

**1.6 554-558 HIGH STREET ROAD, MOUNT WAVERLEY
CONSTRUCTION OF A SIX STOREY BUILDING TO BE USED AS AFFORDABLE
HOUSING
(TPA/53589)**

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 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."*

Victoria's Big Housing Build program is a \$5.3 billion investment in social and affordable housing, delivering over 12,000 new dwellings:

- including 9,300 new social housing dwellings
- replacing 1,100 existing dwellings.

The investment, delivered throughout metropolitan and regional Victoria, will boost total social housing supply by 10%.

The provisions remove the need for a planning permit where the development is funded wholly or partly under the Big Housing Build 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. A total of six (6) objections have been received.

The proposed development is generally consistent with Planning Permit TPA/49751, which was issued at the direction of VCAT on 16 September 2019, following a failure appeal (failure to determine the application within 60 days). Council formed a position at the Council meeting on 28 May 2019 that had a failure appeal not been lodged, Council would have refused the application. The approved development allows for the construction of a six to seven storey building with a total of 79 rooms with a food and drinks premises on the ground floor. This approval remains valid, with a condition requiring commencement of the

development by 17 September 2023 (noting that a two year extension of time was issued to the Permit on 17 May 2021).

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.

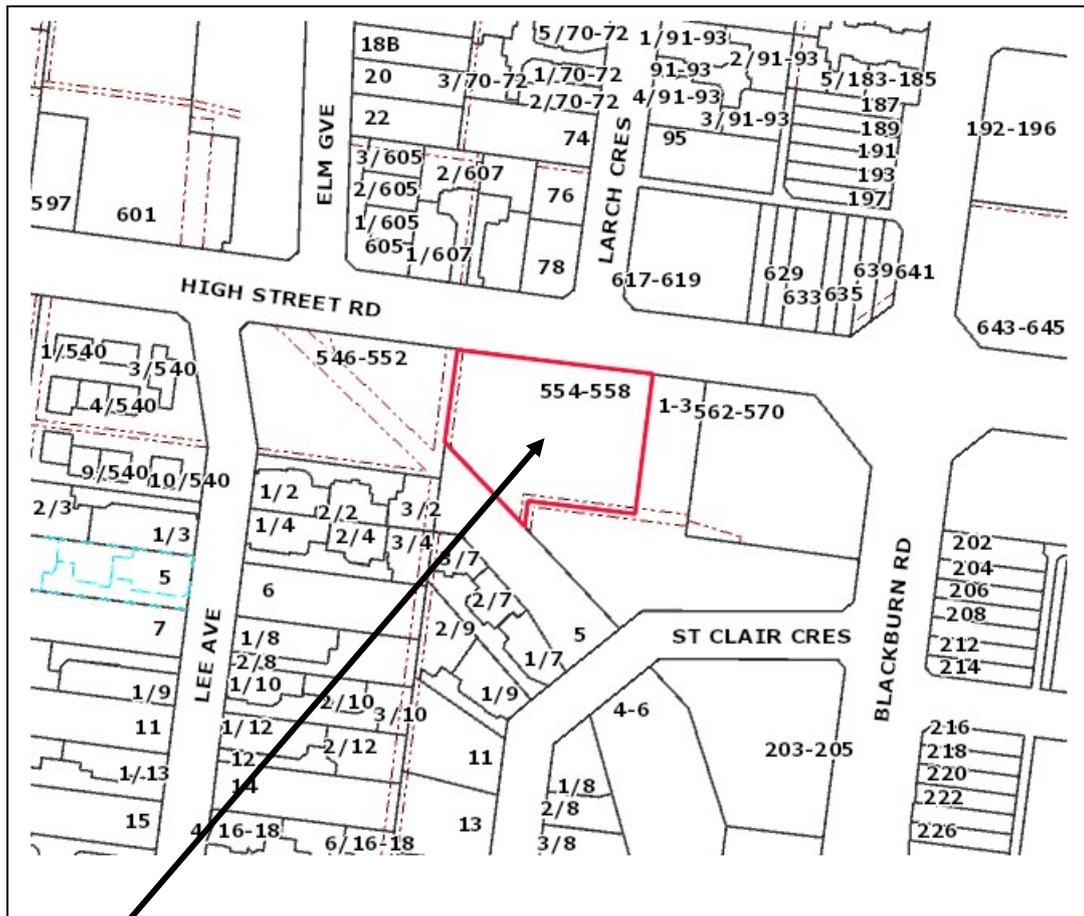
The reason for presenting this report to Council is the cost of the previous development was proposed at \$25 Million and was refused by Council in 2019.

The current proposal is considered appropriate having regard to the relevant 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.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Mount Waverley
PROPERTY ADDRESS:	554-558 High Street Road, Mount Waverley
EXISTING LAND USE:	Vacant Land (Former Car Yard, Gymnasium, Swim School and Yoga Centre)
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Six (6)
ZONING:	General Residential Zone, Schedule 2
OVERLAY:	Special Building Overlay, Schedule 1 (part)
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 11.03-1S & R – Activity Centres Clause 13.03-1S – Floodplain Management	<u>Local Planning Policy Framework</u> 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

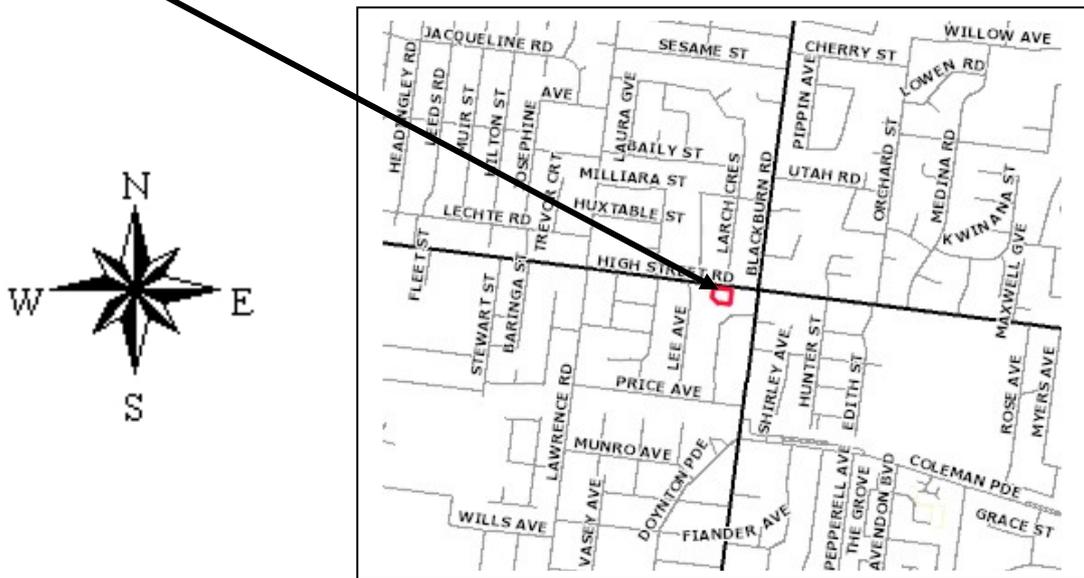
<p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 18.02-1S & R- Sustainable Personal Transport</p> <p>Clause 18.02-2R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Car Parking</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.20- Victoria’s Big Housing Build</p>
STATUTORY PROCESSING DATE:	N/A
DEVELOPMENT COST:	\$25 Million

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 554-558 High Street Road, Mount Waverley.
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/49751A;
 - b. There are a number of minor concerns with the proposed development as outlined in this report including: balcony sizes, lack of double glazing, visual bulk, materials and ground floor activation; and
 - c. That a number of conditions are recommended for approval to alleviate these concerns as follows:
 - i. The reconfiguration of apartments on the ground floor fronting High Street Road, with integration of a food and drinks premise and communal space to activate this frontage
 - ii. An increase in the setback of Level 6 to the southern property boundary from 7.396 to 9.1 metres, addressing visual bulk to the south.
 - iii. A revision of fenestration and application of materials to provide for a higher quality built form outcome.
 - iv. An increase in the size of balcony areas on levels 1, 3 and 4 to comply with Clause 52.20-7.10.
 - v. The size of storage cages within the basement to be provided on plans to comply with in Clause 52.20-7.11.
 - vi. The use of double glazing to windows, as recommended in the Sustainability Management Plan

BACKGROUND:**History****TPA/46857**

An application was sought for the construction of a mixed use apartment building ranging in height from four to eight storeys; use of a convenience shop, café and medical centre; and reduction in the car parking requirement in November 2016.

At the time that the application was lodged, the site was located within the General Residential Zone, Schedule 2, however there were no mandatory height controls or garden area provisions set under the zone. These additional requirements were introduced to the Planning Scheme on 27 March 2017 as part of Amendment VC110.

Whilst the application was determined after this amendment was introduced, the amendment includes transitional provisions which thereby made these provisions not applicable to this application. A failure appeal was lodged with the Tribunal. The application was not supported by Council at its meeting on 25 July 2017. The Tribunal determined to refuse the application.

Since this application was lodged, there have been changes to the Planning Policy Framework (PPF). It is also noted that there have been changes to planning policy with respect to particular provisions including car parking.

TPA/49751

Planning Permit Application TPA/49751 was lodged in October 2018. A Planning Permit was issued at the direction of VCAT on 16 September 2019, following a failure appeal. Council formed a position at the Council meeting on 28 May 2019 that had a failure appeal not been lodged, Council would have refused the application. A total of 19 objections were received for this application.

The applicant lodged amended plans with VCAT as part of their appeal.

The approved development allows for the development of the land for a six to seven storey building used for the purpose of a retirement village and food and drinks premises. The proposal contained a total of 79 rooms and a basement carpark was approved with a total of 89 car parking spaces. A gymnasium and food and drinks premises were located on the ground floor, fronting High Street Road. The first three storeys were proposed on the front title boundary, with the fourth to sixth storeys being set back behind the lower levels.

Council maintained its position of not supporting the proposed development throughout the VCAT process. On 16 September 2019, VCAT issued a decision to grant a planning for the proposed development subject to conditions.

A Section 72 amendment to amend Planning Permit TPA/49751 was considered and refused by Council officers on 24 June 2021. Two (2) objections were received to the amendment.

The decision was appealed to VCAT. Further amended plans were circulated prior to the hearing seeking the following changes:

- Increase in number of apartments from 88 to 97;
- Reduction in the number of car parking spaces from 91 to 75;
- Removal of the food and drinks premises and gymnasium on the ground floor;

- Removal of top floor of development and replaced with rooftop communal area (maximum of 6 storeys); and
- Increase in bicycle parking spaces from 36 to 46.

A merits hearing was held on the 16 May 2022, and a Permit was directed to be issued by the Tribunal on the same day.

During the proceeding, the applicant circulated without prejudice plans which sought to reintroduce the gymnasium and food and drinks premises to the ground floor (as per the initial approval). These plans were referenced in the conditions of the Permit issued. The existing Condition 1 requirements remained on the Permit.

This approval remains valid, with a condition requiring commencement of the development by 17 September 2023.

The Site and Surrounds

The subject site is located on the southern side of High Street Road in Mount Waverley approximately 100 metres west of its intersection with Blackburn Road. The land comprising of two titles, is irregular in shape and has a combined overall area of 2,619 square metres including a frontage of 61.55 metres to High Street Road. The land has a fall of 5.06 metres from north-east to south-west. A 1.83 metre wide drainage and sewerage easement spans the southern boundary of the land.

The land is currently vacant. Previous uses on the land has included motor vehicle sales, fitness gymnasium, swim school and yoga centre, albeit the land currently remains unoccupied.

The land is located on the periphery of the Syndal neighbourhood activity centre.

Land to the immediate south and east is a public car parking accessible from Blackburn Road and St Clair Crescent.

An open space reserve (St Claire Crescent Reserve) spans the south-western boundary within the overland flow flood path.

Land to the west is occupied by Greenmount Nursery and is utilised for plant sales. Shops forming part of the Syndal Neighbourhood Activity Centre (SNAC) are located opposite to the north-east. Established residential areas are located to the north-west and south-west of the subject land and typically comprise of single and double storey dwellings including unit development.

The immediate surrounding area has been subject to relatively limited development and change in recent times. Council at its meeting of 28 January 2016 granted a permit the development of a four storey building including associated car parking, use of the premises for short stay serviced apartments at

613-625 High Street Road (diagonally opposite to the north-east). This Permit has now lapsed. The site is located within the Commercial 1 Zone.

Established residential areas to the west and south have been developed with single and double storey townhouse forms with generous open space and landscaping areas. These properties are also located within the General Residential Zone, Schedule 2.

The SNAC is identified by the planning scheme as a neighbourhood centre providing for a range of small shops, offices, services and community activities. The SNAC is generally defined as the commercial zoned areas surrounding the intersection of Blackburn Road and High Street Road extending south to Coleman Parade adjacent to the Syndal Railway Station. Strategic directions applicable to the centre seek to encourage development that is of a moderately higher scale than surrounding residential areas.

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 Pace Development Group Ptd Ltd, 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 dated 29 April 2022 and prepared by Pace Development Group Pty Ltd.

The proposal is very similar, in terms of scale and massing, to the approved development under current permit TPA/49751/A for a six to seven storey residential building. The use of the land is now proposed to be for residential apartments instead of a retirement village. Further to this, the ground floor food and drinks premises and communal facilities such as gymnasium, yoga room, pool and library previously approved on the ground floor has been deleted and replaced with additional apartments.

The proposal provides a total of 96 apartments comprising:

- 58x one bedroom;
- 37x two-bedroom; and
- 1x three-bedroom.

With respect to setbacks to adjoining properties, setbacks to the sensitive interface to the rear of the site have been maintained, consistent with the current

approval. Setbacks to the east are also consistent, with an additional setback to the east (within the south-east corner of the site) at the first floor. The wall on the eastern boundary of the site towards the front of the site is also consistent with respect to length and height and is to be maintained as a patterned wall, which was negotiated through the original planning process.

A comparison of the approved development and the proposal is provided in the table below.

	Previously Approved Development (TPA/49751)	Currently Approved Development (TPA/49751/A)	Proposal
Height	7 storeys, maximum 23.3m	7 storeys, maximum 23.3m	7 storeys, maximum 23.40m
Uses	Retirement village associated gymnasium, concierge facilities, yoga, library & food and drinks premises.	Retirement village, associated gymnasium, concierge facilities, yoga, library & food and drinks premises.	Residential Apartments only
Number of retirement units / residential apartments	79 Units	85 Units	96 apartments
Number of car parking spaces	Required: 85 spaces Provided: 89 spaces (surplus of 4 spaces)	Required: 91 spaces Provided: 91 spaces	Required: 57 spaces Provided: 59 spaces (surplus of 2 spaces)
Number of bicycle spaces	Required: 25 spaces Provided: 53 spaces (surplus of 28 spaces)	Required: 27 spaces Provided: 42 spaces (surplus of 15 spaces)	Required: 29 spaces Provided: 80 spaces (surplus of 51 spaces)
Street setbacks	Ground :0-1.8m (substation to be built on front boundary) Level 1 & 2: 0-3.0m Level 3: 2- 5m Level 4: 4.18m Level 5 (top level): 4.18-5.9m	Ground: 0-2.18m (substation to be built on front boundary) Level 1 & 2: 0-3.2m Level 3: 2.18m Level 4 & 5 (top level): 4.38m	Ground: 1.05-5.3m (substation to be built on front boundary) Level 1 & 2: 0-5.3m Level 3: 2.1-5.3m Level 4 & 5 (top level): 4.0m
Site Coverage	90%	90%	85.4%
Vehicle Access	Access from High Street Road, central to the façade leading to double basement.	Access from High Street Road, central to the façade leading to double basement.	Access from High Street Road, central to the façade leading to double basement.
Open space	Ranging in size from 8sqm to 56sqm.	Ranging in size from 8sqm to 12sqm to each unit.	Ranging in size from 8sqm to 15sqm to each apartment.
Materials	Brick veneer, concrete finish and metal cladding.	Brick veneer, concrete finish and metal cladding.	Lightweight cladding, concrete panels and metal cladding.
Communal Open Space	339sqm at Level 1.	352sqm at level 1.	487sqm at Level 1.

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

A very small part of the site is covered by the Special Building Overlay.

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 58 (Apartment Developments) 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.

It is noted that the previously approved Permit was permitted to be above this maximum height as the development was for a retirement village, which is also exempt from the mandatory height requirement.

The use and development of land must be carried out to the satisfaction of the responsible authority and must not commence until funding under Victoria's Big Housing Build program is approved.

Clause 52.29 - Land adjacent to the Principal Road Network

The development proposes alteration of access to High Street Road (Transport Zone 2) 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 2 May 2022, the applicant sent notice of the proposal to owner/occupiers of all properties on the attached map. One sign was erected on the frontage of the site. Notification officially concluded on 25 May 2022. The extent of notification is consistent with the notice of the original application.

Public Information Session

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.

On 10 May 2022 the applicant held an information session convened online and attended by two residents. Council officers attended the session but did not host the meeting.

In response to the consultation, six (6) objections have been received raising the following issues:

- Building mass and scale
- Inadequate car parking provision, increase in traffic and safety hazard
- Impact on existing infrastructure
- Provision of social housing and associated negative impacts

Attachment 4 details the location of notified properties.

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 Transport Zone, Schedule 2. 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. Advice from the Department of Transport had not been received when this report was prepared.

Melbourne Water

As above, 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. Melbourne Water has advised of no objection subject to conditions. There are no conditions which require significant changes to the proposal.

Internal Referral

Traffic Engineer

No concerns were raised. Vehicle turning movements are satisfactory and predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

Drainage Engineer

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

Waste Services

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

DISCUSSION:

Planning Policy Framework

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.

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Sydal Activity Centre as a Neighbourhood Centre. The primary focus of Neighbourhood Activity Centres includes:

- *Primary focus for weekly convenience shopping, generally with a supermarket as the main drawcard of the Centre.*
- *Accessible by local public transport services with links to one or more Major Activity Centres*
- *Important community focal point, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from various modes of public transport*

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.

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. An assessment is provided in the table below.

Development Standard	Comment
52.20-6.1 - Infrastructure	Complies - the development will be connected to suitable services. There is no reason to suggest that the development will exceed the capacity of the utility services.
52.20-6.2 – Street setback	Variation required – the building is proposed to have a minimum setback of 1.05 metres (zero metres to the substation). However, given the context of the site within an activity centre, on a main road and opposite a commercial zone this is considered acceptable. In addition, the proposed setback is consistent with the existing approval under Planning Permit TPA/49751A. Location of the substation is retained from the existing approval.
52.20-6.3- Permeability	Variation required – the proposed development provides a permeability of 15.1% which does not meet the 20% requirement. However, given the site context and the existing approval, it is considered acceptable. A

	Sustainability Management Plan was also provided which details how stormwater will be managed on site.
52.20-6.4- Safety	Complies - entrances to dwellings will not be obscured or isolated from the street. The development will provide appropriate surveillance and private spaces will be protected from being used as thoroughfares.
52.20-6.5 - Access	Complies – a single vehicle access point is proposed. The crossover proposed is 6.4m in width.
52.20-6.6 – Parking Location	Complies – Car parking is proposed within the basement and is secure and ventilated. No habitable room windows are located directly adjacent to the accessway.
52.20-6.7 – Car Parking	Complies – car parking is provided at a rate of 0.6 spaces per dwelling meeting the statutory requirement. Parking spaces are located within the basement. This is discussed in further detail in the assessment section of the report.
52.20-6.8- Side and Rear Setbacks	Variation sought – the only interface that the site has direct interface with a residential zone is to the west adjacent to 546-552 High Street Road. This site is used for non-residential purposes, being a garden supply centre. Setbacks to the west are consistent with the existing approval under Planning Permit TPA/49751/A.
52.20-6.9- Walls on Boundaries	Variation sought – the proposed walls on the boundaries are consistent with the current approval under Planning Permit TPA/49751A, and are adjacent to non-residential uses.
52.20-6.10 – Daylight to Existing Windows	Complies – The proposed built form is set back in excess of 20 metres from the closest existing habitable room windows, well in excess of this standard.
52.20-6.11 – North Facing Windows	Complies – the proposed built form is set back in excess of this standard with respect to north facing windows.
52.20-6.12 – Overshadowing Open Space	Complies – no additional shadowing will be cast by the proposal into areas of secluded private open space.
52.20-6.13- Overlooking	Complies – habitable room windows and balconies are appropriately setback from neighbouring secluded private open space areas and habitable room windows to avoid the need for screening devices.
52.20-6.14 - Noise Impacts	Complies – where a habitable room is proposed adjacent to a lift well, a void has been created to reduce potential noise impacts. Double glazed windows are proposed as suggested in the Sustainability Management Plan, however this has not been reflected on the plans.
52.20-6.15 – Daylight to New Windows	Complies – all new windows have been designed to be located to face an outdoor space with minimum area of 3sqm and minimum dimension of 1 metre clear to the sky.
52.20-6.16- Private Open Space	Complies – each dwelling is provided with a balcony of at least 8sqm with a minimum width of 2 metres.
52.20-6.17– Solar Access to Open Space	Complies – each dwelling is provided with a balcony. Balconies are orientated to the north, east and west where possible. Only four of the balconies proposed (Apartments 002, 003, 105 and 106) have a solely southerly aspect which is considered acceptable. This is consistent with the current approval under Planning Permit TPA/49751/A.

52.20-6.18 - Storage	Complies – a total of 96 storage cages are proposed within the basement (one per apartment). However, it is not clear on the plans the size of the storage cages. This information should be provided.
52.20-6.19- Front Fence	Complies – No front fence is proposed.
52.20-6.20- Common Property	Complies – fencing clearly delineates communal access and private areas.
52.20-6.21 – Site Services	Complies – bin and recycling facilities and storage are located within the basement. Letter boxes are located internal to the building within an airlock space.

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.

Development Standard	Comment
52.20-7.1 – Energy efficiency	Complies – the dwellings are designed to maximise the solar access to habitable rooms. The Sustainability Management Plan (SMP) suggests that the energy efficiency standard is met. Only four of the proposed Apartments 002, 003, 105 and 106 have a solely southerly aspect which is considered acceptable. This is consistent with the current approved development.
52.20-7.2 – Communal open space	Complies – a communal open space area at level 1 (487sqm) is proposed which meets this standard.
52.20-7.3 – Solar access to outdoor open space	Variation sought – the area of communal open space is located on the southern side of the building at level 1. It is consistent with the existing approval under Planning Permit TPA/49751/A.
52.20-7.4- Deep soil areas and canopy trees	Complies - the site is vacant without any existing site vegetation. A deep soil area of 387 m ² (14% of the site area) is provided in the east setback generally in accordance with the existing approval for supporting canopy tree planting. Setbacks are also consistent with the current approval on the land.
52.20-7.5 - Integrated water and stormwater management	Complies - the development provides a stormwater management system to meet best practice. The WSUD response enclosed in Appendix 2 of the Sustainability Management Plan demonstrates that the development meets best practice performance objectives and standards. The proposal achieves a 100% STORM rating.
52.20-7.6 – Building Setback	Complies - Setbacks to the west are consistent with those currently approved within TPA/49751A. Setbacks limit overlooking and avoid the need for screening of windows. By ‘stepping’ westward the proposal enables a transition between the more intensive forms of development and the conventional suburban hinterland.
52.20-7.7 – Noise Impacts	Complies - where a habitable room is proposed adjacent to a lift well, a void has been created to reduce potential noise impacts. Double glazed windows are proposed as suggested in the Sustainability Management Plan,

	however this has not been reflected on the plans. Plant equipment is located on the roof.
52.20-7.8- Accessibility	Complies - 63% of the dwellings are designed for accessibility by providing for accessibility with at least 850mm at the entrance to the dwelling and main bedroom, a 1.2m wide circulation path connecting the entrance, the living area, the bathroom and the main bedroom, where the majority of bathrooms adopt Design Option A. This exceeds the requirement of 50%.
52.20-7.9- Building entry and circulation	Complies - the entrances and corridors of the apartment building are designed to be visible, safe and open to High Street Road with adequate lighting levels and coverage. Corridors are of sufficient width.
52.20-7.10 – Private open space	Variation sought – all balconies are a minimum of 8sqm. The one apartment which contains 3 bedrooms is an area of 15sqm which exceeds the requirements of 12sqm. However, the proposal does not comply with the requirement that a balcony on a podium or other similar base should be of at least 15sqm. Balconies associated with levels 1, 3 & 4 sit on a podium form and do not comply with this requirement. It will be recommended that these balconies comply.
52.20-7.11 – Storage	Complies – a total of 96 storage cages are proposed within the basement (one per apartment). However, it is not clear on the plans the size of the storage cages.
52.20-7.12 – Waste and recycling	Complies - The proposal provides for appropriate provision of bins, storage and collection points within the basement levels. A Waste Management Plan has been provided with the application and referred to Council's waste department.
52.20-7.13- Functional layout	Complies - All the main bedrooms have a minimum width of 3 metres with a minimum depth of 3.4 metres. No bedrooms will have a dimension of less than 3 metres. All the living areas meet minimum requirements.
52.20-7.-14 – Room depth	Complies - All the habitable rooms, i.e., combined living, dining and kitchen area, will have a floor-to-ceiling height of 2.7 metres with a room depth of less than 9 metres.
52.20-7.15 –Windows	Complies - All habitable rooms have a window in an external wall. Where bedrooms have a secondary area for external-wall windows, the secondary area is at least 1.2 metres in width and a maximum depth of 1.5 times the width.
52.20-7.16- Natural ventilation	Complies - 46% of the dwellings provide effective cross ventilation, exceeding the requirement of 40%.
52.20-7.-17– Integration with the street	Complies - The apartment building presents to High Street Road with apartments and the building entrances is immediate to the road frontage with no front fencing in accordance with this policy, however officers are seeking greater activation of this interface due to its location and setback to the street. This is discussed in more detail in the assessment section of the report.

Neighbourhood Character

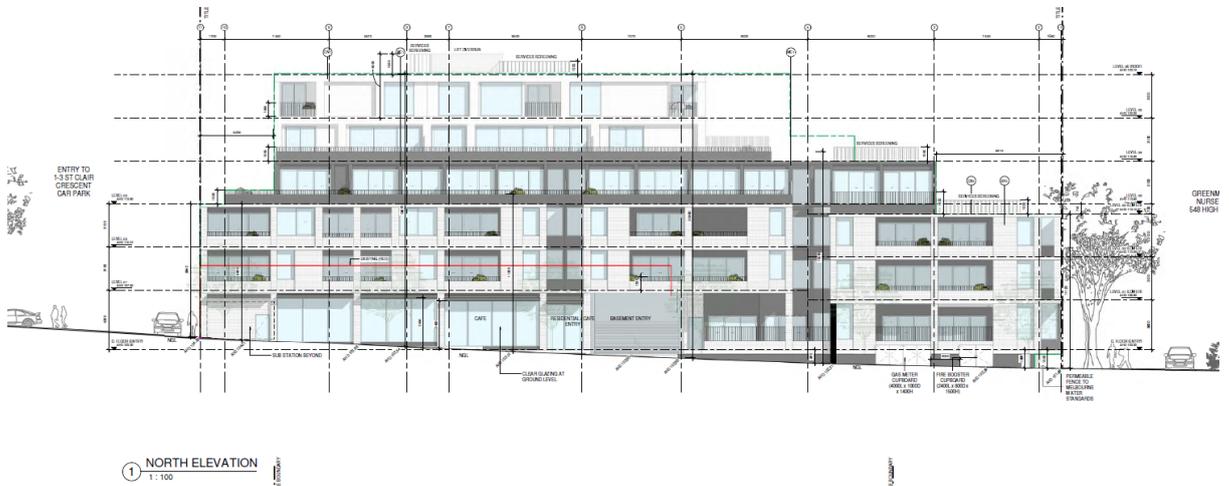
The proposed building scale and form are generally consistent with the currently approved plans. The proposal generally maintains the building setbacks and heights from the existing approval. The following areas warrant further discussion.

Presentation to High Street Road

The proposed building height and built form is generally consistent with the existing approval under Planning Permit TPA/49751A.

However, the proposal seeks to delete the gymnasium and food and drinks premises on the ground floor, and replace with five additional dwellings fronting High Street Road. The façade of these dwellings are articulated with balconies provided forward of these dwellings as their only secluded open space.

Given the change in use, the glazed façade fronting High Street Road will be replaced with a mix of balcony balustrades and solid walls. One positive outcome from the original approval was the activation of the High Street Road frontage. In the *Pace Development Group Pty Ltd v Monash CC [2019] VCAT 1416* decision it states ‘the ‘stepping’ and modulation of the building and the activation to the public realm are features that respond well to the guidance provided in the *Urban Design Guidelines of Victoria*’. Although the balcony balustrades provide some level of transparency, this proposal does not activate the streetscape as originally envisioned.



Existing approval streetscape



Proposed streetscape

Application of materials

In addition, the application of materials to the building has varied, particularly with respect to the framing of the podium levels, and the two upper levels.

The materials proposed on the upper levels (darker tone) are metal cladding with a vertical cladding and lightweight cladding with textured paint finish. The lighter materials applied on the lower levels include concrete with a textured paint finish. The elevation plans are misleading as they suggest that this is a brick material with the patterning.

The approved development includes similar materials, however the application of them is more sophisticated and provides for a better balancing of the façade, particularly the upper levels. It is recommended that the materials be better refined to provide for a higher quality presentation.

External Amenity Impacts

Setbacks are generally consistent with the existing approval, with the exceptions of setbacks to the southern boundary at levels 6 and 7. The evolution of these setbacks of the upper levels to the south are outlined in the table below:

	TPA/49751	TPA/49751/A	Current Proposal
Level 6	9.2m (7m to balconies)	9.1m (7.4m to balcony)	7.396m (balconies are also setback 7.396m)
Level 7	14.26m (9.5m to balconies)	N/A (this level was deleted)	14.22m

The reduction in setbacks to the southern wall of Level 6 will result in a three storey sheer wall on the south elevation from level 04 to 06, creating additional bulk to the south. It is recommended that the setback of the wall of Level 6 be increased, consistent with the current approval and minimising visual bulk.

Internal Amenity

Whilst the overall design of the building is similar to that of the retirement village currently approved on the site, the level of internal amenity for dwellings has a higher bar to meet. The proposal meets the majority of the criteria in Clause 52.20 as outlined in the table above, however, there are some areas which fall short, including:

- Some balconies on levels 1, 3 and 4 do not comply with the required balcony space of 10 or 15 square metres being located on a roof or a podium. It is considered that the balconies should be increased in size to comply with the requirements in Clause 52.20-7.10.
- The size of the storage cages located within the basement is unclear. It is recommended that any approval detail the size of these to comply with the requirements in Clause 52.20-7.11.
- Apartments and balconies directly abutting High Street Road on the ground floor are considered to have poor internal amenity and will limit activation to the street. It is recommended that these spaces be redesigned to allow for a food and drinks premises and internal communal open space or communal facilities at the ground floor, consistent with the current approval on the land.

Whilst the ground floor areas of secluded private open space do not meet the requirements of Clause 52.20 (25 square metres with a minimum dimension of 3 metres), they are consistent with the current approval. Additionally, a landscape setback is provided along the High Street Road frontage to maintain a landscaped interface to the street.

Car Parking, Traffic and Access

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

Use	Number of Dwellings	Clause 52.20 Requirement	Car spaces required	Car spaces provided
Residential Apartments	96 dwellings	0.6 spaces per dwelling	57.6 car spaces (round down to 57 spaces)	59 car parking spaces
Surplus				2 spaces

The number of spaces provided within the development exceeds the minimum requirement under Clause 52.20. Although the 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 57 spaces would be required without requirements for visitor parking.

Council's 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.

Objections not previously addressed

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.

Social and affordable 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.

Furthermore, the loss of property is not a relevant planning consideration.

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. However, the following areas require review and consideration:

1. The reconfiguration of apartments on the ground floor fronting High Street Road, with integration of a food and drinks premise and communal space to activate this frontage
2. An increase in the setback of Level 6 to the southern property boundary from 7.396 to 9.1 metres, addressing visual bulk to the south.
3. A revision of fenestration and application of materials to provide for a higher quality built form outcome.
4. An increase in the size of balcony areas on levels 1, 3 and 4 to comply with Clause 52.20-7.10.
5. The size of storage cages within the basement to be provided on plans to comply with in Clause 52.20-7.11.
6. The use of double glazing to windows, as recommended in the Sustainability Management Plan

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.