provide for more substantial planting adjacent to the Scotchmans Creek interface. Internal courtyard spaces include a sensory garden for residents providing outdoor amenity for occupants of the development.

Car Parking and Traffic

The table below details the provision of car parking proposed within the context of the requirements of Clause 52.06-3:

	Number	Clause 52.06 car parking requirement	Number of car parking spaces required	Number of car spaces proposed
Residential Aged Care	155 lodging rooms	0.3 car spaces to each lodging room	46 car spaces	48 car spaces
Medical Centre	257sqm	3.5 spaces per 100sqm of leasable floor area	8 car spaces	8 car spaces
TOTAL Required			54 car spaces	
TOTAL Proposed				56 car spaces
Surplus				2 car spaces

The development provides for sufficient on-site car parking provision in excess of the statutory requirement. The development proposes a total of 56 car parking spaces within the basement car park including two accessible spaces and a short-term drop-off area via the porte-cochere on the ground level. The provision of 56 car spaces exceeds the Planning Scheme requirements. A loading bay will be provided within the basement car park. The traffic report indicates that one accessible space is required, however two spaces are proposed. The predicted traffic generation is expected to have a negligible impact on the local traffic network.

Bicycle Parking

Bicycle parking is required to be provided in accordance with the requirement specified by Clause 52.34-3 of the Monash Planning Scheme. The table below details the number of bicycle parking spaces required:

Use	Number	Clause 52.34-3 Requirement	Bike parking requirement generated
Residential Aged Care	Not specified	N/A	N/A
Medical Centre	5 Practitioners	1 to each 8 practitioners for employee 1 to each 4 practitioners for visitors	2 bike spaces
TOTAL REQUIRED			2 bike spaces
TOTAL PROVIDED			30 bike spaces

The bicycle parking facilities of 30 spaces exceeds the Planning Scheme requirements. They are located on the ground level near the porte cochere or

within the basement adjacent near the staircases/ lift which is considered convenient for users.

Construction impacts

A Construction Management Plan including details of staging of the construction works and construction vehicle access traffic management plan would be required as a condition of the planning permit should one be issued. Construction Management Plan requirements would seek to minimise amenity impacts of the proposed development on the surrounding area. The extent of excavation and any required stabilisation measures would be considered by the appointed Building Surveyor.

Waste Storage and Disposal

A Waste Management Plan would be required as a condition of the planning permit should one be issued. The plan should show a private contractor to collect waste from the site.

Cultural Heritage Management Plan Requirement

The land is located within an area identified as having cultural heritage sensitivities and as such may require preparation of a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*. An approved CHMP has been provided with the application.

Objections not previously addressed

Loss of property values

This is not a planning consideration as it is not regulated in the Monash Planning Scheme.

CONCLUSION:

Whilst the proposal would satisfy the increased density objectives of the Monash Planning Scheme by providing residential aged care facilities and a medical centre to meet existing and future needs, it is at the expense of the competing character policy within the Scheme of neighbourhood character, and causing detrimental impacts to the adjoining residential properties and the Scotchmans Creek environs.

The design response displays inadequate regard for the surrounding context having insufficient consideration of the sensitive Scotchman's Creek environs, neighbourhood character, established and emerging built form, building height and scale, height transition, design detail, setback to boundaries, landscaping, and future amenity outcomes for residents. A more substantial land size is not mere justification for development of increased density and scale. The medical centre has not been designed to provide easy access from its car park without going through the aged care facility. The proposal overall is not considered a well thought-through design, it is excessive in its built form given the locality, it does

not demonstrate site responsive design and constitutes an overdevelopment of the subject land.

It is recommended that the application be refused.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.