

**1.3 445-467 BLACKBURN ROAD, MOUNT WAVERLEY  
CONSTRUCTION OF A MULTI-LEVEL BUILDING FOR THE USE OF A RETIREMENT  
VILLAGE AND CHILD CARE CENTRE  
(TPA/51012)**

**EXECUTIVE SUMMARY:**

This application proposes to construct a multi-level building up to seven storeys, comprising of a retirement village and a child care centre.

The application was subject to public notification. Six (6) objections to the proposal have been received.

Key issues to be considered relate to the strategic justification of the proposal, appropriateness of the building scale, increased traffic and vehicle access, landscaping opportunities, adequacy of car parking provision and off site amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, applicable policies in the General Residential Zone, issues raised by objectors and VCAT decision for the previous application.

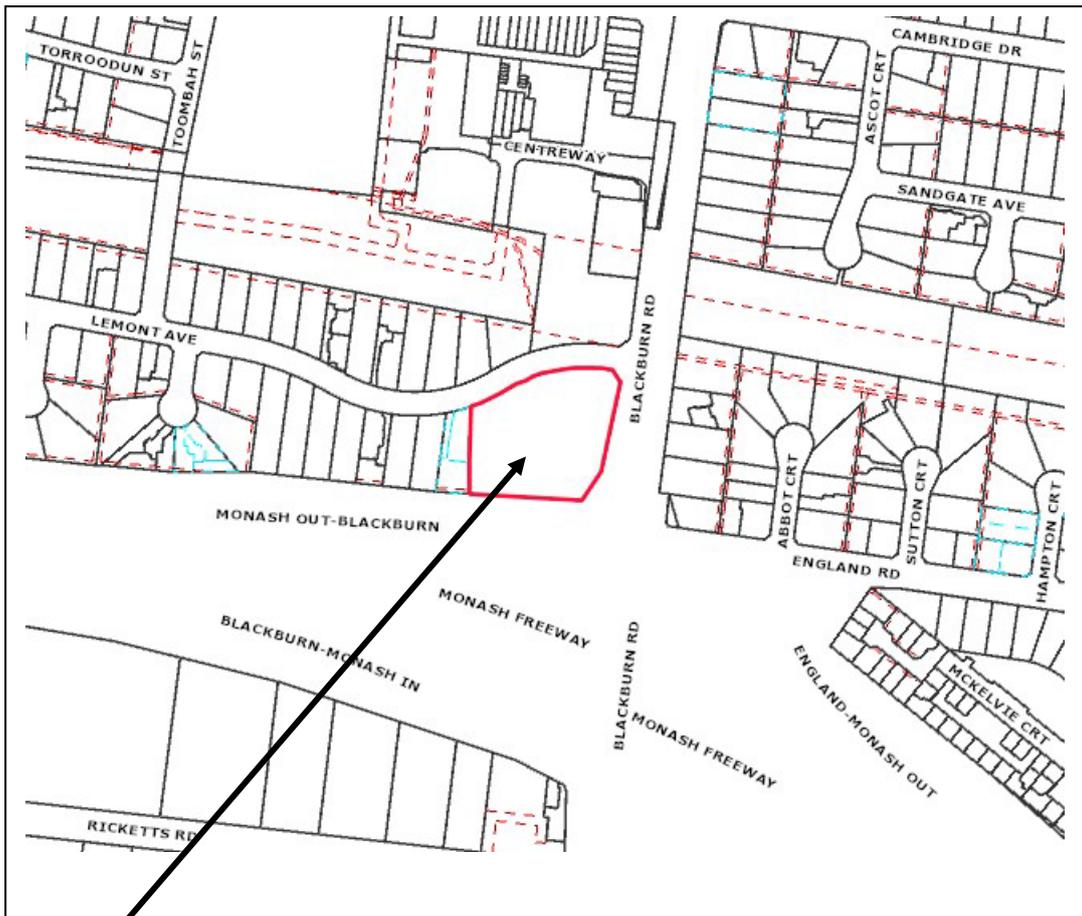
**The reason for presenting this report to Council is the proposed development cost of \$60 Million.**

**The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Jeanny Lui</b>
<b>WARD:</b>	<b>Mount Waverley</b>
<b>PROPERTY ADDRESS:</b>	<b>445-467 Blackburn Road, Mount Waverley</b>
<b>EXISTING LAND USE:</b>	<b>Motel and restaurant</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Six (6)</b>
<b>ZONING:</b>	<b>General Residential Zone- Schedule 2</b>

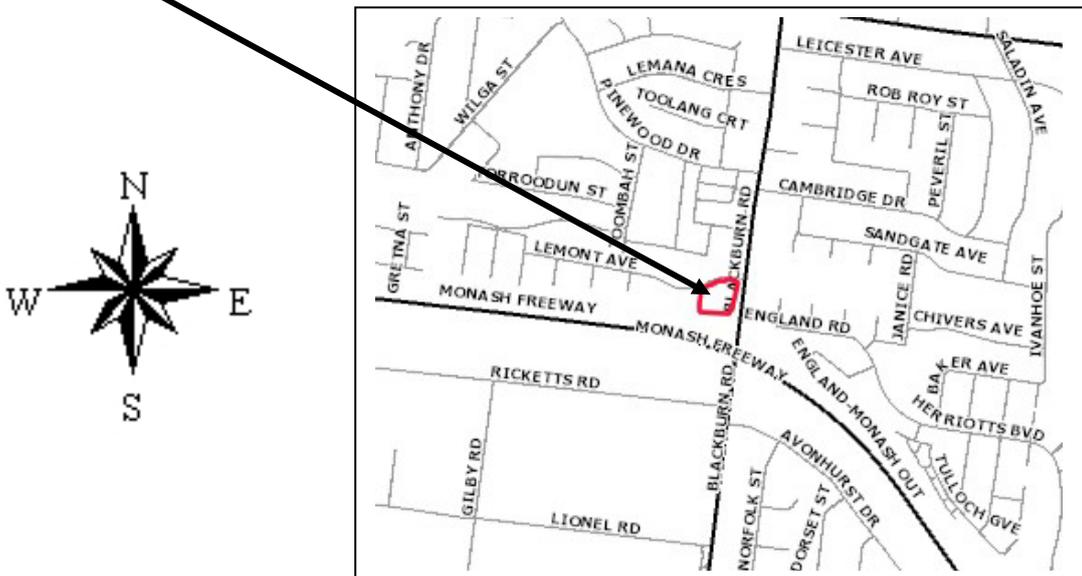
<b>OVERLAY:</b>	<b>Vegetation Protection Overlay-Schedule 1</b>
<b>RELEVANT CLAUSES:</b> <u><b>State Planning Policy Framework</b></u> <ul style="list-style-type: none"> <li>• Clause 11 (Settlement)</li> <li>• Clause 11.01-1R (Metropolitan Melbourne)</li> <li>• Clause 14.02-1S (Catchment Planning and Management)</li> <li>• Clause 15.01 (Built Environment)</li> <li>• Clause 15.02 (Sustainable Development)</li> <li>• Clause 16 (Housing)</li> <li>• Clause 16.01 (Residential Development)</li> <li>• Clause 16.01-1S (Integrated Housing)</li> <li>• Clause 16.01-2S (Location of Residential Development)</li> <li>• Clause 16.01-3S (Housing Diversity)</li> <li>• Clause 16.01-4S (Housing Affordability)</li> </ul>	<u><b>Local Planning Policy Framework</b></u> <ul style="list-style-type: none"> <li>• Clause 21.04 (Residential Development)</li> <li>• Clause 21.08 (Transport and Traffic)</li> <li>• Clause 22.01 (Residential Development and Character Policy)</li> <li>• Clause 22.04 (Stormwater Management Policy)</li> <li>• Clause 22.09 (Non-Residential Use and Development Within Residential Areas Policy)</li> <li>• Clause 22.13 (Environmental Sustainable Development Policy)</li> </ul> <u><b>Particular Provisions</b></u> <ul style="list-style-type: none"> <li>• Clause 52.06 (Car Parking)</li> <li>• Clause 52.29 (Land adjacent to a Road Zone)</li> <li>• Clause 52.34 (Bike Facilities)</li> <li>• Clause 52.36 (Integrated Transport Planning)</li> </ul> <u><b>General Provisions</b></u> <ul style="list-style-type: none"> <li>• Clause 65 (Decision Guidelines)</li> </ul>
<b>STATUTORY PROCESSING DATE:</b>	<b>17 January 2020</b>
<b>DEVELOPMENT COST:</b>	<b>\$60 million</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51012)** for the construction of a multi-level building for the use of a retirement village and child care centre, at 445-467 Blackburn Road, Mount Waverley subject to the following conditions:

**Amended Plans Required**

1. Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council prepared by Metaxas Architects (Revision A) dated 24 February 2020 but modified to show:
  - a) The proposed vehicle crossing setback a minimum of 1 metre to the nearest power pole, minimum 6 metres in width and notated 'to be constructed in accordance with Council standards'.
  - b) Location of all street trees on the naturestrip in front of the subject site, and clearly marked 'to be removed' or 'to be retained'. The structural root zone and tree protection zone of each street tree to be retained to be clearly indicated on the lower ground level plan.
  - c) Existing redundant crossing notated 'removed and replaced with kerb and channel'.
  - d) Fencing details on the lower ground level plan.
  - e) All east and south facing habitable room windows/ sliding doors provided with acoustic treatment.
  - f) Site levels on the lower ground floor plan in accordance with the Survey Plan; and finished ground level of the courtyard and the rain garden.
  - g) Details of any retaining walls.
  - h) The vehicle path to and from each accessible space to have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area must be a minimum of 2500mm.
  - i) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

- j) The accessible parking spaces designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*.
- k) The layout of the development follows the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
- Driveway to provide at least 2.1m headroom beneath overhead obstructions.
  - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
  - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
    - i. Maximum grade of 1 in 4.
    - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
    - iii. Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for *Off - Street Car Parking, AS/NZS 2890.1*.
  - The maximum grade within a parking module measured parallel to the angle of parking is 1 in 20. Measured in any other direction is 1 in 16.
  - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
- l) Bicycle parking facilities generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
- m) Any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.
- n) Any Tree Protection Measures required in the Tree Management Plan in accordance with Condition 8.
- o) A Landscape Plan prepared in accordance with Condition 5.
- p) A Waste Management Plan prepared in accordance with Condition 6.
- q) A Sustainable Management Plan prepared in accordance with Condition 7.

All to the satisfaction of the Responsible Authority.

2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. As part of the ongoing consultant team, Metaxas Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
  - (a) Oversee design and construction of the development; and
  - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Landscaping and Management Plans**

##### Landscape Plan

5. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 21 February 2020, Prepared by Land Design Partnership except that the plan must show:
  - (a) Detail of the proposed concrete pavements and proposed concrete driveway.
  - (b) Location of external lighting;
  - (c) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road; and
  - (d) Location of retaining walls and site services.

##### Waste Management Plan

6. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with

the Waste Management Plan prepared by Leigh Design, dated 31 October 2019 but revised to the satisfaction of the Responsible Authority:

- a) To state the purpose of the Waste Management Plan as per the Monash Guidelines.
- b) To correct the development description to include the number of levels proposed in the development, and breakdown of uses of each level.
- c) To correct the waste volume calculation and total waste generated per waste stream.
- d) To provide for food organics collection.
- e) To provide bin storage and waste disposal process for occupiers.
- f) To provide waste collection process.

#### Sustainable Management Plan

7. Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plan prepared by Sustainable Development Consultants dated November 2019, but revised to the satisfaction of the Responsible Authority:
  - a) To reflect the amended building layout in accordance with the amended plan (Revision A) dated 24 February 2020.

#### Tree Management Plan

8. Concurrent with the endorsement of plans pursuant to Condition 1, a Tree Management Plan by a suitably qualified arborist must be submitted to and approved by the Responsible Authority, to ensure trees on the nature strip and neighbouring trees to be retained are protected.

Once approved the Tree Management Plan will be endorsed to form part of the permit.

#### Construction Management Plan

9. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust and water and sediment laden runoff;
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Public Safety and site security;
- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) A Traffic Management Plan showing truck routes to and from the site;
- k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
  - Monday to Friday (inclusive) – 7.00am to 6.00pm;
  - Saturday – 9.00am to 1.00pm;
  - No works are permitted on Sundays or Public Holidays;

Note: Hours for demolition and construction condition to be used in conjunction with this condition. Check EPA website for standard construction hours.

10. The provisions, recommendations and requirements of the endorsed Management Plans related to in Conditions 5-9 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

### **General Conditions**

#### Use Conditions

11. The Childcare Centre may operate only between the hours of 7am and 7pm Monday to Friday inclusive unless the Responsible Authority gives consent in writing.
12. A maximum of 80 children may be accommodated on site at any one time.
13. Prior to the use or development commencing, the owner of the land at 445-467 Blackburn Road, Mount Waverley, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the building for Retirement Village must only be used for the purpose of a retirement village in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.
14. The Retirement Village must be operated and managed in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act.
15. The amenities and other communal facilities must only be used by residents and their guests or by members of staff, to the satisfaction of the Responsible Authority.

#### Car Parking Conditions

16. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed to the satisfaction of the Responsible Authority;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

(d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;

(e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

17. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
18. The proposed crossing is to be constructed in accordance with the City of Monash standards.
19. Any works within the road reserve must ensure the footpath and naturestrip are reinstated to Council standards.
20. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
21. All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

#### Landscaping and Tree Retention

22. Prior to the commencement of any works on the site (including demolition works) that are permitted by this permit, all trees (including trees on the nature strip and on adjoining properties) that are to be retained, or are located within or adjacent to any works area, shall be protected in accordance with the Tree Management Plan and verified by a qualified landscape architect or horticulturist. The Tree Management Plan must provide for:
  - No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.
  - All works (including demolition works) within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.
  - Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be

completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

- An in-ground, automatic watering system linked to rainwater tanks on the land must be installed to the main garden areas to the satisfaction of the Responsible Authority.
- All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

#### Drainage Engineering Conditions

23. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
24. The development is to be connected to a legal point of discharge to the satisfaction of the Responsible Authority.
25. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.

#### Other

26. Prior to the occupancy of the development, all fencing must be constructed in accordance with the endorsed plans and be in good condition to the satisfaction of the Responsible Authority.
27. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must (at their own) cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
28. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
29. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

30. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

**Time for Starting and Completion**

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

- (a) The development is not started before two (2) years from the date of issue.
- (b) The development is not completed before four (4) years from the date of issue.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

**NOTES**

- A. Building Permit approval must be obtained prior to the commencement of the above approved works
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- D. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.

- E. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the rear easement of the property via a 900mm x 600mm junction pit to be constructed to Council Standards.
- Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- F. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
- G. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.
- H. Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.
- I. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- J. Payment for the removal of the street tree on Lemont Avenue is required prior to the commencement of the development.
- K. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- L. Residents of the approved development will not be entitled to car parking permits for on street car parking.

### **BACKGROUND:**

#### **History**

Planning application TPA/47337 to construct a ten (10) storey mixed-use building comprising multiple dwellings, residential hotel, retirement village, child care centre, medical centre, convenience shop and food and drink premises was refused at Council's meeting of 30 January 2018.

The main grounds of refusal were that the proposed scale and form of the development was excessive and unjustified; It was out of character with the existing developments in the neighbourhood and would have a detrimental impact on the amenity of the surrounding properties. The proposal also provided a poor level of internal amenity for future residents, and failed to provide for sufficient on site car parking and bicycle facilities, and did not satisfy relevant requirements by VicRoads. The proposal overall was considered an over-development.

The development was subsequently refused by VCAT on 8 October 2018. A summary of the VCAT decision *BC Mount Waverley Project Pty Ltd V Monash CC [2018] VCAT 1538* is as follows:

- The proposed use of an aged care facility/ retirement village would contribute to the need for aged person's accommodation.
- The integrated development of a child care centre with an aged care facility/ retirement village concept is supported.
- The proposed residential hotel would complement the Monash National Employment and Innovative Cluster (NEIC) to provide temporary accommodation to visitors. The mixed land use is acceptable.
- The proposed 10 storey building will however, create a significant built form presence when viewed from the other properties of Lemont Avenue, and properties located further west. The extent of built form will change the character of this residential area.
- The building is too tall in a broader context, when viewed along Blackburn Road. It will sit as a discordant and instructive built form that dominates the surrounds and will not assimilate into its environs.
- The proposed built form will present an unacceptable levels of scale and bulk to the adjacent residential area where they are zoned General Residential.
- The review site is capable of accommodating a built form in the order of five or six storeys in heights, subject to achieving appropriate landscape outcomes, and built form transition to the residential interface.
- The development presents a 3.2 metres setback to Blackburn Road with planting of 6-10 metres high *Ficus hillii* (hills Fig) will create a narrow green 'skirt' to the building. The extent of landscaping is light compared to the amount of landscaping provided to other developments in the area. It fails to contribute to the Garden City Character that is clearly sought by planning policy.
- The increased traffic levels expected along Lemont Avenue will not create an unacceptable amenity impact on the nearby residents.
- Overall the proposed built form and landscape outcome is not supported by planning policy, and could not be reasonably anticipated in this residential neighbourhood.

This application is a subsequent application following the decision of VCAT, proposed by the same developer.

Since the VCAT decision, Planning Scheme Amendment C125 part 2 was gazetted, however zoning of the subject land remained as General Residential Schedule 2 and relevant planning requirements are not changed.

#### Amendment of Proposal (post public notice)

Amended plans were formally lodged with Council on 24 February 2020 after public notification to address the concerns raised by Council officers.

The key changes of the amended plans are:

- Finished floor levels of the foyer, lounge and resident club on lower ground level increased by 430mm to reduce the level difference between pedestrian footpath and the foyer area from 930mm to 500mm and allow for a gentle ramp down from the footpath to the building.
- The loading bay and turning area adjacent to the driveway deleted and replaced with an extended plant room to provide bicycle parking spaces and services outside of the front setback area, and additional landscaping.
- Finished floor levels of all levels at the north-western corner of the building increased by 300mm; and consequential increase in overall building of that section of the building by 300mm.
- The upper ground level layout rearranged to provide a two storey void above the foyer.
- Setback to the western property boundary increased to 3 metres to allow for additional landscaping.
- Details of acoustic fencing along the western boundary.

The amendments overall are an improvement to the original application and are not expected to cause any further impacts to the adjoining properties. Re-advertising of the amended proposal is not deemed necessary in this instance.

This report is prepared based on the amended plans (Revision A) dated 24 February 2020.

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

#### **The Site and Surrounds**

The subject land is located on the south-west corner of Blackburn Road and Lemont Avenue in Mount Waverley, adjacent to the Monash Freeway. The land is irregular in shape, has a slight fall of 500mm from north to south and an overall area of 6347.16 square metres. No easements encumber the land. The land was developed with a motel and associated restaurant in the early 1980's and is commonly known as the Bruce County Motor Inn. Three attached single and double storey buildings occupy the site along with associated at grade car parking, perimeter landscaping

and a guest swimming pool. Clancy's Restaurant occupies the front of the site and operates ancillary to the motel on the land.

The land is located approximately 80 metres south of the Pinewood Shopping Centre. Land opposite the site to the immediate north forms part of the electricity high transmission power line easement and includes an at grade car park servicing the office building within the centre.

Land to the west and north-west is an established residential area developed with detached single and double storey dwellings constructed from the 1960's to 1980's along with some newer unit and townhouse development. The built form of the area typically comprises of brick dwellings with pitched tiled roofs.

Land to the east across Blackburn Road is an established residential area comprising of single and double storey detached buildings. Numerous buildings along Blackburn Road are used for commercial purposes including childcare, medical centres and a nursery.

The Monash Freeway is located to the immediate south of the subject land. The freeway off ramp spans the southern and eastern boundary of the land. To the further south is land within the Monash NEIC. Development includes a mix of office and warehouse premises up to 4 storeys in height with large landscaping setbacks provided to Blackburn Road.

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

#### **PROPOSAL:**

The application proposes construction of a mixed use building comprising of a retirement village and a childcare centre. The height of the proposal ranges from three to seven storeys. Two (2) levels of basement parking area proposed. Details of the proposal can be summarised as:

- 186 Independent Living Units (ILUs) within the retirement village including:

	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>Total</b>
<b>Lower Ground</b>	8	11	3	22
<b>Upper Ground</b>	13	13	6	32
<b>Level 1</b>	14	17	5	36
<b>Level 2</b>	10	11	3	24
<b>Level 3</b>	9	12	3	24
<b>Level 4</b>	8	11	5	24
<b>Level 5</b>	8	11	5	24
<b>Total</b>	70	86	30	186

- ILUs are provided with terrace or balcony space of 8 to 49 square metres.
- Typical apartment sizes are:
  - 1 Bedroom: 61 square metres
  - 2 Bedroom: 84-86 square metres
  - 3 Bedroom: 98-131 square metres
- Child care centre with maximum 80 children.
- Operation hours of the child care centre are between 7am and 7pm Monday to Friday.
- Various shared facilities including cinema, gymnasium, swimming pool and resident's lounge for communal use by occupants of the retirement village.
- 251 car parking spaces within the two basement levels, including 31 car spaces for visitors of the child care centre and retirement village; and 220 car spaces for residents of the retirement village.
- Vehicle access to the new development via a new vehicle crossover in Lemont Avenue, adjacent the north-western corner of the site.
- Pedestrian access from Lemont Avenue.

The proposed building is up to seven (7) storeys in height. A site cut allows the ground level of the building to be constructed approximately 930mm below ground level. The building is approximately 21 metres in height along the Blackburn Road frontage graduating to 10.4 metres adjacent to the western boundary.

The building is sited around a central communal courtyard space. The majority of the communal facilities are located at the western side of the site.

The proposed car parking provision exceeds the statutory requirement for the proposed uses, and vehicle access is proposed via Lemont Avenue.

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### **Zoning**

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

Pursuant to Clause 32.08-2 a permit is required for use of land for a retirement village and childcare centre.

Pursuant to Clause 32.08-8 a permit is required to construct a building or construct or carry out works associated with use of land for a retirement village and childcare centre.

The proposed development is exempt from the requirements of Clause 32.08-4 (requires 35% of Garden Area) and Clause 32.08-10 (Maximum Building Height of 11

metres) as these requirements apply to construction of a dwelling or residential building. Retirement village and child care centre are not defined as a dwelling or residential building pursuant to Clause 73.03 of the Monash Planning Scheme.

#### Overlay

The land is affected by the Vegetation Protection Overlay Schedule 1 under the provisions of the Monash Planning Scheme.

The proposal does not include removal of trees on the site greater than 10 metres in height.

#### Particular & General Provisions

Clause 52.06 (Car Parking) applies as the proposal includes new uses of retirement village and child care centre. The following car parking rates are applicable to this application.

Proposed Use	Number of Bedrooms	Number of Independent Living Units	Clause 52.06 car parking requirement	Number of car parking spaces required
Retirement Village	1 & 2	156	1 car space per unit	156 car spaces
	3	30	2 car spaces per unit	60 car spaces
Child Care Centre	-	80 children	0.22 car spaces to each child	17 car spaces
<b>TOTAL Required</b>				<b>233 car spaces</b>

The proposal provides for a total of 251 car parking spaces within the basement levels in excess of the requirements of the Monash Planning Scheme.

Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) - A Permit is required for alteration of access to a road in a Road Zone, Category 1. There are no existing or new vehicle crossovers on Blackburn Road, which is a Road Zone Category 1. However the proposal will have impact on the volume of traffic to Blackburn Road and the application was referred to VicRoads.

Clause 52.34 (Bicycle Parking Spaces) – A Planning Permit is required to reduce the number of bicycle parking spaces required under Clause 52.34-5. The proposal provides car parking in accordance with this policy and therefore a reduction is not sought.

Clause 66.02 (Integrated Transport Planning) – An application for a residential building comprising 60 or more lodging rooms is required to be referred to Public Transport Victoria. The proposal provides for 186 independent living units and was referred to the Department of Transport.

Clause 66.02-4 (Major Electricity Line or Easement)- An application to construct a building or carry out works on land within 60 metres of a major electricity transmission line or an electricity transmission easement is required to be referred to the relevant electricity transmission authority. The subject land is within 60 metres of land where it contains electricity transmission easements. The application was referred to SP AusNet Services.

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

### **CONSULTATION:**

The Applicant was advised that this application was coming to the March Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

### **Public Notice**

Notice of the application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*. Notices were sent to the properties in proximate to the subject site. Three (3) large signs were displayed on the site during the notification period.

Six (6) objections have been received.

Objections received for the applications included the following:

- Scale, built form and building massing.
- Traffic and vehicle access.
- Adequacy of car parking.
- Appropriateness of land use mix.
- Loss of vegetation.
- Loss of residential amenity.
- Concerns raised in the previous VCAT decision.

Attachment 4 details the location of objector properties.

### **Public information session**

A public information session was held on 11 December 2019 at the Monash Civic Centre between 6pm and 8pm. Six (6) residents attended the session. Council Officers and representatives for the permit applicant were in attendance to answer any questions from the community.

Amended plans were formally lodged with Council on 24 February 2020 after public notification to address the concerns raised by Council officers. The amendments overall are an improvement to the original application and are not expected to cause any further impacts to the adjoining properties. Re-advertising of the amended proposal is not deemed necessary in this instance. The objections received remain valid in the process.

## **Referrals**

### **External Referrals**

#### Department of Transport (Ref: HTFV/2019/0552)

The application was referred to Department of Transport pursuant to the requirements of Clause 52.36 who raised no concerns regarding the proposal.

#### VicRoads (Ref: PPR 31434/19)

The application was referred to VicRoads pursuant to the requirements of Clause 52.29 who raised no concerns regarding the proposal.

VicRoads notes that the proposal is reduced in terms of traffic impact compared to the previous Planning Application TPA/47337 that VicRoads did not object to or require any conditions.

#### AusNet Services

The application was referred to SP AusNet pursuant to the requirements of Clause 6.02-4 who raised no concerns regarding the proposal.

### **Internal Referrals**

#### Drainage Engineer

Council's Drainage Engineer does not raise any concerns to the proposed development, but requires some standard conditions including a stormwater drainage plan to be submitted to Council's Engineering for approval.

#### Traffic Engineer

Council's Traffic Engineer does not raise concerns to the proposed development but requires some standard conditions including the requirement of a Construction Management Plan for the site.

#### Horticultural Services

The proposed crossover results in the removal of one street tree on the naturestrip in front of the subject land which is a 3 metre high *Acer 'crimson sentry'*. The tree is in good condition and Council's Horticultural Services agreed to its removal to facilitate the development, subject to an amenity value payment to be made by the permit applicant.

There are five other street trees on the naturestrip in front of the subject land. They will not be adversely affected and are to be retained and protected throughout the development.

### **DISCUSSION:**

#### **Consistency with State and Local Planning Policies**

Plan Melbourne Refresh is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

*“Understand and plan for expected housing needs.”*

*“Reduce the cost of living by increasing housing supply near services and public transport.”*

*“Facilitate the supply of affordable housing.”*

Initiatives are to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Plan Melbourne Refresh recognises an aging population trend and the need to provide for age appropriate housing forms and different types of accommodation.

In addition to Plan Melbourne Refresh, relevant Planning Policies also seek to increase residential density and dwelling diversity, to facilitate the supply of affordable housing and accommodate the ageing population.

Clause 11.02-1S (Supply of Urban Land) seeks:

*“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”*

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to:

*“Support the development and growth of Metropolitan Activity Centres by ensuring they:*

- *Are able to accommodate significant growth for a broad range of land uses.*
- *Are supported with appropriate infrastructure.*
- *Are hubs for public transport services.*
- *Offer good connectivity for a regional catchment.*
- *Provide high levels of amenity.”*

The subject site benefits from its location where it is approximately 80 metres south of the Pinewood Shopping Centre and located at the edge of the Monash NEIC as identified in Plan Melbourne. The site also benefits from the public transport on Blackburn Road and is considered to be suitable for redevelopment as supported by relevant strategic policies.

In addition, the site is large in size with a site area of over 6000 square metres. It is located on the edge of the activity centre, adjacent to a main road and backing onto the freeway. This unique site context creates opportunities for the site to be

redeveloped with a built form that is larger than other properties within the activity centre acting as a 'book-end'. This coincides with the VCAT decision *BC Mount Waverley Project Pty Ltd V Monash CC [2018] VCAT 1538* 'There is an opportunity for synergies to be created between the proposed land uses on the review site....The adjacency of the review site to this precinct again provides an impetus to optimise the use of the review site with the potential development of a large built form'.

Clause 15.01-2S (Building Design) specifies the urban design principal for residential developments. The objective seeks to:

*"Achieve building design outcomes that contribute positively to the local context and enhance the public realm".*

The strategic policy for a development of the intensity proposed is justified given the locality and unique site context, however new development should respond to its context in terms of urban character. Built environment and heritage policy seeks to facilitate high quality urban design and architectural planning outcomes that make a positive contribution to the sense of place and established urban character.

The proposal is designed in response to the main road locality by allowing a transition of building height to avoid an unacceptable level of scale and bulk to the adjoining residential area. The taller part of the building will not have an unacceptable detrimental impact to the Blackburn Road interface.

The building is articulated with facades punctuated by a mix of curved and vertical and contrasting materials elements. The design adopts an attractive palette of materials and finishes to minimise the perception of visual bulk. The high standard architecture is envisaged in the planning policies and will contribute positively to the context.

In addition to the built form, the proposal has been carefully designed to locate the vehicle access towards the western end of the Lemont Avenue frontage, to minimise disruption of traffic from Blackburn Road.

Clause 16 (Housing) seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

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

*"Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

*Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing."*

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

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

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

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

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

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

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

Strategy at Clause 16.01-3R seeks to:

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

Increased residential density and housing diversity is sought by state and local policies. The proposed development is considered consistent with the local planning policy framework in respect of increased density and housing diversity objectives at a well serviced location. The proposed development provides for additional accommodation for the ageing population within established residential areas to meet the needs and demands as identified by the Monash Housing Strategy. The proposed development would enable older people to live in appropriate housing in their local community as encouraged by applicable policy.

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

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

The subject site presents an opportunity for a more intense development, to provide different type of housing styles and an increased number of houses which is sought in Clause 21.04. The proposal containing one, two and three bedroom apartments will provide for a variety of housing. In addition, a number of communal services are provided within the retirement village to accommodate the needs of the ageing population.

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

The land is located within 'Garden City Suburbs Northern Areas' as identified in Clause 22.01-4 (Preferred future character statements) of the Monash Planning Scheme. Within this area, there will be development of well designed unit and apartment developments. New development will be screened from the street and neighbouring properties by well planted gardens. The proposal responds to this policy by providing generous setbacks to street frontages, and a meaningful landscape setback to the western boundary where it adjoins the residential interface. There are landscaping opportunities within the perimeter of the site, and planting of canopy trees within street setbacks to soften the visual impact of the proposed building and maintain the garden city character.

In terms of neighbourhood character, the western and north-western interfaces are considered to be the most sensitive. In this regard, it is important that the building is designed to transition well to the lower scale homes on Lemont Avenue, ensure the building will not be at-odds to the streetscape, and limit offsite impacts. Meanwhile, the eastern and southern interfaces are less sensitive given the locality of Blackburn Road and the freeway. These interfaces should be designed to add interest and avoid flat and plain facades that will be visible to the public.

The design and scale of the proposed development is considered appropriate. Although introducing greater scale and height to the existing neighbourhood, it will sit comfortably at this location for the following reasons.

- The proposed seven storey building is physically separated from the residential properties in Lemont Avenue. The architectural design incorporates curved walls with vertical fragmentation and varied material treatments will add visual interest to the building facades and minimise the perception of visual bulk.

*"VCAT decision BC Mount Waverley Project Pty Ltd V Monash CC [2018] VCAT 1538 indicated that the subject site is capable of accommodating a built form in the order of five or six storeys in height, subject to achieving appropriate landscape outcomes, and built form transition to the residential interface."*

- The subject site is located on a prominent corner with a frontage to Blackburn Road and backing onto the freeway. It benefits from its corner location, providing two street frontages as well as a freeway interface. It is appropriate for this corner site to accommodate some additional height in order to appropriately 'define' this corner.

- The proposed seven storey building appropriately responds to the surrounding context, with the seven storey built form located along the Blackburn Road and Freeway interfaces. It is considered the unique setting of the site is capable of this scale without detriment to its surrounds.
- A transition in building height is sought throughout the site, providing a lower three storey scale built form to the residential interfaces. The proposed building siting in a landscape setting will fit in the existing landscape character, and the extent of built form will not cause an unacceptable detrimental impact to the residential interfaces. Additional canopy trees are provided within the street setbacks to maintain the Garden City Character.

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

#### Child Care Use

Clause 22.09 (Non-Residential Use and Development in Residential Areas) applies to the child care centre component of this proposal. This policy provides location criteria and built form guidance to ensure the proposed use and development is appropriate. The proposed child care centre is considered appropriate given the context of the subject land. The concept of integrating child care centre with retirement village supports the community needs.

An integrated development is also supported in the VCAT decision *BC Mount Waverley Project Pty Ltd V Monash CC [2018] VCAT 1538*:

*‘No concerns were expressed regarding the provision of a child care centre within the development. What was articulated in the evidence of Ms Wells were the benefits associated with inter-generational contact that is made possible by this integrated development....this is a factor which leads support to the proposal’.*

#### **Monash Housing Strategy 2014**

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

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

The need for the City of Monash to adopt a proactive role to address housing issues has been imperative and the Monash Housing Strategy forms part of that role. The housing strategy highlights the municipality’s ageing population and a growth in residents aged between 70 to 84 years of age. The housing strategy identifies that

facilitating housing diversity, provision of specialised accommodation and services for older residents and providing appropriate housing for an ageing population will be key issues for Monash within the foreseeable future.

The subject land is located within a “Garden City Suburb” and “Accessible Areas” precinct where it provides opportunities for modest housing growth and diversification with emphasis on preserving and enhancing Monash’s Garden City Character.

The application satisfies applicable objectives which seek to provide for a diverse range of housing to meet the changing needs of an aging population and increased housing density on the subject site where redevelopment is supported. The proposal is of a high standard of architectural design and achieves landscape setbacks to property boundaries to maintain the Garden City Character.

### **Neighbourhood Character**

Developments must be designed in a manner which is sympathetic to the existing or preferred character of the neighbourhood, and respectful to the amenity of its neighbours.

The residential context in Lemont Avenue makes the western and north-western interfaces the most sensitive. The other interfaces are non-residential which include the Pinewood Shopping Centre, Blackburn Road with residences over 30 metres away (six lanes traffic on Blackburn Road) and the Monash Freeway. The current proposal is therefore required to respond to its eclectic context, and in doing so, balance the larger mass and scale of development with the need to respect the more sensitive residential interfaces.

There is no doubt that the subject site is suitable for a larger scale development, subject to the design details to suitably integrate with the neighbourhood context, and minimise amenity impacts to the residential interfaces. Elements of the proposed plan to ensure the development integrates with the neighbourhood appropriately include;

- The scale of the building is acceptable as previously discussed,
- A transition in building height from the residential interface and articulated building form which avoids large continual building facades.
- A staggered front setback of 7.6 to 13.3 metres to Lemont Avenue and a minimum of 7.6 metres to the Blackburn Road boundary will allow for meaningful landscaping and canopy tree planting. This will maintain the leafy character of the area. This setback is generous and will provide for more landscaping opportunities than the existing building on site.
- Front fencing along Blackburn Road is setback 2.5 metres from the boundary. It wraps around the corner of Lemont Avenue and extends to the middle of the Lemont Avenue frontage. The rest of the frontage in Lemont Avenue is unfenced. This provides an open presentation to the street, maintaining the Garden City Character.

- All on site car parking is within the basement car parking so vehicles do not dominate street frontages. Services and bicycle parking are located within the building. Together with a single access point at the north-west corner of the site maximises landscaping opportunities within the front setback of Lemont Avenue.
- The first and second levels of the building is setback 5.4 to 15 metres from the western boundary. It is substantial to avoid unreasonable off site amenity impacts.
- A two storey void is provided in a central location of the building to break up the building into two distinct components for a clear transition of building scale.
- The building replaces an existing non dwelling structure at the current location with an appropriate architectural response.

Overall, the built form has been broken up by use of varied setbacks, architectural features, materials and finishes to assist in breaking up the facades. The high standard of architectural design with interesting facades to all interfaces will complement the streetscape of this corner. The generous setbacks to the street frontages will allow adequate landscaping for the development to sit within a garden setting.

#### Design Detail

The building has been designed with the intention of providing high quality modern architecture, along with an attractive range of materials, and finishes. The proposed materials include different finishes such as glass panels, face brickwork, rendered materials, glass and balustrades. The façade treatment provides visual interest through use of varied materials and finishes, along with curve walls with vertical and horizontal articulation. The materials are traditional and modern used in a contemporary and complimentary manner.

The proposed open space within the development is centrally located and easily accessed by residents. A range of communal facilities such as cinema, gymnasium and swimming pool within the development will provide services to the elderly residents.

#### Landscaping and Tree Removal

The application proposes removal of all existing vegetation on the land which is not subject to a planning permit requirement as none of the trees are higher than 10 metres. None are native vegetation.

Existing trees on site have been assessed as not having a high value and not considered worthy of retention as they make a limited contribution to the streetscape and are of fair to poor health and structure. Existing vegetation on the road reserve of the freeway will not be impacted. The majority of the trees on the nature strip will be retained with the exception of the 3 metres high *Acer 'crimson*

*sentry*'. A replacement tree is proposed within the nature strip of Lemont Avenue, approximately 7 metres towards Blackburn Road.

The landscape plan submitted with the application provides for a suitable landscaping treatment including provision of 71 new trees to be planted throughout the site. Building setbacks along the eastern and northern boundaries will provide for more substantial planting adjacent to the street frontages. In addition, two *Corymbia citriodora* 'Dwarf Lemon Scented Gum' are provided within the frontage of Lemont Avenue, either side of the driveway. They will soften the hard surface of the driveway, and buffer the building from the street.

In addition to the street frontages, a row of *Acmena smithii* 'Allyn Magic' (Lilly Pilly) are provided along the western boundary. They are low maintenance and are considered appropriate in this location. In addition to the rain garden, additional shrubs are provided within this setback area to provide a garden setting along this boundary.

In response to the freeway interface, the proposal provides a row of *Pyrus calleryana* 'Ornamental Pear' along the southern boundary. They will provide internal amenity as they will be 8 metres high with an upright nature, suitable for screening of the freeway from the development.

#### **On site amenity and internal amenity**

The proposed layout shows a good level of internal amenity for the Independent Living Units (ILU) within the retirement village, in particular:

- Pedestrian and vehicle access are located to Lemont Avenue away from the main road and noise sources.
- One central entry to the building through the foyer is easily identifiable from Lemont Avenue, with a gentle ramp down from the footpath.
- The proposal provides for a mix of 1, 2 and 3 bedroom ILUs with various functional layouts. This provides for a variety of housing types including large proportion of three bedroom apartments to meet the housing diversity objectives.
- All bedrooms and living rooms have direct access to natural light with generous glazing across building facades and no reliance on borrowed light or light courts.
- All lower ground level apartments are provided with terraces with outlook of either the internal courtyard or the landscaped street setbacks. These terraces are clearly differentiated from the landscape setback areas with different finished ground levels.
- All ILUs above ground level are provided with outdoor balconies with areas between 9-12 square metres.

- A communal courtyard of over 700 square metres is located centrally within the development. Additional facilities such as gymnasium, cinema, pool and a common lounge are provided and are easily accessible by all residents.
- All ILUs have reasonable access for people with limited mobility. The development has lift access to all floors and the location and widths of lobby and ILUs are appropriate.
- Acoustic fencing is provided along the western boundary to minimise noise impacts to the adjoining residential property.
- However providing acoustic glazing to habitable room windows and doors could further improve internal amenity of the development, from the noise of Blackburn Road and the freeway. This could be achieved via permit conditions.

Overall, the proposal is considered to provide good on site amenity for future residents, after conditions are met.

### **Off site amenity Impacts**

#### **Overshadowing**

Standard B21 (Overshadowing open space objective) seeks to ensure buildings do not significantly overshadow existing secluded private open space.

The secluded private open space of the adjoining dwellings are on the west side of the buildings, located furthest away from the subject land. There are no overshadowing concerns.

#### **Overlooking**

Standard B22 (Overlooking objective) provides a suitable benchmark in assessing overlooking impacts. Habitable room windows and balcony spaces should be located and designed to avoid direct views into habitable room windows and secluded private open space of an existing dwelling. In this instance, the ground level windows of the west adjoining dwellings at 102 Lemont Avenue are setback between 1 to 2 metres from the common boundary. The proposed 2.7 metres high acoustic fencing along the western boundary of the subject land will be sufficient to avoid overlooking into these windows. The acoustic fencing is a private agreement between the permit applicant and the owner of 102 Lemont Avenue.

There are two highlight windows on the upper level of the front dwelling of 102 Lemont Avenue, with sill heights of 1.7 metres. These windows are narrow with limited visibility which protects the privacy of those rooms. There are no windows on the upper level of the rear dwelling of 102 Lemont Avenue, and there are no other residential properties adjoins the subject land.

The secluded private open space of these adjoining dwellings are on the other side of their buildings and will not be overlooked.

Construction impacts

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

Deliveries/waste collection

Deliveries of food to the child care centre are typically expected to be undertaken by smaller trucks and vans and will generally occur within the basement where it has direct lift access.

Waste of all uses is stored at basement level and will be collected by private contractor. The proposed Waste Management Plan has been referred to Council's Waste Services who requested more details for the proposed waste management. This will be requested as part of the Waste Management Plan by permit conditions if one was to issue.

Car Parking, Traffic and Access

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

Proposed Use	Number of Bedrooms	Number of Independent Living Units	Clause 52.06 car parking requirement	Number of car parking spaces required	Number of car parking spaces provided
Retirement Village	1 & 2	156	1 car space per unit	156 car spaces	220 car spaces
	3	30	2 car spaces per unit	60 car spaces	
Child Care Centre	-	80 children	0.22 car spaces to each child	17 car spaces	31 car spaces
<b>TOTAL Required</b>				<b>233 car spaces</b>	<b>251 car spaces</b>
<b>Surplus</b>					18 car spaces

The development proposes a total of 251 car parking spaces within the basement car park. It provides on-site car parking provision in excess of the statutory requirement. The subject site is located within the Principal Public Transport Network (PPTN) and no visitor car parking spaces are required for the retirement village pursuant to Clause 52.06 of the Monash Planning Scheme.

Proposed vehicle crossover located at the far western-end of the site in Lemont Avenue will minimise impacts to traffic leading to the intersection of Blackburn Road.

Deliveries to the retirement village and child care centre are to be pre-arranged and managed by the central building management of the development.

Access to the child care centre is via a lift from the basement. Parents are more likely to park in the basement car park when they attend the child care centre, and reduces demand for on street parking. Two lifts will provide access from the child care centre car park on basement 1 to level 2 where the child care centre is located. Some pedestrian access may be possible via the ground level foyer.

The reasons for refusal of the previous application by VCAT did not relate to traffic or car parking adequacy.

In regards to traffic generation, VCAT decision *BC Mount Waverley Project Pty Ltd V Monash CC [2018] VCAT 1538* said:

*‘The temporal demand for car parking is satisfied ...Mr Hunt’s evidence is that the proposed uses will not generate a demand for off-site car parking’.*

*‘We are persuaded by this evidence, and by the temporal analysis undertaken, which demonstrate that there will be sufficient parking on site for the various land uses’.*

*‘We place weight on the independent analysis conducted by VicRoads, and its absence of an objection’.*

*‘The increased traffic levels expected along Lemont Avenue will not pass any of the existing dwellings. For these reasons, we find that the proposed increase in traffic volumes will not create an unacceptable amenity impact on the nearby residents’.*

The current proposal is smaller in scale from the previous proposal, and it is expected that the associated demand for car parking and traffic generation will also reduce. It is not anticipated to have an unreasonable impact on the demand of on street parking or traffic volumes in Lemont Avenue and Blackburn Road.

Both VicRoads and Council’s Traffic Engineer did not raise concerns about the proposed development.

#### Bicycle Parking

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

Use	Number of Independent Living Units	Clause 52.34-3 Requirement	Bike parking requirement generated
Retirement Village	186	1 to each 5 units (employee)	37
		1 to each 10 units (visitor)	19
Child Care Center	80 Children	N/A	N/A
<b>TOTAL REQUIRED</b>			<b>56 bike spaces</b>
<b>TOTAL PROVIDED</b>			<b>58 bike spaces</b>

The required bicycle parking facilities are provided within the development, with 20 bicycles spaces on ground level and the remainder located within the basement car park. In the basement, the designated bicycle storage areas are easily identified, and are reasonably close to the lift or could be accessed via the driveway ramp to the basement car park.

#### **CONCLUSION:**

The proposal is considered to be appropriate given the subject land is large in size and the site context. The proposed development will provide additional housing for the aging population, meeting the increasing demand in Monash. The integrated use of child care centre within a retirement village is supported in the context of the subject site. The proposed uses of the land are generally consistent with the objectives and applicable requirements of state and local policies.

The design response satisfies the applicable planning scheme requirements and policy objectives. The proposal will achieve good architectural outcomes that complement the streetscape of Lemont Avenue and Blackburn Road. It provides adequate transition of building heights and will not present an unacceptable level of scale and bulk to the adjacent residential area in Lemont Avenue. The generous building setbacks will allow for meaningful canopy tree planting and landscaping to maintain the Garden City Character.

The proposal has been designed to minimise amenity impacts to the residential abuttal with generous upper level setbacks and interesting building facades. It will not cause any unreasonable overlooking or overshadowing issues. The proposal provides for sufficient on site car parking spaces, and access to the site via a vehicle crossover at the western-end of the site is appropriate.

The proposal should be approved subject to conditions.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.