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**1.3 2263-2267 DANDENONG ROAD, MULGRAVE  
APARTMENT DEVELOPMENT WITH TOWN HOUSES  
(TPA/53173)**

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**EXECUTIVE SUMMARY:**

Development plans and supporting documents have been received for a residential social housing development submitted under the State Government's Victorian Big Housing stimulus. The proposal is subject to new provisions of the Monash Planning Scheme with Clause 52.20 introduced under Amendment VC190 (gazetted on 1 December 2020). The purpose of the amendment is to expedite the planning process for the development of large scale housing projects by or on behalf of the Director of Housing to *"significantly increase housing, in particular, social and affordable housing and support Victoria's economic recovery from the impact of the coronavirus (COVID-19) pandemic."*

The provisions remove the need for a planning permit where the development is funded wholly or partly under the program and carried out by or on behalf of the Director of Housing. The Minister for Energy, Environment and Climate Change is the responsible authority to determine the application.

As part of the approval process, the applicant is required to consult with Council and is seeking a response on the proposed development.

The application is exempt from the standard public notification process, however, the applicant was required to consult with the adjoining property owners and occupiers. 14 objections and a petition with 59 signatures have been received.

The proposed development is generally consistent with Planning Permit TPA/47349, which was issued at the direction of VCAT on 3 August 2018, following an earlier refusal at a Meeting of Council in January 2018. The approved development allows for the development of the land for a four storey apartment building and three storey townhouses. This approval remains valid, with a condition requiring commencement of the development by 3 August 2022.

Key issues to be considered relate to the consistency of the proposal with the approved development on the site and compliance with the provisions of the Clause 52.20 of the Monash Planning Scheme.

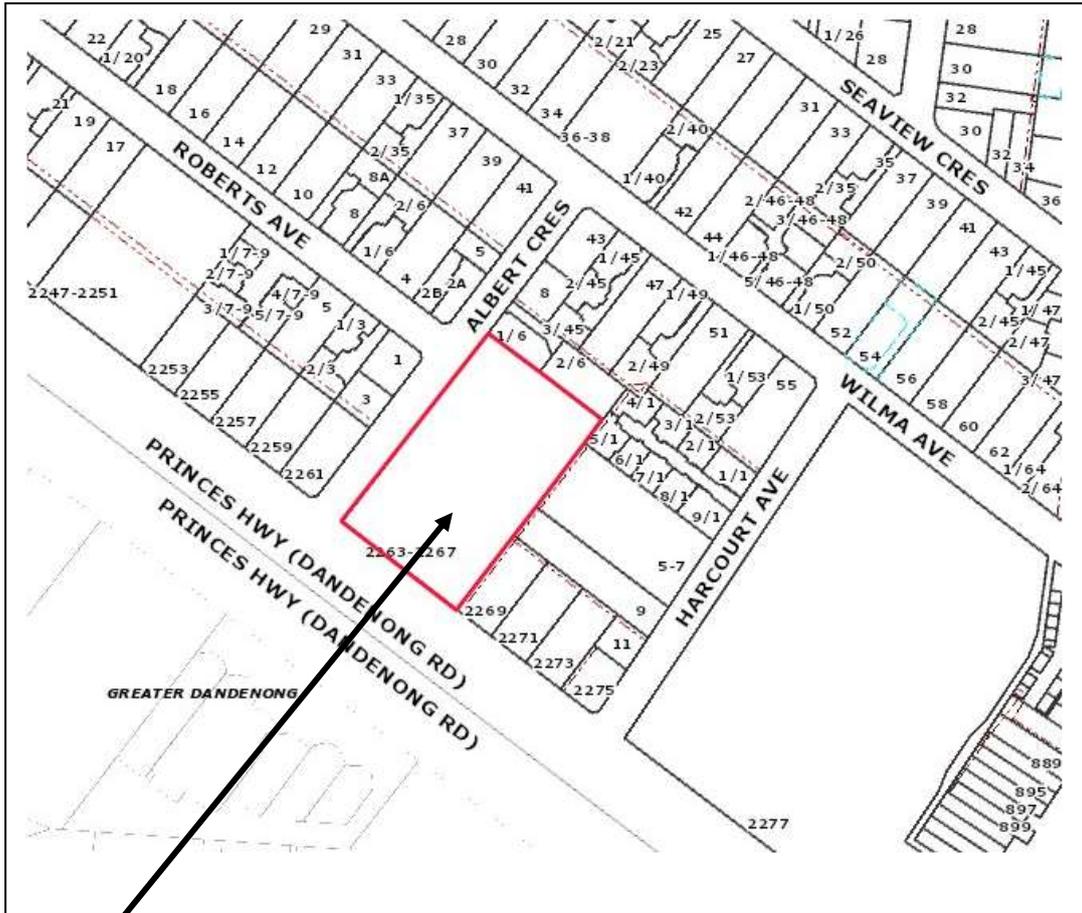
This report assesses the proposal against the provisions of the Clause 52.20 Monash Planning Scheme and issues raised by submitters.

The reason for presenting this report to Council is the cost of the previous development was proposed at \$18 Million and was refused by Council in 2018. The current proposal is considered appropriate having regard to the relevant, current provisions of the Monash Planning Scheme. It is recommended that

Council advise of no objection to the application subject to conditions and amendments to the plans submitted for comment.

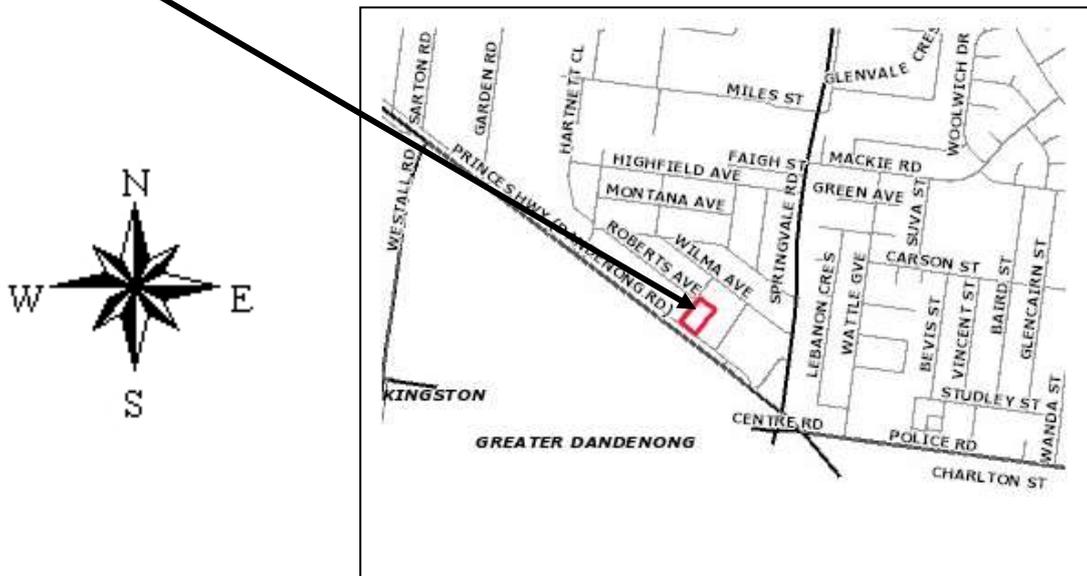
<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Mariela Llopart (Acting)</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Anne Maree Roberts</b>
<b>WARD:</b>	<b>Mulgrave</b>
<b>PROPERTY ADDRESS:</b>	<b>2263-2267 Dandenong Road, Mulgrave</b>
<b>EXISTING LAND USE:</b>	<b>Vacant Church and associated buildings</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>14 objections and a petition with 59 signatures</b>
<b>ZONING:</b>	<b>General Residential Zone, Schedule 2</b>
<b>OVERLAY:</b>	<b>N/A</b>
<b>RELEVANT CLAUSES:</b> <b><u>Planning Policy Framework</u></b> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16.01-1S &R- Housing supply Clause 16.01-2S- Housing affordability Clause 18.02-1S & R- Sustainable Personal Transport Clause 18.02-2R– Principal Public Transport Network Clause 18.02-4S- Car Parking Clause 19.03-3S- Integrated Water Management	<b><u>Local Planning Policy Framework</u></b> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy  <b><u>Particular Provisions</u></b> Clause 52.20 – Victoria’s Big Housing Build
<b>STATUTORY PROCESSING DATE:</b>	<b>N/A</b>
<b>DEVELOPMENT COST:</b>	<b>N/A</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council:

1. Notes the submission from Urbis in relation to the development of a multi-level residential development under the Victorian Big Housing Build stimulus at 2263-2267 Dandenong Road, Mulgrave.
2. Directs the Director City Development to write to the applicant in response to the submission generally stating:
  - a. That it is Council's view that the proposal is generally consistent with the provisions of Clause 52.20 of the Monash Planning Scheme and the approved development under Planning Permit TPA/47349/A.
  - b. There are a number of minor concerns with the proposed development as outlined in this report.
  - c. That a number of conditions are recommended for approval; and
3. Grant the Director City Development the flexibility to form the letter proposed to best suit and implement what is sought by this resolution and may add or remove some aspects of this recommendation.

**BACKGROUND:****History****Planning Permit TPA/26894**

Planning Permit TPA/26894 was issued on 27 July 2000 allowing the development and use of the site for a Place of Worship with associated car parking. The use of the Church ceased several years ago and the buildings on the site are presently vacant.

**Planning Permit TPA/43349**

Planning Permit TPA/47349 was issued on 3 August 2018 at the direction of VCAT for a multi-level residential development comprising of four storey apartments and townhouses up to three storeys. The application originally proposed 93 dwellings and had been refused by Council at the meeting of 30 January 2018 on the following grounds:

1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.
2. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighbourhood Character, Building Height, Landscaping, Overlooking and front setback.

3. The proposal is out of character with the existing development in the area in particular with regard to street setback, mass, bulk and scale.
4. The proposal would have a detrimental impact on the amenity of adjoining residential properties in relation to visual bulk and overlooking.
5. The proposal does not satisfy the car parking requirements of clause 52.06 of the Monash Planning Scheme.

The applicant amended the plans for VCAT and reduced the overall number of dwellings on the site from 93 to 81. The number of apartments was reduced to 72 (comprising 65 x two bedroom apartments and 7 X three storey apartments). The layout of the townhouses at the rear of the site was reconfigured and the number reduced from 10 to 9.

The permit was later amended with TPA/47349/A and endorsed plans issued on 11 February 2019.

An extension of time was granted on 30 July 2020 that requires commencement before 3 August 2022. Although works have not commenced on the site the permit remains valid.

### **The Site and Surrounds**

The subject site is located on the northern side of Dandenong Road (Princess Highway) just west of Springvale Road. The site is a large corner property with frontages to the Dandenong Road Service Road and Albert Crescent which is a local residential street.

The site is approximately 6070 square metres in area with a 60.35 metre frontage to Dandenong Road, and a 100.58 metre frontage to Albert Crescent. The site slopes north-south (rear to front) by approximately 7.25 metres.

The site is developed with a large double storey building, previously used as a church. At grade car parking exists in the front setback to Dandenong Road and Albert Crescent, and at the rear of church building, car parking is located across the rear half of the site. An existing residential dwelling (used by the church) is located at the south west corner of the lot adjacent to the intersection of Albert Crescent and Dandenong Road.

Established trees comprising a mix of native and exotic species are scattered around the perimeter of the site.

Features of adjoining sites are as follows.

#### **North eastern – rear boundary:**

An existing two dwelling development adjoins the subject site along its northern boundary. Both dwellings are single storey and their side (southern) facades face the common boundary to the site, setback between 1.7 – 2.5 metres from the common boundary. The front dwelling has a mix of habitable and non-habitable

windows facing the subject site, however the rear dwellings has no windows along its southern façade facing the common boundary.

**South western – site frontage to Dandenong Road (Princess Highway):**

Dandenong Road and its service road extends along the site's frontage. Both are within the Category 1 Road Zone. Dandenong Road is an expansive 6 lane highway with service roads on both the inbound and outbound lanes. A fairly wide green median strip with established planting separates the service road from the main road reserve adjacent to the site's frontage. Land on the opposite side of Dandenong Road is located within the City of Greater Dandenong, and is zoned Industrial 1.

**North western (Albert Crescent) frontage**

Albert Crescent is a local residential street extending along the second frontage to the site. A mix of single and double storey dwellings front Albert Crescent with views to the site.

The surrounding residential neighbourhood to the north, east and west is characterised by post war brick veneer and weather board dwellings typical to that era. Medium density housing developments and replacement homes are becoming increasingly evident throughout the broader neighbourhood. The main road frontage has also attracted larger commercial and industrial development to the surrounding area.

**South Eastern (side boundary)**

Three residential properties and a motel adjoin the site along its side (south eastern) boundary comprising;

- A recently constructed double storey dwelling and rear yard at 2269 Dandenong Road.
- The rear backyard of No 9 Harcourt Avenue.
- A double storey motel development and associated at grade carpark at 5-7 Harcourt Avenue.
- The rear of No 1 Harcourt Avenue that supports 9 double storey dwellings with the SPOS of No 5/1 Harcourt Avenue adjoining the site.

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

**PROPOSAL:**

This report is based on the plans and supporting documents lodged on behalf of Aultun Construction, who have applied for the Victorian Big Housing Building stimulus. The applicant is seeking approval from the Department of Environment, Land, Water and Planning under the provisions of Clause 52.20 with the Minister for Energy, Environment and Climate Change as the responsible authority under Clause 72.01 to approve the development.

As part of the approval process, Council's review and comments are required on the development. The plans subject to review are those identified as Revision F dated 11 November 2021 prepared by PL Ace Design Method Pty Ltd.

The proposal is very similar to the approved development under current Permit TPA/43479. The concept of the proposal is to provide for modular design to reduce the time and cost of construction. The proposal involves two components being the development of a four storey apartment building comprising of 72 apartments and 9 townhouses to the rear of the apartment building. The typology, layout, density and internal configuration will be generally as approved by VCAT with the apartments located on the front and middle areas of the site addressing the Dandenong Road service road and the townhouses located at the northern end of the site adjacent to the rear boundary.

There is to be no change to the approved layout of the nine townhouses at the rear of the site. These dwellings have been sold off individually.

Details of the apartments are as follows:

Townhouses:

- The layout of the nine townhouses comprises 3 x double storey and 6 x three storey dwellings in an attached arrangement.
- Parking for the townhouses is within individual garages with access from a joint driveway running along the eastern boundary as per the original plans.
- The rear setback of 9.03 metres from the boundary is maintained which provides a landscaping strip of 2.6 metres.
- The setback from the side boundary of 5.85 metres is maintained.

Apartment Development:

- The apartment building remains located at the front of the site with minor changes in the setbacks from both streets.
- The building will provide for 72 units as per the original permit and is to be developed for social housing. The apartment development is to comprise of a mix of dwelling types providing 9 x 1-Bedroom, 56 x 2-Bedroom, and 7 x 3-Bedroom units.
- Due to the slope of the site, the building has a height of 3-4 storeys and steps up the site as it rises from the south. The slope results in part of the development being up to four storeys as per the approved plans. There is a minor increase in height from the approved height of 15 metres and 16.7 metres to allow for the lift overruns and building services.
- The building will now be of pre-cast concrete modular construction rather than traditional construction techniques resulting in minor changes to the built form, height and setbacks. The external finishes are consistent with the approved plans that provided for cement sheet and cladding.
- The modular construction results in variation and articulation in setbacks at all levels with the upper floors recessed.

Car parking and Access:

- Car parking for the apartments is to be provided within in a basement level and semi basement level. A reduction in the basement footprint is proposed, with the number of spaces being reduced from 101 to 83. This is in excess of the requirement of the Planning Scheme.
- 3 visitor parking spaces are provided in the basement.
- Vehicle access to the basement will remain as approved with access from Albert Crescent.
- The main pedestrian entrance to the apartment building will be from Albert Crescent as approved.

Apartment mix:

- Reconfiguration of the mix and internal layouts of apartments to allow more 2-bedroom apartments and to comply with the Liveable Housing Design Guidelines (LHDG).
- The development provides more than the minimum 50% required to meet the design standards for accessibility (66 of the 72 apartments, therefore 90%).

Landscaping and Open space:

- Existing trees that were to be retained under the original permit continue to be retained. This includes a significant tree on the Albert Crescent frontage toward the rear boundary and five smaller street trees.
- Secluded open space is in the form of courtyards for ground floor units, balconies and a large communal space area centred in the building as per the original plans.
- There will a high (1.8m) solid fence setback 5m from the Dandenong Road boundary to provide SPOS to apartments orientated to the frontage. Along part of the length of the Albert Crescent frontage is a 1m high retaining wall to provide ground level SPOS to the four apartments facing Albert Crescent.

**Approved and Proposed Setbacks- Apartment Building**

	South Western (Site frontage to Dandenong Road)	North western (Albert Crescent) frontage	Rear (North eastern)	Side (South East)
<b><u>Lower level and Basement</u></b>				
<b>Approved:</b>	9.0m – 11m	4.5m	19m	1.3m- 4.0m
<b>Proposed:</b>	8.9m-12.45m	4.3m -5.6m	25m	4.4m -6.5m
<b><u>Ground Level</u></b>				
<b>Approved:</b>	11m	4.5m	19m	4.0m
<b>Proposed:</b>	6.9m- 10.6	2.3m – 5.1m	25m	2.6m – 6.57m
<b><u>Level 01</u></b>				
<b>Approved:</b>	11m	4.5m	N/A– townhouses	5.0m – 7.6m
<b>Proposed:</b>	6.3m -10.4m	3.6m- 5.1m		2.8m – 9.8m

			toward rear boundary	
<b>Level 02</b> <b>Approved:</b> <b>Proposed:</b>	23m -39m 16.6m – 37.3m	6.5m 3.7m – 10.1m	N/A– townhouses toward rear boundary	5.4m – 7.5m 4.8m – 8.3m
<b>Level 03:</b> <b>Approved:</b> <b>Proposed:</b>	39m 34.6m – 37m	13.m 6.6m 15.2m	N/A– townhouses toward rear boundary	12.8m 13.4m- 16.m

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### **Zoning**

The site is located within the General Residential Zone, Schedule 2 under the Monash Planning Scheme.

#### **Overlay**

The land is not covered by any Overlays under the Monash Planning Scheme.

#### **Particular Provisions- Clause 52.20 – Victoria’s Big Housing Build**

The proposed development must be assessed under Clause 52.20. The purpose of which is:

- *“To facilitate the use and development of land for housing projects funded by Victoria’s Big Housing Build program.*
- *To ensure that development does not unreasonably impact on the amenity of adjoining dwellings.”*

Under Clause 52.20-2 the application is exempt from the requirement to *“obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development this clause 52.20 applies to if requirements of clause 52.20 are met.”*

In this case the proposal is exempt from the mandatory garden area requirement of Clause 32.08-4 and the mandatory height limit of 11 metres (3 storeys) of Clause 32.08-9 of the General Residential Zone, Schedule 2.

The proposal is exempt from assessment under Clause 55 - Rescode and is required to be assessed under the development standards of Clause 52.20-6 (Dwellings) and

52.20-7 (Apartment building). The standards are generally based on the Standards of Rescode with some variations.

**Clause 52.29**

The development proposes removal of the existing crossing in Dandenong Road (Road Zone Category 1) and providing vehicle access from Albert Crescent but is exempt from the permit requirement for alterations to access to a Road Zone Category 1.

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

**CONSULTATION:**

**Public Notice**

Under Clause 52.20-4 the development is exempt from:

- The notification requirements of section 52(1)(a), (b), (c) and (d);
- The decision requirements of section 64(1), (2) and (3);
- The review rights of section 82(1) of the Planning and Environment Act.

It is a requirement that public consultation, and consultation with the relevant council, must be undertaken. On 18<sup>th</sup> November the applicant sent notice of the proposal to owner/occupiers of all properties on the attached map. Two larger notices were displayed on the site with one on each street frontage. The extent of notification is consistent with the notice of the original application.

**Public information session**

On 30 November 2021 the applicant held an information session convened on line and attended by 10-12 residents. Council officers attended the session but did not host the meeting.

Prior to the use or development commencing the applicant is required under Clause 52.20-4 to provide a report *“that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the responsible authority.”* The report will accompany the application submitted to DELWP for approval.

In response to the consultation fourteen (14) objections and a petition with fifty nine (59) signatures have been received raising the following issues:

- The approved development was for a private development. It has not been made clear why this has changed to Big Housing Build Project.
- Loss of property values due to social housing status.
- Impacts of increase in crime rates in the area as within other affordable housing districts.
- Insufficient on-site parking despite complying with planning scheme of 0.6 car spaces. Most dwellings will have two cars.
- Additional visitor spaces are required.

- Overshadowing.
- Overlooking.
- Traffic and parking congestion in local streets.
- Noise during construction.
- Overdevelopment.
- Increase in density of 72 units over 4 levels is unsuitable for social or private housing – more characteristic of the CBD.
- Council refused the earlier proposal that was overturned by VCAT. The approved plans did not address the main issue of refusal – out of character.
- Impact on stormwater.
- Traffic safety issues with additional vehicles using Dandenong Road service road.
- On line community session at 5.00pm on a work day does not allow for people to be involved and gauge community concerns.
- There is no guarantee the summary by Urbis will address all the concerns raised by residents.
- Lack of parks and recreation facilities in this area for the number of new residents.

Attachment 4 is the map of notified properties. Attachment 5 holds a copy of the Petition.

### **Referrals**

#### **External Referral**

##### Department of Transport

As Council is not the Responsible Authority the proposal has not been referred to the Department of Transport for alterations to the vehicle access to Road Zone, Category 1. However, the applicant is required to provide a copy of the application and any comments need to be responded to as part of the pre-commencement criteria in Clause 52.20-5. The Department of Transport has advised of no objection and has recommended approval subject to the redundant crossing being removed and reinstated and all works subject to approval of the Department of Transport.

#### **Internal Referral**

##### Traffic Engineer

Council's Traffic Engineers reviewed the original Traffic Management Plan dated 23 September 2021 and have advised that the swept path analysis of motor vehicle and waste vehicle critical movements is considered acceptable. The parking exceeds the requirements of Clause 52.20. The applicant submitted a revised Traffic Management Plan on 16 November 2021 that reduced the visitor spaces from 5 to 3 within the basement. However, visitor parking is not required to be provided.

Drainage Engineer

No concerns subject to standard conditions.

Waste Services

Council's Waste Services advised that the submitted Waste Management Plan has generally met Council's requirements. In response to feedback a revised Waste Plan dated 21 October 2021 has provided minor amendments to include additional glass and recycling areas within the basement as recommended. This resulted in the loss of two visitor spaces.

Horticultural Services

Council's Arborist has reviewed the Tree Management Plan and has recommended tree protection techniques.

**DISCUSSION:****State Planning Policy Framework (PPF)**

The relevant sections of the SPPF are:

- Clause 11 (Settlement)
- Clause 11.01-1R1 (Settlement – Metropolitan Melbourne)
- Clause 15 (Built Environment and Heritage)
- Clause 15.01-2S (Building Design)
- Clause 16.01-1S, (Housing supply) - objective is to facilitate well-located, integrated and diverse housing that meets community needs.
- Clause 16.01-3S, (Housing Diversity) supporting the provision for a range of housing types to meet diverse needs. It includes strategies to support opportunities for a range of income groups to choose housing in well serviced locations.
- Clause 16.01-2S, (Housing Affordability) supports improving housing affordability and the increase of well located affordable housing.

**Monash Planning Scheme Local Planning Policy Framework**

The Local Planning Policy Framework seeks to expand on the broader state objectives and in doing so, identifies the 'Garden City Character' as a core value held by the community and Council. The relevant sections of the LPPF are:

Under Clause 21.04 Residential Development the land is identified as being located in a garden city suburb and residential land within the Monash National Employment Cluster. The site is also located on one of two Boulevards in Monash.

Within the MNEC relevant outcomes are envisaged as follows:

- The scale of new residential development will generally comprise larger footprint apartment development of high quality design and finish. Some infill development, townhouse and unit development will also occur.
- Provision of more affordable accommodation will be important and a diversity of dwelling sizes will be encouraged, especially within the vicinity of the university or public transport.

- Landscaping treatment to the streetscape will be important, as the native canopy tree setting is a major element of the attractiveness of the area.
- On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of appropriate landscaped setbacks.
- Potential for lower to medium density apartment development in predominantly residential streets subject to careful design.

#### Boulevard locations

Princess Highway (Dandenong Road) and Springvale Road are Monash's two primary arterial roads. Housing change and diversification is encouraged along boulevards and along main roads. Residential properties fronting Princes Highway provide opportunities for higher density built form that is proportionate to the scale of the road infrastructure and surrounding built form context.

With respect to the Residential Development and Character Policy in Clause 22.01 of the scheme the subject site is located within the *Garden City Suburbs Southern Areas*. The preferred character statement for this area is described as:

*...“On larger sites, low rise apartment development may be appropriate, provided the development is sited within generous open space, is well landscaped, retains the ‘open landscape character’ of the garden suburban setting and tapers down in scale closer to the boundaries of the site.*

*While the housing mix within this area will continue to evolve to meet the changing needs of the community, new development will complement the scale and siting of the original housing within the area. In doing so, it will enhance the generous spacious, open, landscaped character of the area.*

*This character area will be notable for its spacious garden settings, tall canopy trees, consistency in front setbacks and the maintenance of setbacks from at least one boundary and from the rear of the site. New dwellings will address the street and upper levels will be recessed and/or articulated to minimise the impression of building scale.”*

Clause 22.05 – Tree Conservation Policy seeks to retain the existing trees in the public and private realm. Canopy tree planting is encouraged as part any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.

Clause 22.04 – Stormwater Management seeks to achieve best practice water quality performance through the inclusion of water sensitive urban design within new developments. All applications are required to provide a Water Sensitive Urban Design Response assessing the proposal against WSUD best practices.

Clause 22.13 – Environmentally Sustainable Development Policy encourages development to achieve best practice in environmentally sustainable

development from the design stage through to construction and operation. The application provided a Sustainability Management Plan assessing the proposal against ESD best practice.

### **Consistency with Monash Planning Scheme**

Overall the development complies with the relevant provisions of Clause 52.20 of the Monash Planning Scheme and is generally consistent with the approved development under the existing permit approved by VCAT. The changes sought are essentially due to the proposed modular construction in lieu of traditional construction techniques resulting in minor changes to the built form, height and setbacks. The external finishes are a combination of timber look, smooth and textured cladding in various shades of grey and charcoal. The building steps up in height as it rises from Dandenong Road and will present to Albert Crescent with four storeys as per the original plans. The modular construction results in variation and articulation in setbacks at all levels with the upper floors recessed.

### **Assessment under Clause 52.20**

The proposal is required to be assessed under the development standards of Clause 52-20-6 (Dwellings) and 52.20-7 (Apartment building) of the Monash Planning Scheme.

It is considered that the proposal generally meets the following development standards of Clause 52.20-6 (development standards dwellings).

<b>Development standard- Dwelling</b>	<b>Comment</b>
52.20-6.1 - Infrastructure	Complies- The development will be appropriately connected to infrastructure.
52.20-6.2 – Street setback	Complies - The apartment building has a ground – third floor setback ranging from 8.9 metres to 12.45 metres from the front boundary of Dandenong Road and satisfies the 7m minimum setback. The minimum setback of 3.6 metres to Albert Crescent satisfies the 3m side setback requirement. A greater setback ranging from 20.5 metres to 37.3 metres is provided to the top levels, which results in recessed and staggering upper levels presenting to Dandenong Road. It is considered the fourth level requires an increase in setback to Albert Crescent.
52.20-6.3- Permeability	Complies - The site area covered by the pervious surfaces should be at least 20 percent of the site and achieves 27.15%
52.20-6.4- Safety	Complies- The entrance to the apartment building from Albert Crescent is identifiable and accessible. The dwellings all have an individual entrance.
52.20-6.5 - Access	Complies. – The combined width of both accessways do not exceed the allowable percentage of 33 % of street frontage. Entrance to the basement for the apartments has a width of 6.1m and the shared accessway to dwellings has a width of 5.5m along Albert Crescent with a length of 100m.
52.20-6.6 – Parking Location	Complies – Basement car parking facilities are reasonably close and convenient to apartments. Dwellings are provided with individual

	garages and are located an appropriate distance from windows to habitable rooms.
52.20-6.7 – Car Parking	Complies – The basement to apartments provides for 83 spaces (includes 3 visitor spaces) for 72 units. Car parking is provided in excess of required minimum of 43 spaces at a ratio of 0.6 car spaces to each dwelling up to 3 bedrooms  Car Parking for dwellings provided at 1 space for each 2 bedroom dwelling and 2 spaces per each 3 bedroom dwelling as individual garages for the Townhouses.  The design and the access way meets the design standards.
52.20-6.8- Side and Rear Setbacks	Complies – it is noted however that there is variation sought for balcony planter boxes along the south eastern boundary to apartments G.13, 114, 115, 116 117 and 210 facing 2269 Dandenong Road and 5-7 Harcourt Avenue.
52.20-6.9- Walls on Boundary	N/A – No walls on boundary are proposed.
52.20-6.10 – Daylight to Existing Windows	Complies – A minimum setback of 8m is provided from habitable room windows of adjoining.
52.20-6.11 – North Facing Windows	N/A – There are no neighbouring north facing windows within 3m of the property boundary
52.20-6.12 – Overshadowing Open Space	Complies - Dwellings adjoining to the east will be subjected to some additional shadowing in the mid to later afternoon hours, particularly after 3.00pm however will satisfy the daylight and solar access requirements as the SPOS will receive at least 5 hours of daylight between 9am and 3pm on September 22.
52.20-6.13- Overlooking	Complies- No screening provided or required along two street frontages. Screening provided to windows and balconies within 9m of the boundary along the south eastern elevation (facing the rear of adjoining properties 2269 Dandenong Road and Harcourt Avenue) and north eastern and north western elevations (facing internally).
52.20-6.14 - Noise Impacts	Complies- noise impacts are minimised to existing and proposed habitable rooms. Services located in the basement or on the roof top. Waste collection from within the basement. Additional screens have been provided to apartments 101 and 102 above the vehicle entrance ramp to the basement.
52.20-6.15 – Daylight to New Windows	Complies – All windows are provided with appropriate daylight in accordance with the requirements.
52.20-6.16- Private Open Space	Complies – Each dwelling is provided with open space in accordance with the requirements. Open space areas range from at ground terrace ranging from 20m <sup>2</sup> to 60m <sup>2</sup> or balcony not less than 8m <sup>2</sup> .
52.20-6.17– Solar Access to Open Space	Complies- the southern boundary setbacks of secluded open space are appropriate.
52.20-6.18 - Storage	Complies- each apartment is supplied with appropriate external storage facilities within the basement and internal storage within the building. The Townhouses have storage within each garage.
52.20-6.19- Front Fence	Complies – Satisfies the requirement of a fence within 3m of a street should not exceed height of 2m for street adjoining a RZ1 and 1.5m all other streets. If SPOS is within the front setback the height can be 1.8m for not more than 30% of the length of the front boundary. The proposed front fence is 1.8 metres high and setback 5m from the frontage from Dandenong Road (RZ1) and complies. The plans

	nominate a 1m high retaining wall along 30% of the Albert Crescent frontage with a series of internal fences 1.8m high extending from the lower ground floor apartments to the street frontage to provide privacy to SPOS.
52.20-6.20- Common Property	Complies- common property is delineated.
52.20-6.21 – Site Services	Complies – sufficient area for services to be installed and maintained has been provided. Substation and bin and recycling areas provided within the basement.

An assessment against the provisions of Clause 52.20-7 (development standards for apartments) has been undertaken. It is considered that the proposal generally satisfactorily meets the development standards of this clause.

<b>Development standard - Apartment</b>	<b>Comment</b>
52.20-7.1 – Energy efficiency	Complies- Sustainable Design Assessment dated 6 August 2021 was prepared by EcoresultsNRG Pty Ltd which included a BESS assessment of the design and concludes that the proposal achieves best practice.
52.20-7.2 – Communal open space	Complies - The proposal is required to provide a minimum area of communal open space 180m <sup>2</sup> - 2.5 square communal metres per dwelling or 250 square metres, whichever is lesser. A central communal garden and a landscaped communal walking path in front of the townhouses with a total area of 211m <sup>2</sup> is provided.
52.20-7.3 – Solar access to outdoor open space	Complies – 50% of the communal garden (primary communal outdoor open space) will receive a minimum of 2 hours of sunlight between 9am and 3pm on 21 June 2021.
52.20-7.4- Deep soil areas and canopy trees	Complies- Deep soil area required of 15% (minimum dimension of 6m) to be provided for planting of 1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil. Area provided in setback from Dandenong Road provides for 9 new canopy trees with height of 11m and two existing trees on along the Dandenong Road frontage, and four trees to the rear of the site to be retained.
52.20-7.5 - Integrated water and stormwater management	Complies. –The proposal meets best practice performance objectives and standards
52.20-7.6 – Building Setback	Complies – The setbacks provide building separation from existing, restricts overlooking and provide for outlook for occupants.
52.20-7.7 – Noise Impacts	Complies – The services within the basement to minimise noise and site note within area of high noise transmission.
52.20-7.8- Accessibility	Complies- 90% of the apartments of the dwellings have been designed for accessibility (50% required.)
52.20-7.9- Building entry and circulation	Complies – The building entry and circulation areas designed as safe and visible for future residents
52.20-7.10 – Private open space	Complies –All SPOS complies - combination of ground floor areas with a minimum area of 25m <sup>2</sup> with min dimension of 3m or a balcony with minimum area of 8m <sup>2</sup> with dimension of 2m for 2 bedroom dwelling. The 3 bedroom apartments provided with ground floor area or larger balcony of approx. 17m <sup>2</sup>

52.20-7.11 – Storage	Complies – Each apartment provided with internal storage area and external area within the basement
52.20-7.12 – Waste and recycling	Complies – Central recycling area provided in the basement.
52.20-7.13- Functional layout	Complies- All bedrooms and living rooms meet minimum standards for width and depth
52.20-7.-14 – Room depth	Complies- All apartments have a ceiling height of min 2.7m
52.20-7.15 –Windows	Complies – All windows are provided with appropriate daylight in accordance with the requirements.
52.20-7.16- Natural ventilation	Complies –All apartments have access to ventilation.
52.20-7.-17– Integration with the street	Complies- High fencing setback from Dandenong Road is in compliance. The apartments present to Albert Crescent and there is no change to the layout of the Townhouses.

### **Neighbourhood Character**

Overall the presentation and scale of the building to is very similar to the development approved by VCAT. The building will present as a contemporary development and has been provided with a combination of materials and finishes to provide articulation and interest. In determining to grant the permit VCAT found that the presentation to Dandenong was generally acceptable but the “standout issue” for neighbourhood character was the built form response to Albert Crescent

- 13 *“With respect to neighbourhood character, we noted there was a consensus at the hearing (or close to) that the relationship to Dandenong Road is generally acceptable in terms of the proposed built form, setbacks, and architectural detail and landscape treatment of the main (apartment) building. This applies approximately to the front third of the proposal. As a result, we found that this front third or so of the main building is acceptable....*
- 14 *We advised that we regard the issue of neighbourhood character and the built form response as the standout issue in this case, particularly with respect to the remainder of the site and the relationship of the development to Albert Crescent.*
- 15 *We said we would also give further consideration to the relationship of the proposed development to the abutments to the existing residential development to the north and east, to consider if an appropriate relationship is achieved.”*

VCAT considered that as Albert Crescent rises sharply from Dandenong Road, the proposed setbacks to the third and fourth levels coupled with the development design to step up the hill, would limit the extent of the fourth storey and effectively the development would present as three storey to Albert Crescent.

The submitted design proposes increasing the building envelopes at third and fourth floor resulting in additional bulk to Albert Crescent:

- The current design has a longer presentation at third level due to a reduced setback from Dandenong Road. The original development had a setback of 26.3m from the frontage and the current proposal reduces the setback to 20 metres. Although the setback from Albert Crescent is provided with additional variation, the proposed plan provides for balconies at third floor projecting within the setback to 3.7m from the street boundary. It is considered this is insufficient to reduce the visual impact.
- The plans assessed by VCAT provided the fourth floor with a setback of 13 metres from Albert Crescent. With generous setbacks in excess of 30 metres from both the front and rear boundaries, the fourth floor was centred within the site. The current plan proposes a section of the fourth floor with a setback of 6.65 metres to 7.665 metres from Albert Crescent with the remainder of the fourth floor as approved. This reduced setback is not in keeping with the assessment by VCAT that *“the proposal employs setbacks to the third and again to the fourth levels. In the Tribunal we were presented with sight diagrams that show that the fourth level would not be visible from directly opposite on the footpath, while the photo-montages suggest that the fourth level may only be glimpsed from angled views. In our inspection we were able to approximate the viewpoints used to generate the photomontages and as a result we are confident that the development will present generally as a three level development to Albert Crescent.”*

At lower ground and ground level the proposal is consistent with the approved plans in providing for the pedestrian and vehicle access, bicycle parking and accessibility ramps for the apartment building and the separate vehicle access to the townhouses along the Albert Crescent frontage. The submitted plan provides for additional variation in the building setback and an increase in landscaping opportunities as the approved plan provided for timber decking to SPOS area extending up to 2.0 metres from the front boundary.

### **External Amenity Impacts**

The development satisfies the majority of the standards of Clause 52.20 to mitigate impact to the adjoining properties in terms of overlooking and overshadowing and there are to be no walls on boundaries. It is proposed to vary the setbacks required to allow for balconies extending closer to the side boundary that faces the rear of 2269 Dandenong Road and the properties with a frontage to Harcourt Avenue. In assessing the impact of the approved development on these properties VCAT found the proposed setbacks and opportunities for planting would provide an acceptable outcome for the existing properties:

- 32 *“The houses to the east have very deep rear yards, and we were satisfied that there will be no significant impact on the secluded private open space for these dwellings, which are likely to be located close to the houses.*
- 33 *We inspected the motel development and observed that most of the abuttal consists of a parking area and a small service yard and building. The motel units face generally north and south.*

*34 No 2269 is a relatively recent two storey development that appears to have its private open space to the rear (closer to its north eastern corner) in a recessed paved area. We observed that the space between the house and the review site was occupied by a retaining wall and a smaller paved area that appeared to be used as a service area.*

*35 In summary, we are satisfied that the proposed setbacks and planting arrangements along these boundaries will result in an acceptable outcome for the existing developments.”*

The approved plans provided a minimum setback at lower ground and ground level of 4m with the planter boxes to two apartments extending 1 metre from the building and setback 3 metres from the boundary. The submitted plan proposes the balconies of three apartments to (G.114, G.115 and G.116) to be setback 2.8 metres from the boundary. This is generally consistent with the approved plan and no objection is raised.

At second floor it is proposed to vary the required setback of 5.37 metres under Clause 52.20 metres to allow the balconies of apartments 2.10 and 2.11 to be setback 4.8 metres from the boundary. This is also generally consistent with the approved plan that provided a setback of 5.0m and as the submitted plan will provide for more variation in the setback along this boundary, no objection is raised.

### **Internal Amenity Impacts**

The design of the building is considered satisfactory in terms of internal amenity. The apartments will be provided with a communal open space area. The arrangement of the apartments allow for cross-ventilation through each of the apartments, and each will have good access to daylight. Apartments have been designed with a high level of sustainable design which has been reflected in the Sustainable Management Plan.

The bedrooms and living areas satisfy the minimum room sizes allowing for access and placement of furniture. Over 90% have been designed to be accessible. However, some of the access to open space areas at ground floor along Albert Crescent needs further consideration. There are some two storey apartments that provide for bedrooms at ground floor and living areas at first floor with SPOS provided with a raised balcony and no access to the ground level space (Apartments G.02, G.03 and G.04). In addition the balconies project within the setback and reduce the area for landscaping.

### **Car Parking, traffic and access**

The requisite car parking spaces required under Clause 52.20 would be provided as shown in the following table:

Use	Number of Apartments/ Dwellings	Planning Scheme requirement	Car spaces required	Car spaces provided
One, two and three bedroom apartments.	72	0.6 space /one dwelling	43	80
Townhouses	9	1 space/2 bedroom 2 spaces/3 or more bedrooms	15	15
Visitor Parking	N/A	N/A	N/A	3
<b>Total</b>			58	<b>98</b>

The number of spaces provided within the development exceeds the minimum requirement under Clause 52.20. Although all objectors have raised issues with insufficient on site car parking, the development would satisfy the standard parking requirements of Clause 52.06 as a minimum of 58 spaces would be required without requirements for visitor parking.

Councils Traffic Engineers have assessed the Traffic Impact Study and confirmed that swept path analysis of motor vehicle and waste vehicle critical movements is considered acceptable.

#### **Other Concerns raised by objectors**

All objectors have raised issue with the land being developed for social housing and potential negative impacts to the local area including additional traffic and loss of property value. These are not valid planning considerations.

Social housing provides a valuable and much needed form of housing for people who are amongst the most vulnerable in our community. There is a chronic need for more housing across Metropolitan Melbourne including within the City of Monash. The development of social housing on this site would accord with the Regional and Local Government Homelessness and Social Housing Group Charter which guides a campaign to address social housing, adopted by Council.

#### **Conclusion:**

Overall, the development satisfies the requirements of the Planning Scheme that have been specially designed to expedite the planning process for the development of large scale housing projects by or on behalf of the Director of Housing. The typology, layout, density and internal configuration will be generally in accordance with valid planning permit and endorsed plans issued at the direction of VCAT and will significantly increase the availability of social and affordable housing in Monash.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Properties notified Map.

Attachment 5 - Petition