



P. +61384888205
W. lifedesignarch.com.au
E. admin@lifedesignarch.com.au
591BridgeRoad RichmondVIC3121

PLANNING PERMIT REPORT – ISSUE 27 JANUARY 2017_REV A

The construction of a multi storey building (13 storeys) for use as cafés and restaurants (ground and first floor), commercial offices (levels 2-5) and 38 residential dwellings and a reduction in the required number of car parks against the Schedule to the Parking Overlay and reduced loading bay facilities.

50 MONTCLAIR AVENUE, GLEN WAVERLEY

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1. INTRODUCTION

This report has been prepared by Life Design Architecture on behalf of the developer in support of an application at 50 Montclair Avenue, Glen Waverley for the use and buildings and works associated with the development of a 13 storey building (including basement) for use as cafés and restaurants (ground and first floor), commercial offices (levels 2-5) and 38 residential dwellings and a reduction in the required number of car parks against the Schedule to the Parking Overlay.

The application is proposed in accordance with the requirements of the *City of Monash Planning Scheme 2014* (the Scheme).

This application is made with the approval of the landowner.

This submission should be read in conjunction with the architectural plans, site analysis and urban context prepared by Life Design Architecture (refer – Attachment A). To support the application, a Traffic Impact Statement has been prepared by Onemilegrid traffic engineering (refer Appendix C).

2.SUBJECT SITE

The subject site is referred to as 50 Montclair Avenue, Glen Waverley and is identified as Lot 97 on Plan 013459 (Volume 7715 Folio 060). A Certificate of Title for the allotment is provided at Appendix A.

The landholding is described as a regular shaped (rectangle) allotment and has an overall area of approximately 810 square metres. The site enjoys a frontage of approximately 17.9 metres to Montclair Avenue and an approximate depth of 45.03 metres.

A single storey brick veneer dwelling occupies the subject site and is to be demolished as part of this application.

The site contains a variety of trees at differing heights and maturity. There are several medium trees and all trees are proposed to be removed as part of this application. The removal of the on-site trees has been discussed with Council and is considered to be acceptable in the context to the development within the Glen Waverley Activity

There are a number of verge trees on Montclair Avenue. These trees are to be retained and the existing crossover to Montclair is to be removed and a new crossover provided in the same location.



Figure 1 - Subject site as viewed from the Montclair Avenue

2.1 CONTEXT

2.1.1 Local Context

The subject site is located within Glen Waverley and is located approximately 24kms away from the Melbourne City Centre.

Glen Waverley is broadly identified as an Activity Centre within the Metropolitan Planning Strategy - Plan Melbourne and, as such, is proposed expected to provide a mix of businesses, retail, services and entertainment uses, additional housing and highly connected public transport services.

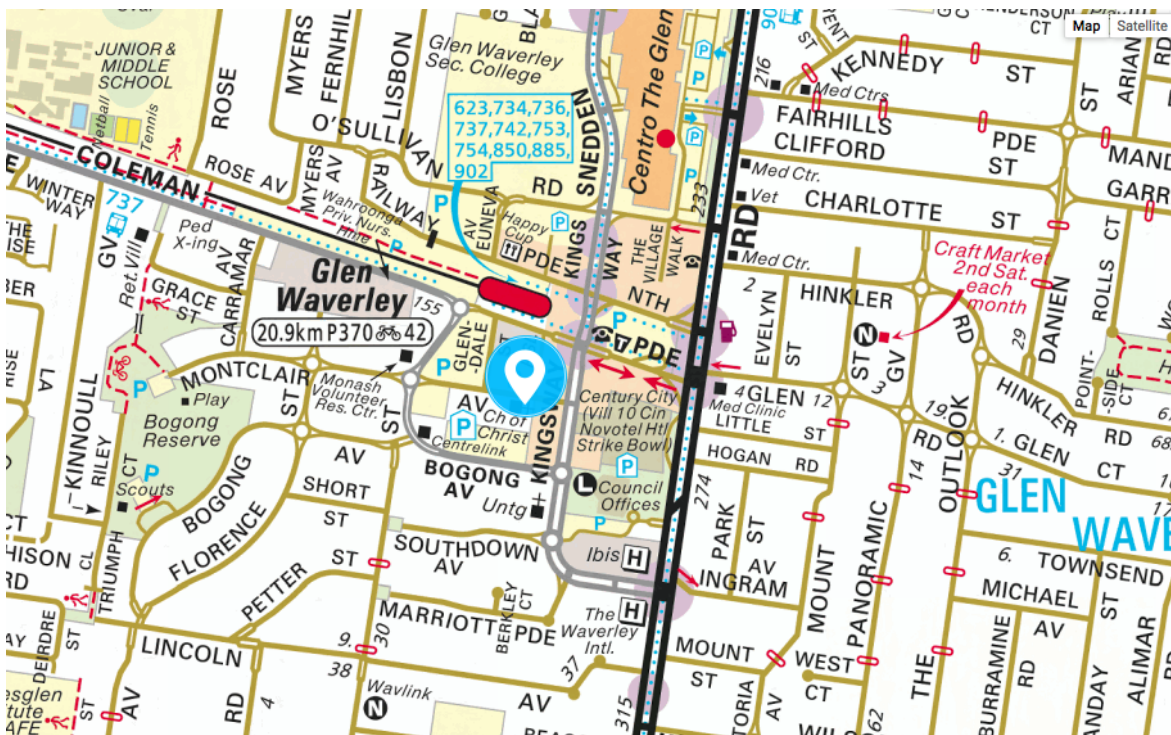


Figure 2 - Location Plan (Source: Google Maps)

The area is a well-defined strategic area, which includes access to public transport networks, the presence of numerous commercial, retail, employment and community services and the availability of a number of strategic redevelopment sites. This indicates the suitability of the area for increased development.

Specifically, to the north of the site is the Glen Shopping Centre. The Glen Shopping Centre has an extensive range of stores such as Myer, Target, Kmart, Coles, Woolworths and an extensive array of speciality stores. In addition Village Cinema Century City plaza, alfresco cafes and restaurants along Kingsway.

As stated, the site is well served by a range of public transport options including the Glen Waverley Railway Station and bus interchange which is located approximately 200 metres to the north of the site.

2.1.2 Site Context

The subject site is located on the south side of Montclair Avenue approximately 80 metres west of the intersection with Kingsway, in the Glen Waverley Principal Activity Centre.

As can be seen in the aerial photograph below the site is relatively unconstrained by sensitive land uses, there is a new six storey development at 52 Montclair Avenue to the east and a single storey church to the west.



Figure 3 - Aerial (Source: NearMap)

The site possesses the following primary interfaces:

- The **northern** boundary abuts Montclair Avenue. This functions as an east-west road and provides access to off-street car parks to the east and residential properties to the west. Behind that is land occupied by an extensive at-grade Council car parking area.
- The **southern** boundary abuts a three storey car park. The car parking area contains 540 spaces, with a limit of four hours parking time.
- The **western** boundary of the site abuts an existing single storey church on a double block that is likely to be redeveloped in the next few years.
- To the **east** of the site is a new six storey development comprising cafe/restaurants, (Ground floor and Levels 1 & 2), karaoke/lounge bar & snooker/lounge bar (Levels 3 & 4)

and massage facilities (level 5), with an on-premises liquor licence for all levels setback 1m abutting the subject site. This development has recently been completed.

- Further east at 50 Montclair Avenue is an approved 10 storey development plus mezzanine level comprising café and restaurants (Ground floor and levels 1 and 2) and residential apartments (levels 3 to 9) including 3 level basement car park. Construction on this development is due to commence in November 2016.



Figure 4 – Surrounding development: Single storey council car park to north; new six storey building to the east; multi-level council car park to the south and 10 level +mezzanine approved development at 50 Montclair

3. PROPOSAL

3.1 THE PROPOSED DEVELOPMENT

The application proposes buildings and works for the development of a 13 storey building (plus basements) for use as café (ground floor), restaurant and office (first floor), commercial offices (levels 2-5) and 38 residential dwellings and a reduction in the required number of car parks against the Schedule to the Parking Overlay.

All levels are serviced by a lifts. There are two dedicated residential lifts, one dedicated lift for the office and the restaurant on level 1 and a separate goods lift that will service ‘back of house’ areas to the restaurants and cafes on ground and level 1. All service access will be via a loading bay in the basement of the building and all lifts connect to this level.

General public access to the proposed building will be via public lobbies / forecourt, stairwells and lift. The ground and first floor will also allow for alfresco dining within the food and drink premises. The main features of the proposal are as follows.

Basement 4 floor plan

- 18 residential car bays;
- Rainwater tanks, Fire tanks and
- Residential lifts, circulation and stairs.

Basement 3 floor plan

- 18 residential car bays;
- Residential lifts, circulation and stairs.

Basement 2 floor plan

- 10 residential car bays;
- 2 commercial car bays;
- 6 visitor's car bays;
- Residential lifts, circulation and stairs.

Basement 1 floor plan

- 1 visitor's disabled bay;
- 26 bike bays;
- Loading dock
- Residential and commercial bin room
- Sub-station, main switchroom, fire pump room, water meters and grease trap;
- Residential apartment storage and
- Residential commercial & service lifts, circulation and stairs.

Ground Level

- Food and drink Premises (café) with associated kitchen and toilet facilities
- An apartment entry and foyer
- A separate commercial office entry and foyer
- A separate stair entry providing access to the upstairs restaurant and office space and providing a public access link through to the Council owned car park to the south.
- Residential commercial & service lifts, circulation, kitchen exhaust and stairs.
- Vehicle access to the basement loading bay and car park from Montclair Avenue
- 12 visitors bike bays
- A total of 120 seats are to be provided on this level including an alfresco outdoor dining area

Level 1

- Public access to the council car park to the south of the proposed development
- Restaurant for 72 patrons with associated kitchen and back of house facilities including street facing terrace area;

- Commercial office space;
- Commercial lift, circulation, stairs, shared toilets, kitchen exhaust and service lift.

Levels 2-3

- Commercial Office Space;
- Commercial lift, circulation, shared toilet facilities and stairs.

Levels 4

- Commercial Office Space;
- Commercial lift, circulation, shared toilet facilities and stairs.
- Terrace Area

Levels 5

- Commercial Office Space;
- Commercial lift, circulation, shared toilet facilities and stairs.

Levels 6 - 10

- 6 x 2 bedroom apartments;
- Balconies or Terraces
- Residential lifts, circulation, staircase, rubbish chute and recycling services.

Levels 11-12

- 4 x 3 bedroom apartments
- Balconies or terraces
- Residential lifts, circulation, staircase, rubbish chute and recycling services.

3.2 BUILDING DESIGN AND LAYOUT

The design response proposes a thirteen-storey building built to boundary at ground level but with a setback to Montclair Avenue. The frontage to Montclair Avenue has been designed to provide an active interface at ground level with half the frontage comprising of an outdoor seating area for the ground floor cafe.

A dedicated entry lobby is provided for access to the lifts that serve the residential levels. A distinct separate entry and lobby is provided for access to the lift serving the office levels and the restaurants on level 1. Separate direct access is also available to the level 1 restaurant and office space from the internal stair in the commercial ground floor lobby. This also provides connectivity and a public access route between the public council owned car park to the south and Montclair Avenue to the north. Access to the car park and loading dock is from Montclair Avenue to the west end of the frontage.

At first floor level the building is built to the east and west boundaries. Along the Montclair Avenue frontage an alfresco terrace dining area associated with the restaurants on this level provides a further active interface to the street. At the rear there is a proposed public connection to the car park adjacent. The first floor terrace overhangs the ground floor setback along the Montclair Avenue frontage creating enclosure for the ground floor entries and café and a sense of scale to the street. Level 1 is setback from the rear boundary to provide an alfresco dining area and natural light to the southern end of this level. This terrace will be provided with screening to visually separate it from the car park on the adjoining property.

The second and third floors complete the podium of the building built to the boundary along Montclair Avenue with an architectural treatment comprising picture framed windows and a break of the façade elements to provide interest. The podium detailing is continued along the western boundary and a partial setback along this boundary provides the opportunity to break up a potential blank façade providing further modulation while also introducing windows and daylight to the office levels. Windows are also provided along the southern boundary, these windows being above the current car park

The two office levels on four and five are setback from the podium along Montclair Avenue and the western boundary creating a visual separation between the podium and the residential levels. The effect is of a base to the residential levels providing further architectural formality

The residential levels from six to ten are further setback from Montclair Avenue with the top two penthouse levels stepped back further again. The creation of a strong podium and setbacks to the upper levels provide a complimentary urban design response.

These techniques will accentuate building form, whilst also minimising visual bulk.

The proposed design meets the intent of the recommendations for built-form interfaces as specified in the Glen Waverley Activity Centre Masterplan report of 2013 by MGS. The recommendations from the report and our design response are noted below:

- *Buildings should provide an engaging interface to streets and public open spaces. Preferably this should be a glazed interface with multiple well defined entries. Uses that engage with the public realm such as hospitality and small-scale retail should be encouraged at ground level.*
 - The Montclair Avenue interface is activated with extensive outdoor café seating and clear and separate residential and commercial entry lobbies
- *Buildings should provide continuous weather protection (via an awning or canopy) for key streets and public open spaces.*
 - The Street frontage including outdoor café and entry forecourts (within the title boundary) is weather protected from the first floor balcony overhang
- *All streets inside the activity centre boundary, should have minimal building setbacks, preferably zero.*
 - There is a setback at Ground level to provide opportunities for activation and engagement however the podium above has minimal setback from the street
- *The built form should reinforce a street wall of 2-3 storeys.*
 - We have provided a podium of four storeys to the street. We believe this is appropriate and in keeping with the intention of the masterplan principals as it is a similar height to the podium at 54 Montclair Avenue where the ground level is

a two level height (as this building has a mezzanine level) and also by the fall of the land from 54 to 50 Montclair Avenue

- *Ground level car parking should be avoided.*
 - All car parking is provided in on the basement levels. The access to the car park from Montclair Avenue has been designed to maintain an active street front and to put priority on pedestrian connectivity and a pedestrian friendly interface. As there is no vehicle access on the frontage of 50 and 52 we have located the entry to the car park to the west so pedestrian space along the frontage is contiguous.

The masterplan indicated the desire for the properties at 50-54 to be amalgamated for a potential larger development site. This has not been possible due to the completion of the development on 52 Montclair Avenue the approval of which pre dates the current masterplan. The building height for 50 Montclair Avenue is a response to the logical development profile along Montclair Avenue. There are no maximum building heights nominated in the development overlay. There is opportunity in the Masterplan principals for an increase in building height as the sites moves further away from The Kingsway which protects the pedestrian amenity of this main activity boulevard. The proposed new building at 54 Montclair Avenue (closest to Kingsway) is 10 levels plus a mezzanine level. The opportunity exists on the adjoining property to the west (44-48 Montclair Avenue) which is a larger development parcel for a more substantial building footprint and a height of 12-13 stories on this site could be sustainable.

Our Proposal for 50 Montclair Avenue is for a building of 13 levels. This building height has no impact in terms of overshadowing as the adjoining property to the south which would be the one impacted by the shading from the building. This adjoining site is and will remain a council owned multi-level car park. Rob McGaurin from MGS Architects has indicated to us at a meeting with Council officers that a higher building envelope on the properties from 44-50 Montclair as you move away from Kingsway would be an appropriate design response.

In the planning design and development overlay the Design objective in relation to building scale states:

- *To ensure that the building scale and form in terms of height and bulk complements and does not visually overwhelm surrounding buildings.*

The proposed building height is consistent with the adjoining buildings and is respectful of a gradual increase in height away from Kingsway. The bulk and height of the building is modulated by progressive setbacks particular along the frontage to Montclair Avenue and west elevation. This breaks down the façade, provides visual interest and architectural contexture. The height and bulk of the building is complementary with adjoining developments to the east and the development potential for the properties to the west.

Internal Planning is based around separate entry, lifts and access to the commercial and residential areas of the building.

The office areas of the building have their own dedicated entry lobby and lift access. Each office floor has central shared amenities including toilets and tea room and access to a basement

loading bay and refuse area. Office floors have access to natural light (windows) on three facades. This design layout provides ultimate flexibility for full floor tenancies or for multi tenanted floors.

The first floor restaurant level shares the office lift lobby for access but has a dedicated direct stair access in addition to the lift. The restaurant level has shared amenities including toilets and a separate service lift for access to the loading bay and refuse areas in the basement. There is natural light to both the south and north facades and alfresco terraces and it is envisaged that this level will have two restaurant tenancies although it could be leased to a single operator.

The residential levels have a dedicated entry lobby and lifts which also gives access to the basement car park, storage cages and bin rooms. Residents will access individual dwellings and tenancies via an internal hallway.

Individual dwellings will utilise a predominantly open plan internal layout, with kitchen, dining and living areas constituting a single space. This will have the effect of opening up each dwelling and allowing natural light and airflow from balconies located along external frontages. All balconies are a minimum 8 sqm. All bedrooms have at least one full length external wall (ie. no snorkel arrangements).

3.3 BUILDING HEIGHT AND FOOTPRINT

The overall proposed building height is 43.0m (excluding the roof top plant and equipment area).

This maximum height will be confined to the central capping element, which is to be significantly recessed from side boundaries. The proposed building footprint will cover the entirety of the site, with built to boundary interfaces along all boundaries with the Montclair Avenue frontage proposing recessed alfresco areas below built-to-boundary terraces.

3.4 MATERIALS AND FINISHES

Generally the design response has sought to make use of a modern material palette that utilises:

- Integral coloured concrete in light grey, dark grey and white
- Penthouse levels – glazed curtain walls and rendered cement sheet
- Feature areas of metal cladding
- A mixture of steel, glass and concrete balustrades for the residential apartments
- Glass balustrades at first floor
- Glazed curtain wall on second and third floors
- Stone paving and feature finishes at Ground level
- Metal screens and louvres

3.5 PRIVATE OPEN SPACE

All dwellings are to be provided with appropriate areas of private open space.

In the majority of cases, dwellings will include areas of private open space in keeping with the high quality, upmarket characteristics of the design response. Areas of private open space are to be located along external interfaces in order to maximise access to sunlight, natural airflows and external views and surveillance to the street.

3.6 ACCESS AND CAR PARKING

Car parking is to be located across the four (4) levels of basement with vehicle access provided at the ground level from Montclair Avenue.

Car parking spaces are to be included in the layout, with a minimum of one (1) space per residential tenancy; however, a variation is requested for the office, cafe/restaurant use and visitor spaces for the residential dwellings. This is discussed further within Section 8.1 of this report.

Access to the basement car park will be via ramps exiting and entering the site from Montclair Avenue.

No direct access will be provided between the adjoining Council multi deck car park and the subject site.

Additional information relating to car parking access, numbers and internal layout is provided within the Traffic Impact Statement submitted along with this report at Appendix C.

3.7 PRE-APPLICATION MEETING

To ensure a positive outcome for the site that addressed all Council requirements, a pre-application meeting was held with Sue Monagle (Principal Planner, City of Monash) on 7 September 2016.

Preliminary plans were presented that were largely similar in concept to the plans included in this application. Apart from points in relation to details of the design noted below there were no major aspects of the proposal that was requested to be reconsidered.

The Architects have worked closely with the Council and the Councils Urban Planning consultant on the recent planning application at 54 Montclair Avenue so we are aware of the Council's requirements for developments in this precinct. The Architects have as a consequence incorporated the urban design principals desired by the Council into the design of this building.

Key points raised at the meeting to be considered in the plans to be submitted included:

- Addressing the Street interface and activating the street frontage while accommodating the competing requirements of car park/loading dock entry, residential entry,

commercial office entry and café / restaurant interface. In particular not allowing the vehicle entry to dominate the street frontage.

- We have spent some time developing a thorough solution to the street interface to ensure that we have an active vibrant interface that addresses this concern
- Consideration of the extent of screening along the upper level restaurant and commercial office levels along the Montclair Avenue elevation. Need to maintain a large expanse of windows and good natural light to internal spaces along the Montclair Avenue Elevation.
 - The restaurant and office facades facing Montclair have been activated with external terraces, and extensive glazing. Screening has been provided to the southern windows of level 1 facing the adjoining car park
- Consideration of appropriate setbacks to the west boundary on residential levels to maintain good access to natural light and amenity.
 - The setbacks to openable windows in the residential levels along the western boundary has been increased to 4m from the boundary
- Creation of a high quality architecture and design solution with vibrant façades which enhance the street interface.
 - We have developed a visually interesting building with multiple setbacks and a range of architectural features and finishes that provide a vibrant building treatment. Façade finishes are durable and long lasting. The street interface is activated with emphasis on the café activation and clear separation to the residential and commercial entries and minimizing the impact of the vehicle entry.

4. STATE PLANNING POLICY FRAMEWORK & LOCAL PLANNING POLICY FRAMEWORK

A review of the State Planning Policy Framework (SPPF), Municipal Strategic Statement (MSS) and Local Planning Policy (LPP) has highlighted the following relevant clauses applicable to the application:

4.1 STATE PLANNING POLICY FRAMEWORK

4.1.1 Settlement (Clause 11)

Clause 11 of the Scheme identifies that *“Planning is to recognise the need for, and as far as practicable contribute towards: Health and safety; Diversity of choice, Adaptation in response to changing technology; Economic viability; A high standard of urban design and amenity; Energy Efficiency; Prevention of pollution to the land, water and air; Protection of environmentally sensitive areas and natural resources; Accessibility; and Land use and transport integration.”*

Clause 11 also encourages Activity Centre’s to be a focus for business, shopping, working, leisure, and community facilities.

Clause 11.01 of the Scheme seeks to: *‘...build up activity centres as a focus for high-quality development, activity and living for the whole community’* and to *‘...encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community’*.

These objectives are to be achieved through the implementation of numerous strategies that broadly seek to achieve the co-location of a mutually supportive mixture of uses within the context of higher density development. In particular residential development at a range of densities commensurate to demand for housing and population growth is envisaged within certain activity centres.

The construction of a new thirteen storey building within an identified Principal Activity Centre supports these outcomes, through the introduction of higher density dwelling types, with strong access to public transport, retail and commercial facilities. Additionally, the inclusion of cafes, restaurants and commercial office space within the proposed building supports the intensification of a range of complementary uses within the precinct.

Clause 11.01-2 specifically addresses ‘Activity Centre Planning’ within which the objective is to *“encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.”* This supports our proposal to develop a restaurant,

commercial office and residential apartment building within the boundaries of the Glen Waverley Activity Centre.

4.1.2 Built Environment and Heritage (Clause 15)

Clause 15 of the Scheme identifies that: *“Planning should achieve high quality urban design and architecture that: Contributes positively to local urban character and sense of place; Reflects the particular characteristics, aspirations and cultural identity of the community; Enhances liveability, diversity, amenity and safety of the public realm; Promotes attractiveness of towns and cities within broader strategic contexts; Minimises detrimental impact on neighbouring properties.”*

Within the context of the proposed land use, it is important that any building on the site contributes *‘positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties’*. The proposal seeks to establish a landmark building on the site that fits comfortably within the expected future character of the area and will contribute to the intensification of built form within the activity centre.

The proposed design makes use of numerous architecturally innovative elements, including articulated building faces, a diversity of material finishes, varying building height across the structure, alternatively recessed and projecting elements and setbacks in order to introduce a distinctive built form that will contribute positively to the character of the area.

Specifically, Clauses 15.01-1 (Urban Design) and 15.01-2 (Urban Design Principles) can be seen to apply to the site; however we have reviewed the proposal against the objectives and strategies of the Urban Design Principles.

The objectives of Clause 15.01-2 seeks *“To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.”*

Clause 15.01-2 specifies design principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture for residential development not subject to the requirements of Clause 55.

Most specifically, in the design of the site and in the preparation of an Urban Context Report, the strategies of Built Environment and Heritage (Clause 15) have been considered. *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)* in assessing the design and built form of residential development of five or more storeys have been considered in the attached urban design report.

The SPPF urban design principles have been addressed to ensure a responsive design for the site on the following page:

Table 1 - Proposal response to SPPF Urban Design Principles

URBAN DESIGN PRINCIPLES	
SPP FRAMEWORK	SUBJECT SITE RESPONSE
<u>Context</u>	
<ul style="list-style-type: none"> • <i>Development must take into account the natural, cultural and strategic context of its location.</i> • <i>Planning authorities should emphasise urban design policies and frameworks for key locations.</i> • <i>A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.</i> 	<p>A comprehensive site analysis has been undertaken to assess the existing context, heritage qualities, environmental qualities and any traffic constraints for the site. This analysis has been used in the development of the design proposal and is included in the application drawings</p>
<u>The public realm</u>	
<ul style="list-style-type: none"> • <i>The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.</i> 	<p>The site did not incorporate an area of public realm; however, common areas and improved public spaces have been created within and around the development.</p>
<u>Safety</u>	
<ul style="list-style-type: none"> • <i>New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.</i> 	<p>The development proposes a system of security access points to ensure that residents feel safe within the complex without compromising the urban design qualities of the proposal.</p>
<u>Landmarks, views and vistas</u>	
<ul style="list-style-type: none"> • <i>Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.</i> 	<p>The proposal is considered to positively contribute to the Glen Waverley skyline and will assist in substantiating Glen Waverley as a true Activity Centre.</p>
<u>Pedestrian spaces</u>	
<ul style="list-style-type: none"> • <i>Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.</i> 	<p>The interface areas have been designed to create areas that residents will want to interact with. These light filled, airy areas are clearly legible and landscaped to enhance the experience.</p>
<u>Heritage</u>	
<ul style="list-style-type: none"> • <i>New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.</i> 	<p>The proposal does not adversely impact any heritage within the locality.</p>
<u>Consolidation of sites and empty sites</u>	
<ul style="list-style-type: none"> • <i>New development should contribute to the complexity and diversity of the built environment.</i> • <i>Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.</i> • <i>The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from</i> 	<p>Not applicable</p>

vacant sites are minimised.

Light and shade

- *Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.* The proposal will not adversely impact any adjoining property in terms of loss of sunlight.
- *This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

Energy and resource efficiency

- *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.* Efficient use of resources and the incorporation of solar access and thermal mass principles has been key in the design of this proposal.

Architectural quality

- *New development should achieve high standards in architecture and urban design.* The design proposes the creation of a high quality, well designed complex that achieves a high standard in architecture and urban design.
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

Landscape architecture

- *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.* The building does not include any landscaped areas but provides a well design interactive interface to Montclair Avenue.

Clause 15.02 indicates that development should be *‘consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’*. The proposal seeks to provide a higher density concentration of residential dwellings within a highly walkable precinct strongly serviced by public transport opportunities and retail, commercial and employment opportunities. This type of development supports the efficient use of energy within the context of a mixed-use development. Additionally, the design response has made use of glazed surfaces and semi-openable windows in order to allow for natural light and air to circulate internally. The roof form will also incorporate solar panels.

4.1.3 Housing (Clause 16)

Planning Policy actively supports the promotion of a *‘housing market that meets community needs’* and directs the location of *‘new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services’*. This is to be achieved through a range of strategies that seek to increase the supply of housing in existing urban areas through increased housing yield and the intensification of development on under-utilised urban land. The proposal seeks to make use of a relatively large consolidated landholding that is presently vacant. This type of development will significantly increase housing opportunities within an area with strong access to existing infrastructure and services.

Clause 16.01-2 (Location of Residential Development) seeks *“To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer*

good access to services and transport.” This is specifically relevant as the proposal is to allow as many people to live close to amenities and services.

Specifically our proposal is supported by the strategies for Clause 16.01-2, being:

“Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.”

“Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.”

“Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.”

“Identify opportunities for increased residential densities to help consolidate urban areas.”

It is considered that a higher density proposal on this site is supportive of the provisions of this Clause as it provides for increased densities in an area that is well located with respect to public transport, public infrastructure and employment. Its location and the size of the land lends it to be a strategic redevelopment site, with, subject to conditions, negligible offsite impacts.

The subject site is identified as a strategic redevelopment site suitable for larger scale residential development, pursuant to Clause 16.01-3. Specifically, this classification is supported by the site’s location within a Principal Activity Centre, the close proximity to a diversity of train and bus services and the site’s ability to accommodate a large number of residential dwellings.

The development of the proposed building will also provide for greater housing diversity through the delivery of dwellings, including a mixture of one, two and three bedroom apartments.

4.1.4 Economic Development (Clause 17)

The proposal has sought to make use of the site’s location within a Principal Activity Centre, through the inclusion of two restaurants and two cafes. This type of development supports State Planning Policy that seeks to ‘encourage development which meets the communities’ *needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure and sustainability of commercial facilities’ (Commercial – Clause 17.01)*

4.2 MUNICIPAL STRATEGIC STATEMENT (CLAUSE 21)

Clause 21 of the Scheme outlines requirements of the Municipal Strategic Statement (MSS) for the City of Monash.

Glen Waverley is the principal activity centre within the municipality. Although, population is predicted to marginally increase, the number of households and hence demand for dwellings is estimated to increase by nearly 10,000 new households over the period 2001 to 2021.

The predicted population trend is primarily caused by smaller sized households (estimated to drop from 2.66 in 2001 to 2.5 by 2021), ageing of the population, continued changes in lifestyle, changes to structure of family households and a static birth rate. The proposal responds by providing more dwellings for the area.

4.2.1 A Vision for Monash (Clause 21.03)

A key component of the strategic vision of Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the character of Monash.

Of the clauses outlining the vision for the City, Clause 21.03-3 supports the proposed development by encouraging “...a range of high quality, affordable high to medium density housing [which] exists in harmony with a thriving retail and commercial sector”. The proposal supports this objective by providing high density housing in harmony with ground floor café and first floor restaurants.

4.2.2 Residential Development (Clause 21.04)

The Residential Development policy states that State Government policy encourages densities near transport hubs and activity centres, such as Glen Waverley. The policy position is that activity centres such as Glen Waverley are the areas where medium to high-rise residential development is appropriate.

4.2.3 Activity Centres (Clause 21.06)

Pursuant to Clause 21.06, Glen Waverley is defined as a Principal Activity Centre.

This clause provides a suite of objectives in relation to activity centres, with specific relevant to the site being: *“To promote high rise residential development within the Glen Waverley Principal and Oakleigh Major Activity Centres, to support ongoing economic prosperity, social advancement and environmental protection”*.

This objective is proposed to be achieved through the following strategies specifically relevant to the Glen Waverley Principle Activity Centre:

Encourage medium to high rise development (4- 10 storeys) within the Glen Waverley Principal Activity Centre that results in integrated housing, workplaces, shopping, recreation and community services and provides a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

High rise development should be located towards the middle of the centre, except where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.

Consolidate the retail function, expand the entertainment focus, encourage office and residential uses, and encourage mixed use redevelopment in the Glen Waverley Principal Activity Centre.

The proposal is consistent with the strategies of the Glen Waverley Principal Activity centre. A building height of 13 storeys is appropriate for this particular location in the Activity Centre which encourages medium to high rise development within the Centre that results in integrated housing, workplaces, shopping, recreation and community services and provides a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

4.3 LOCAL PLANNING POLICIES

4.3.1 Residential Development and Character Policy (Clause 22.01)

Pursuant to Clause 22.01 of the Monash Planning Scheme, the subject site is not defined within a particular residential character type as the land is not zoned 'residential', however the proposal complies with the broad objective which states: *"High rise residential development should locate within the Glen Waverley Principal or Oakleigh Major Activity Centres."*

The subject site is therefore considered to be appropriate for a higher density development due to the following individual circumstances:

- The land is located within the Glen Waverley Activity Centre.
- The site is located in an area well served by public transport services.
- The site is large and has enough width to accommodate higher built forms without visually impacting on adjoining properties.
- The site has limited residential interfaces.

4.3.2 Industry and Business Development and Character Policy (22.03)

This policy applies to the land due to its Commercial 1/ business zoning and is specifically relevant to the subject site due to the overarching objective of *"promoting high rise residential development within the Glen Waverley Principal Activity... Centre, to support ongoing economic prosperity, social advancement and environmental protection."*

Pursuant to Clause 22.03 'Industry and Business Development and Character Policy' the site is identified as being located within the Business 3 Character Type 3, specifically Glen Waverley Precinct 3A

The desired future character statement is as follows:

New development... will respect the scale and form of development of the relevant Activity Centre, while providing for appropriate change.

High rise development within the Glen Waverley Principal Activity Centre (10 storeys) should be located towards the middle of the centre, except where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.

In determining appropriate design parameters, reference should be made to all relevant studies, reports and any structure plan adopted for the Activity Centres.

In liaising with Council, the most recent structure plan prepared for the site is the Glen Waverley Activity Centre Structure Plan which has not yet been incorporated into the Scheme. Regardless, an assessment against the objectives and strategies of the Structure Plan have been undertaken.

4.4 REFERENCE DOCUMENTS

4.4.1 Guidelines for Higher Density Residential Development

The proposal has been assessed against the Guidelines for Higher Density Residential Development.

5. GLEN WAVERLEY ACTIVITY CENTRE STRUCTURE PLAN (GWAC)

The Glen Waverley Activity Centre Structure Plan (GWAC) applies specifically to the subject site and, following adoption of Amendment C120 by Council on 30 September 2014, is currently out for advertising to allow for inclusion within the Scheme. Council has advised that the amendment is likely to be supported however the process could take a further 12-18 months.

Of specific relevance are the following changes:

- Local Planning Policy Framework
 - Changes to Clause 21.06 (Activity Centres) to reference the Glen Waverley Activity Centre Structure Plan 2014
 - Changes to Clause 22.03 (Industry and Business Development and Character Policy) to delete references to height controls within the GWAC and add references to the Glen Waverley Activity Centre Structure Plan 2014.
 - Introduce a new local policy at Clause 22.14 (Glen Waverley Activity Centre Structure Plan) that incorporates the objectives and policy direction from the Glen Waverley Activity Centre Structure Plan 2014 into the Monash Planning Scheme.
- Overlay
 - Inserts Schedule 12 to Clause 43.02 (Design and Development Overlay) which introduces requirements for building and works and preferred maximum building heights ranging from 4 storeys to more than 10 storeys in designated precincts within the Glen Waverley Activity Centre to implement the objectives and strategies of the Glen Waverley Activity Centre Structure Plan 2014.

These proposed amendments have been taken into consideration in the preparation of the proposal, specifically in regard to the proposed height changes at Clause 22.03 and 43.02.

As the new Local Policy regarding the GWAC has not been adopted and provision changes may occur, we have provided commentary in regard to the overarching requirements of the draft GWAC. A full assessment against the advertised scheme ordinances can be undertaken if required.

Within the GWAC, the area is divided into precincts. The proposal has taken into consideration the following requirements of the relevant precinct:

- The site is within Precinct 2: Montclair. The vision of this precinct is for office and commercial uses with housing located above (mixed use office and residential precinct).
- Within the Land Use Plan of the Structure plan the site is also designated for Offices at ground level with offices / housing located above.

- Opportunity for 10 storeys in height however this is indicative. Design excellence that complies with the built form objective and strategies may allow for further opportunities. We have mounted an argument for 13 stories on this site which is in keeping with surrounding building mass and heights
- Street edge / podium height of 2-3 storeys with additional height recessed 5m from the primary street frontage. We have mounted an argument for a 4 storey podium on this site which is in keeping with the height approved on the podium on the adjoining 54 Montclair Avenue
- Zero front and side setbacks with active frontages to Montclair Avenue, Glendale Street, Euneva Avenue and O’Sullivan Road. We have achieved the active frontage on Montclair Avenue.
- The structure plan encourages the consolidation of lots at 50-54 Montclair Avenue in order to provide a larger / more efficient redevelopment site and enable the removal of crossovers to Montclair Avenue. Not now possible due to the construction of a new building on 52 Montclair Avenue.

The proposal complies with these strategies as detailed in the attached drawings and further outlined in this report.

6. ZONING, PURPOSE AND USE

6.1 ZONING (CLAUSE 34.01)

The subject site is located in the Commercial 1 Zone (C1Z). The purpose of the C1Z is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The proposed development complements the purpose of the C1Z specifically proposing a high density development on the site that makes optimum use of the facilities and services available.

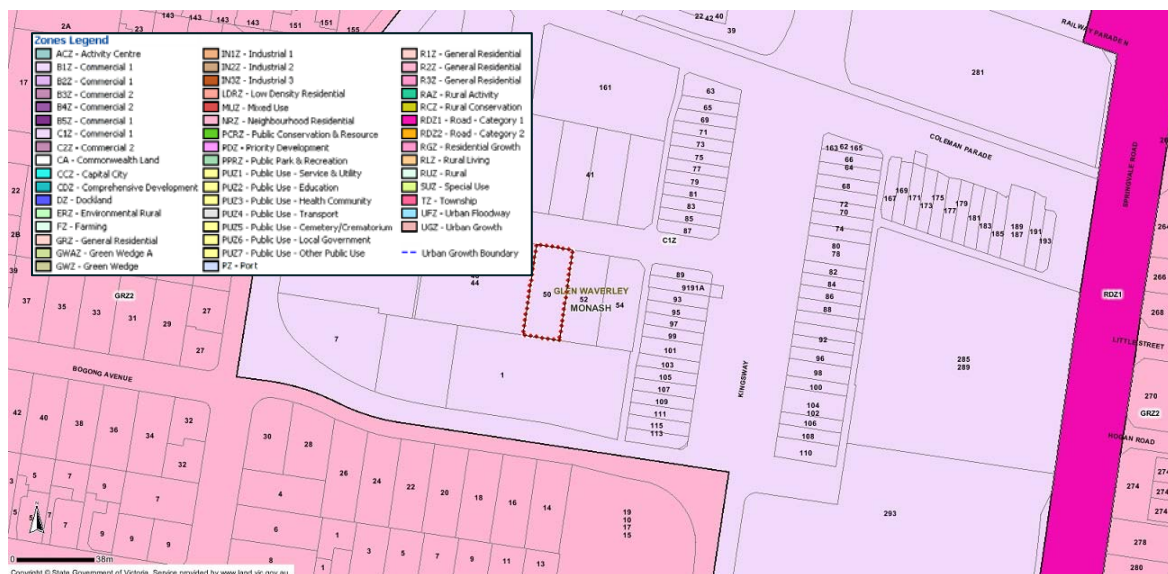


Figure 5 - Zoning Plan (Source: State Government VIC)

The proposal seeks to contribute to the ongoing intensification of residential and commercial uses within the Activity Centre. The construction of new dwellings and commercial uses will support the purpose of the Commercial 1 Zone and appropriately reflects the intended scale of the Activity Centre.

6.2 USE (CLAUSE 34.01-1)

The application seeks approval for ‘accommodation’, ‘food and drinks premise’ (café) and a ‘restaurant’.

The proposed uses are defined as follows:

- Accommodation is defined as:
“Land used to accommodate persons”
This use is defined as a Section 1 Use that does not require a permit.
- Office is defined as:
“Land used for administration, or clerical, technical, professional or other like business activity”
This use is defined as a Section 2 Use requiring a permit.
- Food and drink premises (café) is defined as:
“Land used to prepare and sell food and drink for immediate consumption on, or off, the premises”
This use is defined as a Section 2 Use requiring a permit.
- Restaurant (ground floor and first floor) is defined as:
“Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.”
This use is defined as a Section 2 Use requiring a permit.

As outlined in the table of Uses at Clause 34.01-1 Commercial 1 Zone, the use of the site for accommodation’ does not trigger the need for a planning permit. However, ‘Office’, ‘food and drinks premise’ (café) and a ‘restaurant’ triggers the need for a planning permit.

6.3 SUBDIVISION (34.01-3)

Pursuant to the Clause 34.01-3 of the zone this application does not propose the subdivision of land or property within the zone.

6.4 BUILDINGS AND WORKS (CLAUSE 34.01-4)

Pursuant to Clause 34.01–4 a permit is required to construct a building or construct or carry out works.

Furthermore, the Clause states, under the heading of ‘Maintenance’ that *‘all buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority’*.

The completed building will be maintained to a standard commensurate to its role as prominent high-rise development located on an important redevelopment site within the Activity Centre.

6.5 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE (CLAUSE 34.01-5)

As the development is proposed at a height of four or more storeys (excluding a basement) the requirement to meet the provisions of Clause 55, Two or More Dwellings on a Lot is not relevant. Assessment of the proposal has therefore been undertaken in accordance with the requirements of Clause 52.35, Urban Context Report and Design Response for Residential Development of Five or More Storeys of the *Monash Planning Scheme*. This clause requires an “...urban context report to be prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.”

Decision guidelines (Clause 34.01-8)

The application is subject to the following additional Decision Guidelines as detailed at Clause 34.01-8 of the Scheme:

Table 2 - Decision Guidelines (Clause 34.01-8)

DECISION GUIDELINE	RESPONSE
GENERAL	
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;</i>	<ul style="list-style-type: none"> Refer to section 4 of this report.
<i>The interface with adjoining zones, especially the relationship with residential areas;</i>	<ul style="list-style-type: none"> The subject site does not immediately abut any other zones, being located within an area of Commercial 1 Zoned land.
USE	
<i>The effect that existing uses may have on the proposed use;</i>	<ul style="list-style-type: none"> The site is currently undeveloped and does not support a single dwelling. Surrounding land uses are predominantly commercial in nature and will be unaffected by the proposal.
<i>The drainage of the land;</i>	<ul style="list-style-type: none"> Appropriate drainage works will be undertaken as part of the construction process, commensurate to the scale of the proposed building.
<i>The availability of and connection to services;</i>	<ul style="list-style-type: none"> The site is located within a Principal Activity Centre and will have access to necessary power, water and sewerage services.
<i>The effect of traffic to be generated on roads;</i>	<ul style="list-style-type: none"> The design response has sought to make intelligent use of vehicle access in order to minimise the impact on surrounding traffic flows. Further details in relation to traffic issues are addressed within the attached Traffic Report.
<i>The interim use of those parts of the land not required for the proposed use;</i>	<ul style="list-style-type: none"> The proposal will make use of the entirety of the site.

BUILDING AND WORKS

- | | |
|--|--|
| <i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport;</i> | <ul style="list-style-type: none"> The construction and operation phase of the proposed building will not excessively impact upon surrounding pedestrian and cyclist networks and will allow for ongoing access by service vehicles. Further details are provided within the submitted Traffic Report |
| <i>The provision of car parking;</i> | <ul style="list-style-type: none"> The proposal is considered to provide adequate car parking. Given the location of the building within an identified Principal Activity Centre and the high degree of connectivity to surrounding public transport networks this is an appropriate outcome. |
| <i>The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road;</i> | <ul style="list-style-type: none"> The proposal will make use of a currently undeveloped site and will result in the construction of an attractive, architecturally innovative building that will have a high quality, positive impact on the streetscape. |
| <i>The storage of rubbish and materials for recycling;</i> | <ul style="list-style-type: none"> Refer to Waste Management Report for details. |
| <i>Defining the responsibility for the maintenance of buildings, landscaping and paved areas.</i> | <ul style="list-style-type: none"> The constructed building will be maintained to an appropriate standard. |
| <i>Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone</i> | <ul style="list-style-type: none"> The subject site does not abut any Residential or Township Zones. Abutting allotments are located within a contiguous C1Z and are currently occupied by commercial buildings. Provision has been for the potential future development of the site to the immediate west, through the inclusion of an appropriate boundary setback. |
| <i>The availability of and connection to services</i> | <ul style="list-style-type: none"> The site can be readily connected to all appropriate services. |
| <i>The design of buildings to provide for solar access.</i> | <ul style="list-style-type: none"> The design response has sought to utilise natural internal illumination where possible and provide a high degree of solar access. This has been achieved through the inclusion of large balconies, the use of glazed surfaces and light corridors within common areas. |

6.6 ADVERTISING SIGNS (CLAUSE 34.01-9)

A signage application is not lodged as part of this proposal.

7. OVERLAYS

The subject site is impacted by two overlays:

- Design and Development Overlay (DDO) – Schedule 1
- Parking Overlay (PO) – Schedule 1

7.1 DESIGN AND DEVELOPMENT OVERLAY (CLAUSE 43.02)

The subject site is subject to a Design and Development Overlay (DDO1) – Schedule 1. The purpose of the DDO is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and

To identify areas which are affected by specific requirements relating to the design and built form of new development.

The location of the DDO is shown below in Figure 6.



Figure 6 - DDO Overlay Plan (Source: State Government VIC)

Pursuant to Clause 43.02 – 2, Building and Works a permit is required to construct a building or construct or carry out works. Specific requirements relating to building height and design objectives are assessed within the following section of this report.

In addition, the proposal to construct a thirteen storey building requires assessment against Schedule 1 to the Design and Development Overlay.

We note that the proposal at present requires variation to Schedule requirements. These relate to design outcomes relating to:

- 7.6 metre front setback; and,
- buildings and works exceeding 7 metres above ground level.

Whilst the Schedule to the DDO has a specified height limit and setback requirements the site at 52 Montclair Avenue to the east has been approved as a stand-alone development of six (6) storeys (ie approx. 30 metres) and the site at 54 Montclair Avenue has been approved at 10 storeys (ie. approx. 35 metres) therefore a proposed height of more than seven (7) metres can be considered within a permit application.

In addition, there is ample support for more intensive built form within the area through amendment C120, to implement the Glen Waverly Activity Centre Structure Plan. The application has taken the amendment documents into consideration in finalising the design of the proposal.

7.2 PARKING OVERLAY (CLAUSE 45.09)

The site is located within the Parking Overlay (PO) – Schedule 1 as shown in the figure below. The purpose of the PO is:

To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.



Figure 7 - Parking Overlay Plan (Source: State Government VIC)

The PO covers the entirety of the subject site and should be read in conjunction with Schedule 1 to the Parking Overlay which specifically relate to the Glen Waverly Principal Activity Centre.

Pursuant to the Schedule, the objective of the PO is:

To ensure the appropriate provision of car parking spaces in Glen Waverley Principal Activity Centre and maintain a balance between car parking supply and demand in the centre.

To provide for cash-in-lieu payments for car parking provision.

Specifically, the Schedule does not impose additional permit requirements or list any additional application requirement or decision guidelines; however, it does enforce Column B (car parking rates) of Clause 52.06, Car Parking of the Scheme with specific variations as follows:

Table 3 - Parking Overlay Schedule (Clause 52.06)

USE	RATE	MEASURE
<i>Beauty salon/ hairdresser</i>	6	<i>To each 100 sq m of net floor leasable area</i>
<i>Restaurant</i>	0.45	<i>To each seat available to the public</i>
<i>Shop (other than beauty salon/hairdresser)</i>	4	<i>To each 100 sq m of net floor leasable area</i>

As the application does not propose a beauty salon/hairdresser or a shop, the first and third rate is not applicable. However, as the proposal includes a restaurant use, a rate of 0.45 to each seat available for the public will be utilised to assess car parking requirements, in place of rates within Clause 52.06, Car Parking.

Furthermore, the Schedule states that, '*a permit cannot be granted to reduce or waive the car parking requirement for any other use, except dwelling*'. As the proposal requests variation to car parking rates for office, a restaurant and cafe use, a cash contribution is required in respect of each car parking spaces not provided on the land.

The applicant is aware of the contribution and has verbally requested that a Section 173 Agreement be entered into, to pay the contribution in instalments.

8. PARTICULAR PROVISIONS

8.1 CAR PARKING (CLAUSE 52.06)

Pursuant to Clause 52.06-1, the application to establish a ‘new use’ on the site is subject to the car parking requirements outlined at Clause 52.06.

The purpose of Clause 52.06 is as follows:

To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework;

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;

To support sustainable transport alternatives to the motor car;

To promote the efficient use of car parking spaces through the consolidation of car parking facilities;

To ensure that car parking does not adversely affect the amenity of the locality; and

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

A permit is required for this proposal pursuant to Clause 52.06-3 which requires spaces to be provided in accordance with 52.06-5 (‘dwelling’, ‘food and drinks premise’ and ‘office’) and Parking Overlay Schedule 1 (‘restaurant’).

The car parking requirement for the proposal as integrated with Schedule 1 of Clause 45.09, Parking Overlay is provided in the following table:

Table 4 - Summary of parking rates

LEVEL	USE	PARKING RATE	PARKING REQUIREMENT	PROVIDED
Ground & 1	Restaurant / cafe –192 seats	0.45 spaces to each seat available to the public	86 spaces	3
1-5	Office – 2,547m ²	3.5 spaces per 100 sqm	89 spaces	6
6-10	30 x 2 bedroom apartments	1 space to each one or two bedroom dwelling	30 spaces	30
11-12	8 x 3 bedroom apartments	2 space to each three bedroom dwelling	16 spaces	16
	Visitors	1 per 5 dwellings	7 spaces	0
TOTAL			228 spaces	55 spaces

The above table indicates a total car-parking shortfall of 173 spaces.

Pursuant to Clause 2.0 of the Parking Overlay, *“unless car parking credits exist, a permit cannot be granted to reduce the car parking requirement for a Restaurant to less than 0.45 spaces to each seat available to the public”*. This permit requirement relates to the variation requested for the proposed Restaurant (shortfall of 83 spaces).

Pursuant to Clause 52.06-3 a permit is required to *‘reduce the number of car parking spaces required under Clause 52.06-5’*. This permit requirement relates to the variation requested for the proposed Office (shortfall of 83 bays).

Pursuant to Clause 52.06-3 a permit is required to *‘reduce the number of car parking spaces required under Clause 52.06-5’*. This permit requirement relates to the variation requested for the proposed residential visitor’s car spaces (shortfall of 7 bays).

It is submitted also however that based on previous experience and case study data it is expected that this parking demand is over conservative. The proposed development includes a mixture of uses (café, restaurant, office and residential) which would be anticipated to produce additional parking demands at different times of the day. These demands would overlap and the peak demand for each use would not occur at the same time. Refer to the Traffic Impact Statement for further detail (Appendix C).

Based on the varying parking demands it is anticipated that the proposed development will in practice only generate a demand for up to 182 parking spaces in lieu of the calculated demand of 228 cars. It is submitted that this shortfall of 136 spaces in lieu of the 173 spaces is an acceptable outcome based on the following factors:

- The provision of a minimum of 1 car parking space per residential dwelling;
- Car parking spaces for cafes and restaurants are anticipated to be met by the public car parking in the immediate area;
- Varying demands for car parking based on varying hours of operations for the office, cafe and restaurant uses.
- The location of the site within an identified Activity Centre with strong linkages to public transport networks and easy pedestrian access to a range of retail, commercial and employment services;
- The general acceptability of reductions in statutory car parking requirements for high-density developments located within activity centre areas; and
- The internal car parking area is to be accessed via a single direction entrance from Montclair Avunue.

These factors are addressed in the Traffic Impact Statement (refer Appendix C) as required at Clause 52.06-6 of the Scheme.

8.2 LOADING AND UNLOADING OF VEHICLES (CLAUSE 52.07)

Clause 52.07 'Loading and Unloading of Vehicles' of the Scheme outlines the provision of loading requirements which have been taken into consideration in the preparation of this application. The purpose of this clause is:

To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Onemilegrid has undertaken the assessment against this Clause and their calculations are included within their report (refer Appendix C).

8.3 BICYCLE FACILITIES (CLAUSE 52.34)

The application to establish development on the site is also subject to the bicycle facilities requirements outlined at Clause 52.34 of the Planning Scheme. The purpose of the clause is:

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

The provisions set out in Clause 52.34-3 of the Monash Planning Scheme establish the requirement for bicycle parking spaces. For café/restaurant developments, the 'retail other than specified' rates apply.

The Clause 52.34-3 rates are:

- Residents: 1 space per 5 dwellings; - Total 38 dwellings - 8 required
- Visitors: 1 space per 10 dwellings; - Total 38 dwellings - 4 required
- Restaurant Staff: 1 space per each 100 sqm of floor area to the public; 683sqm – 7 required
- Restaurant Patrons: 2 spaces plus 1 to each 200 sq m of floor area available to the public if the floor area available exceeds 400 sqm. 683sqm – 5 required
- Office staff: 1 space to each 300 sqm of net floor area if the net floor area exceeds 1,000 sqm; - 2,547 sqm – 8 required
- Office visitors: 1 space to each 1,000 sqm of net floor area if the net floor area exceeds 1,000 sqm; - 2,547 sqm – 3 required

Given the above the proposal generates a requirement of 35 bicycle spaces and 36 spaces are provided that meet with the bicycle parking requirements of the proposed development.

8.4 URBAN CONTEXT REPORT (CLAUSE 52.35)

In accordance with the requirements of Clause 52.35 of the Monash Planning Scheme an Urban Context Report is required.

This clause requires an *“...urban context report to be prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.”*

Clause 52.35-02 of the Scheme states that an *“...urban context report may use a site plan, photographs or other techniques and must include an accurate description”* of the site. To this end we have addressed each of the requirements in the table below and further within the attached drawings prepared by Life Design Architecture (refer Attachment A):

Furthermore we have engaged the Hansen Urban Design team to prepare an independent urban design context review and commentary on the suitability of the proposed development which is attached as Appendix D.

Table 5 - Urban Context Assessment (Clause 52.35)

REQUIREMENTS	RESPONSE
<i>Site shape, size, orientation and easements.</i>	The site area totals approximately 810 square metres within an established urban setting. The site enjoys a frontage of approximately 17.9 metres to Montclair Avenue and approximate depth of 45.10 metres.. The southern boundary is approximately 17.9 metres long. The subject site is described as a regular shaped (rectangle) allotment.
<i>Levels and contours of the site and the difference in levels between the site and surrounding properties.</i>	The site is generally flat with minor differences in level across the site.
<i>The location and height of existing buildings on the site and surrounding properties.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>The use of surrounding buildings.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>Solar access to the site and to surrounding properties.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>Views to and from the site.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>Street frontage features such as poles, street trees and kerb crossovers.</i>	This has been detailed on the site survey plan provided to Council as part of the planning permit application package
<i>The location of local shops, public transport services and public open spaces within walking distance.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>Movement systems through and around the site.</i>	Strong pedestrian connectivity is available via the footpath as well as through informal pathways along the rear laneways.
<i>Any other notable feature or characteristic of the site.</i>	As shown on the attached Life Design Architecture Plans and Urban Design Report
<i>An assessment of the characteristics of the area including:</i>	
<ul style="list-style-type: none"> <i>Any environmental features such as vegetation, topography and significant views.</i> 	In terms of vegetation there are several large trees on the subject site and a verge tree. However there are no significant trees on the site and all the trees on site are anticipated to be removed. All the existing verge trees are to be retained as they are considered to contribute to the streetscape.
<ul style="list-style-type: none"> <i>The pattern of subdivision.</i> 	Subdivision is not proposed as part of this application.

REQUIREMENTS	RESPONSE
<ul style="list-style-type: none"> <i>The pattern of development.</i> 	<p>Development is predominantly commercial in character within the immediate surrounds, with increasingly prevalent examples of residential development. Building heights vary, however, it is expected that this will dramatically increase in keeping with identified policy instruments.</p>
<ul style="list-style-type: none"> <i>Building form, scale and rhythm.</i> 	<p>Building form is predominantly built to boundary with a hard street edge. The proposal seeks to maintain this form and rhythm, whilst also establishing a significantly increased building height.</p>
<ul style="list-style-type: none"> <i>Connection to the public realm.</i> 	<p>The site will make use of the street interfaces to Montclair Avenue in order to maximise connection to the public realm.</p>
<ul style="list-style-type: none"> <i>Architectural style, building details and materials.</i> 	<p>Architectural style, buildings and materials are mixed and typically commercial in character. The proposal seeks to establish a new, high quality architectural character that will set a benchmark for future development.</p>
<ul style="list-style-type: none"> <i>Social and economic activity.</i> 	<p>The site is within Activity Centre and as such benefits from access to a high degree of social and economic activity. Glen Waverley is intended as the principal location for employment, retail and residential uses within the City of Monash.</p>
<ul style="list-style-type: none"> <i>Any other notable or cultural characteristics of the area.</i> 	<p>Not applicable.</p>

The Activity Centre has been identified by State and Local Planning Policy as the primary location for high density residential and commercial land use within the City of Monash. The Planning Scheme identifies the Activity Centre broadly and the subject site specifically as highly suitable for high density, high rise built form, in order to increase the provision of housing stock and alleviate land supply pressures. The large size of the subject site, multiple street interfaces and high degree of connectivity to retail, commercial, community, employment and public transport services, further enhance the suitability of the site for the proposed scale of high density development.

9. GENERAL PROVISIONS

9.1 DEMOLITION (CLAUSE 62.05)

Pursuant to Clause 62 'Uses, Buildings, Works, Subdivisions and Demolition not requiring a Permit' and specifically in regard to Clause 62.05 'Demolition', a permit is not required for the demolition of the buildings on site.

10. CONCLUSION

The proposed application comprising restaurants on ground and first floor, offices on levels 1 to 5 and 38 dwellings at 50 Montclair Avenue, Glen Waverley is considered to be an improved land use outcome for the subject site.

In our professional opinion, the proposal generally complies with all Scheme objectives and requirements, specifically:

- State Planning Policy Framework;
- Local Planning Policy Framework:
 - Municipal Strategic Statement;
 - Local Planning Policies;
- Commercial 1 Zone requirements;
- Overlay requirements:
 - Design and Development;
 - Parking; and
- Particular provisions, specifically:
 - Carparking;
 - Loading and unloading of vehicles;
 - Bicycle Facilities; and
 - Urban Context Report
- General provisions, specifically:
 - Demolition

The proposal also complies with those strategies of the GWAC Structure Plan and the proposed Draft Scheme Amendment. This is further supported through the attached urban design report.

The current proposal is deemed consistent and in accordance with Council's strategic vision for the Centre and is similar in height to other previously Council approved developments within the Principal Activity Centre. In addition, the uses proposed as part of this application are already existing within other surrounding commercial buildings in the immediate area - food and drink, restaurant and residential are not new to the Centre.

The proposal is considered to be satisfactory and consistent with Council's vision for the Centre and is therefore recommended for approval subject to appropriate conditions.

This report supports the planning application and seeks Council's approval to the proposed planning permit.