

**1.2 1-9 ALLEN STREET & 777-781 WARRIGAL ROAD, OAKLEIGH
USE AND DEVELOPMENT OF A RETIREMENT VILLAGE WITH FOOD AND DRINK
PREMISES (CAFÉ), SIGNAGE AND A REDUCTION OF CARPARKING
(TPA/53176)**

EXECUTIVE SUMMARY:

This application proposes the construction of a retirement village comprising 84 apartments with a food and drink premises within a four storey building, together with the provision of 103 on-site car spaces within a basement car park. The proposal also includes removal of existing vehicle crossovers along the Warrigal Road site frontage, a reduction in parking for the café component and a business identification signage.

The application was subject to public notification. Nine (9) objections to the proposal have been received.

Key issues to be considered relate to the appropriateness of the built form, building height and massing, landscape provision, design detail, traffic impact, car parking provision and the impact on the surrounding residential amenity.

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

The reason for presenting this report to Council is the proposed development cost of \$40 Million.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	1-9 Allen Street & 777-781 Warrigal Road, Oakleigh
EXISTING LAND USE:	777, 779 & 781 Warrigal Road: a single detached dwelling on each lot 1-9 Allen Street: vacant

PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Nine (9)
ZONING:	777, 779 & 781 Warrigal Road: Neighbourhood Residential Schedule 3 1-9 Allen Street: Neighbourhood Residential Schedule 2
OVERLAY:	Nil
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16.01-1S &R- Housing supply Clause 16.01-2S- Housing affordability Clause 18.01-1S- Land Use and Transport Integration Clause 18.02-3R– Principal Public Transport Network Clause 19.03-3S- Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21.04- Residential Development Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.05- Tree Conservation Policy Clause 22.09 – Non-Residential Use and Development in Residential Areas Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.29- Land Adjacent to the Principal Road Network Clause 52.34- Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	28 May 2022
DEVELOPMENT COST:	\$40 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/53176)** for the use and development of a retirement village with food and drink premises (café), alteration of access to a road in a Transport Zone 2, business identification signage and a reduction of car parking at 1-9 Allen Street & 777-781 Warrigal Road, Oakleigh subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. 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 VIA Architects Pty Ltd (Revision G dated 2 February 2022) but modified to show:
 - a) The ground floor setback a minimum of 7.5 metres from the eastern boundary, excluding the terraces/balconies;
 - b) The first floor setback a minimum of 9 metres from the eastern boundary, excluding the terraces/balconies;
 - c) Internal rearrangements as a result of the above change in point a);
 - d) Details of all retaining walls including materials, height and finished levels;
 - e) Width of the western crossover on the ground level plan to match the ramp details plan;
 - f) Details of privacy screens on balconies including materials and level of transparency to prevent overlooking to the north adjoining property to the satisfaction of the Responsible Authority;
 - g) The accessible parking space designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*. The vehicle path to and from each accessible space have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm;
 - h) Notation on the ground floor plan to read 'no excavation will take place within 2.5 metres on the outside base of the street tree located west of the western crossover';
 - i) Location of a minimum of eight (8) canopy trees along the northern boundary including four (4) trees along the egress path adjacent to

775 Warrigal Road & four (4) trees along the egress path adjacent the carpark of 773 Warrigal Road;

- j) Design of the hydrant booster enclosure, electricity supply, gas and water meter boxes including the height and colour of the enclosures to ensure that they are incorporated into the landscape setting;
- k) Bin storage details in accordance with the Waste Management Plan;
- l) An amended Landscape Plan prepared in accordance with Condition 4;
- m) An amended Waste Management Plan prepared in accordance with Condition 5;
- n) A Landfill Gas Risk Assessment & Sustainable Management Plan in accordance with Conditions 6 & 7; and,
- o) A Car Parking Management Plan in accordance with condition 9.

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 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. As part of the ongoing consultant team, VIA Architects Pty Ltd 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.

Management and Landscaping Plans

Landscape Plan

- 4. Concurrent with the endorsement of any plans required 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. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by John Patrick (Revision A) dated 29 November 2021 except that the plan must show:
 - a) Additional canopy trees along the northern boundary as required under condition 1;

- b) Additional shrubs at the south of the pedestrian walkway from Warrigal Road near the substation;
 - c) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - d) The hydrant booster enclosure, electricity supply, gas and water meter boxes incorporated into the landscape setting;
 - e) The detail of the proposed paving;
 - f) The location and operational detail of external lighting (if any); and
 - g) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas,
- all to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be approved by the Responsible Authority. The plan must be submitted with a Landfill Gas Risk Assessment in accordance with condition 6, and substantially consistent with the Waste Management Plan prepared by Traffix Group, Revision B dated 10 September 2021 but revised to the satisfaction of the Responsible Authority:
- a) Provide the Planning Application number to the introductory section;
 - b) Amended waste generation calculation to reduce food waste diversion to be no greater than 50%;
 - c) A later adoption of separate glass recycling including allowing for glass containers when separated glass recycling is required;
 - d) Bin storage inside premises amended to include food waste kitchen caddies; and bin storage area should be updated to indicate drainage to sewer, accessibility and bin manoeuvrability;
 - e) Bin collection details including collection points, bin transfer routes and swept path diagram;
 - f) Bin storage details to include drainage to sewer, accessibility, bin manoeuvrability and all waste streams indicated;
 - g) Provision for an e-waste recycling bin in accordance with the Best Practice Waste Management;
 - h) Indication that the property is ineligible for the Council hard waste collections; and
 - i) Outline of how the waste management system will be monitored and communication strategy for occupiers.

Landfill Gas Risk Assessment

6. Concurrent with the endorsement of the Waste Management Plan required pursuant to Condition 5, a Landfill Gas Risk Assessment prepared by a suitably qualified expert must be submitted to and approved by the Responsible Authority.

Sustainable Management Plan

7. Concurrent with the endorsement of plans required pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Integrated Group Services Dated 10 September 2021 but amended to reflect the amended development plan required under Condition 1.

Construction Management Plan

8. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
 - a) Appropriate measures to control noise, dust and water and sediment laden runoff;
 - b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
 - e) A program for the cleaning and maintaining surrounding road surfaces;
 - f) 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;
 - g) Measures to provide for public safety and site security;

- h) 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;
- i) A Traffic Management Plan showing truck routes to and from the site;
- j) A 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;
- k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- l) The provision of contact details of key construction site staff; and
- m) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

Car Parking Management Plan

9. Concurrent with the endorsement of any plans pursuant to Condition 1, a Car Parking Management Plan (CPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CPMP will be endorsed and will form part of this permit. The CPMP must address, but not be limited to, the following:
 - a) The number and location of car parking spaces allocated to each building for residents;
 - b) The location and number of any staff car parking spaces;
 - c) The location and number of any visitor car parking spaces;
 - d) Details of way-finding, cleaning and security of end of trip bicycle facilities; and
 - e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits and restrictions.

10. The provisions, recommendations and requirements of the above endorsed Management Plans related to in Conditions 4-8 inclusive must be implemented and complied with in an ongoing manner, to the satisfaction of the Responsible Authority.

Use Conditions

11. Prior to the endorsement of plans referred to in Condition 1, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. In addition to the usual mechanical provisions, the agreement must provide that the Independent Living Units as shown on the plans prepared by VIA Architects Pty Ltd (Revision G dated 2 February 2022) 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.
12. 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.
13. 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.
14. The food and drink premises may only operate between the hours of 6:00am to 6:00pm Monday to Sunday, unless the Responsible Authority gives consent in writing to vary these hours.
15. The amenity of the area must not be detrimentally affected by the use or development, through the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste products;
 - (d) presence of vermin.
16. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

Car Parking Conditions

17. Before the use starts or any building is occupied, areas set aside for the parking of 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; and
 - 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.

18. No less than 103 car spaces must be provided on the land, including 1 car space to be allocated to the food and drink premises, to the satisfaction of the Responsible Authority prior to the commencement of the use or occupation of the development.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
20. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
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.

Drainage & Stormwater

22. The site must be drained to the satisfaction of the Responsible Authority.
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.

General Conditions

24. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

25. All signs must be located wholly within the boundary of the land.
26. Signs must not be illuminated without the written consent of the Responsible Authority.
27. 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.
28. 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.
29. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
30. 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.
31. 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.
32. Any required fire services, electricity supply, gas and water meter boxes as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.
33. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
34. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Tree Protection

35. All existing vegetation (including trees on adjacent land and naturestrips) shown on the endorsed plans must be suitably identified before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
36. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land and naturestrip). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
37. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained (including trees on adjacent land and naturestrip) as shown on the endorsed plans and are advised of their obligations in relation to the protection of those trees.
38. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

Department of Transport Conditions (Ref: PPR 37651/21)

39. Prior to the occupation of the development, all disused or redundant vehicle crossings on Warrigal Road must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
40. The demolition and construction of the development must not disrupt bus operations on Warrigal Road without the prior written consent of the Head, Transport for Victoria.
41. Any request for written consent to disrupt bus operations on Warrigal Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Time for Starting and Completion

42. The approved signs of this Permit will expire 15 years from the date of issue of this permit.

43. 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. This is **not** a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. 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 is to be paid prior to any drainage works commencing.
- C. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
 - a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
- D. 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.
- E. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the easement.

(A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit).

Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

- F. Existing Council drains and pits located in properties 777 – 781 Warrigal Road and part of 1-9 Allen Street are to be discontinued and removed along with easements removal applications to Council's satisfaction.
- G. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The basement detention system is to be separated from the storm water detention system for the property, which is to be at ground level and discharge by gravity.
- H. One copy of the plans for the drainage and civil works must be submitted to and approved by the 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.
- I. Unless no permit is required under the planning scheme, any further signs not shown on the endorsed plans must not be constructed or displayed without a further permit.
- J. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority. Any works within the road reserve must ensure the footpath and nature's strip are to be reinstated to Council standards.
- K. No work must be commenced in, on, under or over the road reserve without having first obtained all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- L. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.
- M. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- N. 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.

- O. Please apply via Council’s online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business
- P. The design and fit out of the food premises must comply with Food Standard Australia New Zealand’s ‘Food Safety Standard 3.2.3 -- Food Premises & Equipment’.
- Q. The premises must not create a nuisance under the Public Health and Wellbeing Act and noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
- R. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.
- S. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- T. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- U. Residents of the approved development will not be entitled to car parking permits for on street car parking.

Cultural Heritage Management Plan

- V. The recommendations and requirements of the approved amended Cultural Heritage Management Plan must be implemented to the satisfaction of the Cultural Heritage Advisor.

Notes required by Department of Transport

- W. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

BACKGROUND:**History****TPA/44803**

At Council's meeting of 30 October 2018, Council resolved to issue a Notice of Decision to Grant a Planning Permit (TPA/48803) for the construction of a residential aged care facility comprising of 136 beds within a two storey building with basement car parking and alteration of access to a Road Zone, Category 1.

The decision was appealed by objectors and a conditions appeal was also lodged to VCAT by the permit applicant. Subsequently, Planning Permit TPA/48803 was issued on 2 May 2019 and was later extended on 18 March 2021 to allow the development to commence by 2 May 2023. No construction works have commenced at the time of writing this report.

TPA/49990

At Council's meeting of 30 April 2019, Council resolved to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/49990) for the construction and use of a four storey residential aged care facility and medical centre with maximum building height of 13.3 metres. The main grounds of refusal related to neighbourhood character, detrimental impact on the amenity of the surrounding area and design details.

Council's decision to refuse the application was overturned at VCAT on 28 October 2019 (*Stellar Care Oakleigh Pty Ltd v Monash CC [2019]*). A brief summary of the VCAT decision is as follows:

- Setback at ground level to the Warrigal Road frontage provides ample spaces to provide landscaping and canopy trees. The proposal presents an acceptable built form response to the public realm.
- The proposed built form will sit comfortably in the context of the Warrigal Road frontage.
- The extent of the built form to Allen Street is acceptable. The scale and siting of the proposed building will not have an unacceptable impact upon the heritage precinct on the south side of Allen Street given the proposed setbacks and the width of Allen Street. The
- The proposed building displays an acceptable degree of articulation to the Allen Street frontage.
- The proposed lower ground floor setback of 6 metres from the eastern boundary is adequate to provide a dominant landscape outcome.
- The policy setting of the proposal contemplates a different form of development than what would otherwise be expected. The design achieved an outcome that the proposed built form will not be unacceptable.

- The proposal, however has not adequately responded to the topographical condition of the subject land. The built form of the three levels closest to the eastern boundary does not provide an adequate transition down the slope of the site towards the creek environs. A greater level of stepping of the built form is required.
- External amenity impacts of the proposed building is not considered unacceptable however the proposal is to be amended to comply with the setback requirement in Clause 53.17 *Residential Aged Care Facility*.

Subsequently Planning Permit TPA/49990 was issued with conditions requiring the following changes to the built form of the building:

- The ground and first floors to provide a minimum setback of 7.5 & 9 metres from the eastern boundary, excluding the terrace balustrade (lower ground floor setback remains to be 6 metres).
- Internal rearrangements as a result of the above changes.
- Compliance with the side and rear setback & the daylight to existing windows requirements of Clause 53.17 where the building is adjacent to 775 Warrigal Road.

Amended plans reflecting the above changes have not been submitted to Council for approval.

Condition 38 of the planning permit allows the development to commence by 31 October 2021. Construction works have not commenced, and no extension of time application has been received. The planning permit has expired. The applicant is able to apply for an extension of time to the planning permit should they choose and an application must be received by Council before 31 April 2022 for it to be able to be considered. Any application for an extension of time to the permit after this date will be unable to be considered under the requirements of the Act.

The Site and Surrounds

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

The dwellings orientated to Warrigal Road were constructed circa 1950's. There is a single dwelling on each lot of 777, 779 and 781 Warrigal Road. Previously a single storey brick building existed at 1-9 Allen Street. It was formerly occupied by OC Connections and utilised as a residential building and for community programs.

OC Connections have occupied the Allen Street property and adjoining land to the north since the 1960's. The building at Allen Street was demolished in late 2018 and since then the land remains vacant and ownership has changed. The land at 777, 779 & 781 Warrigal Road includes some existing scattered vegetation along the periphery of the site. There is no significant vegetation on the Allen Street land.

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

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

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

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

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

Allen Street contains median strip parking in the centre of the road consisting of 30 on street parking spaces.

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

PROPOSAL:

The application seeks to construct a four storey retirement village with a food and drink premises, display of signage and a reduction of car parking associated with the café.

The main features of the proposal can be summarised as:

- Construction of a four storey building, including a basement car park towards Warrigal Road. The building presents as three storeys along the

Warrigal Road frontage, and three to four storeys along Allen Street and facing Scotchmans Creek as a result of the slope of the land. The building has a maximum overall height of 13.35 metres from natural ground level, adjacent to the eastern boundary where the land falls away.

- Proposed ground level building setbacks are as follows:

Boundaries	Minimum setbacks
West (Warrigal Road)	8m
South (Allen Street)	4.3m
East (Scotchmans Creek)	6m
North	2.37m

- The retirement village will provide a total of 84 apartments comprising:

Number of bedrooms	Apartments
1 bed	5
2 bed	62
3 bed	17
Total	84

- A communal sitting area is provided on each level along with a green house on the upper level with an outdoor communal area facing Scotchmans Creek. Additional communal areas including lobby, gym, lounge, cinema and meeting room are provided within the eastern section of the lower ground level.
- A food and drink premises (café) of 120 square metres is also located on the lower ground level fronting Allen Street. It is not proposed to be exclusive to the residents of the retirement village.
- Communal outdoor open areas are provided on the lower ground level within the frontage to Allen Street, which wraps around the corner and extends to the eastern boundary along the Scotchmans Creek park and bicycle trail. A further two, north facing outdoor communal areas are provided at ground and on the upper level.
- A total of 103 car parking spaces are provided within the basement, including 102 spaces for the apartments and 1 space for the food and drink premises. A pick up and drop off space is located at front of the building entry, facing Allen Street.
- Provision of a circular driveway accessed via the new vehicle crossovers in Allen Street. The existing vehicle crossovers on Warrigal Road will be removed.
- The architectural styling of the development is contemporary in appearance. The building will have minimal recessing across its frontage towards Warrigal Road and along Allen Street, with the exception that the fourth level which is significantly setback from the eastern boundary.
- A variety of materials is proposed, including timber look cladding, textured render and masonry finish texture/brick with natural toned colour.

- A small basement located towards the north-western corner of the land will accommodate services and rainwater tanks. This basement is setback 6 metres from the eastern boundary.
- Two business identification signs on the masonry wall near the intersection of Warrigal Road and Allen Street, one fronting each street frontage. The signs are 0.5 metres in height and 3.1 metres in width,

Amended Plans after Advertising:

Amended plans (Revision G dated 2 February 2022) were formally lodged with Council on 14 February 2022, following public notification. These plans address the concerns raised by Council officers in relation to the proposed crossover located too close to the street trees along Allen Street.

The amendment to relocate the western crossover is minor in nature and is not expected to cause any further impacts to the adjoining properties. There were no changes to the number of apartments, built form or setbacks of the proposed development. Re-advertising of the amended proposal is not deemed necessary in this instance.

This report is prepared based on the amended plans (Revision G dated 2 February 2022).

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:**Zoning**

The subject land is located across two different schedules of the Neighbourhood Residential Zone as follows:

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

A permit is required for use of land for accommodation (retirement village) and a food and drink premises within the Neighbourhood Residential Zone. A permit is also required to construct or carry out works for the proposed uses within the Zone.

Particular & General Provisions**Clause 52.05: Signs**

A permit is required to construct and display a business identification sign.

Clause 52.06: Car Parking

Prior to a new building being occupied the required parking spaces must be provided on the land or as approved by the responsible authority.

The proposal satisfies the car parking requirement for the retirement village however seeks reduction of two car spaces for the food and drink premises. A permit is triggered under this provision.

Clause 52.29: Land adjacent to the Principal Road Network

A permit is required to create or alter access to a road in a Transport Zone 2.

Warrigal Road is a Transport Zone 2 and a permit is required for the removal of vehicle crossovers pursuant to Clause 52.29-2.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 25 October 2021. In this letter, officers also raised the following preliminary concerns:

- The proposal does not provide adequate opportunities for deep soil planting within the Warrigal Road frontage.
- The proposed location of the substation with enclosure is not considered appropriate.
- The provision of secluded private open space and associated high fencing along the Warrigal Road & Allen Street frontages does not provide an open garden setting to satisfy the Garden City Character objective.
- Some of the bedrooms will receive poor daylight access.
- Some of the balconies may result in internal overlooking.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 23 November 2021 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address all concerns with the key changes being:

- The basement car park setback increased to Warrigal Road and the basement further lowered to allow for deeper planting opportunity within the Warrigal Road setback.
- Proposed a feature masonry wall screening the substation and integrating it into the architectural and landscape design of the proposed development to address the concern about the location of the substation.

- Increased setback of front fencing to allow for additional landscaping along both street frontages.
- A daylight modelling report provided which indicates that 80% of all bedrooms will achieve a daylight factor greater than 0.5% to 90% of the floor areas; and more than 30% of the non-residential component achieves minimum 2% daylight factor which meets the relevant daylight requirements.
- Screening provided to sections of the balconies where internal overlooking will occur.

The Applicant was advised that this application is scheduled for the April Council meeting. In addition, a letter has been sent formally advising them of the details of the Council meeting. The Applicant has been advised that the application is recommended for approval subject to conditions, and an outline of the recommended conditions has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners/occupiers and objectors to the previous application. Six (6) large signs were displayed at the street frontages of the site, including the frontage to Scotchman's Creek.

Nine (9) objections were received.

Key issues raised within objections can be summarised as:

- Inappropriate scale, built form and building mass.
- Neighbourhood character and impacts to the Scotchmans Creek and the heritage precinct.
- Traffic and vehicle access.
- Safety and privacy issues.
- Noise impact, health and wellbeing of nearby residents.
- Adequacy of car parking provision and impacts from the car park.
- Loss of property value.
- Overshadowing.
- Construction impact.
- Overloading existing infrastructures.
- Potential use of the proposed building as student accommodation.
- The proposal will preclude the potential for alterations to the width of Warrigal Road and Allen Street intersection in the event that these roads were to be extended.

Attachment 4 details the location of objector properties.

Referrals

External Referral

Department of Transport (Ref: PPR 37651/21)

The application was referred to the Department of Transport (DOT) pursuant to Clause 52.29 *Land Adjacent to the Principal Road Network* and Clause 66.02 as the proposed development is to construct a residential development comprising more than 60 dwellings or lots.

The DOT does not object to the proposal subject to the conditions that the development must not disrupt bus operations on Warrigal Road, without prior written consent from the DoT.

Internal Referral

Traffic Engineer

No concerns were raised by Council's Traffic Engineer subject to standard permit conditions including any redundant crossings are to be removed and replaced with kerb and channel. This includes the reduction of two car spaces for the food and drink premises, discussed in further detail below.

Drainage Engineer

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

Waste Services

Council collection of waste from within the site will not be supported. Waste must be collected via a private contractor from within the site. Some minor revisions are required to the waste management plan (WMP) and are required by permit condition.

Council's Waste Services division also advise that a Landfill Gas Risk Assessment is recommended for the proposed development as the proposal contains a basement and the land is located within a 200mm buffer of an area of landfill between 1956 and 1964 known as 1-25 Cole Crescent Chadstone. This requirement will be required under permit conditions.

Horticultural Services

Four street trees may be affected as a result of the proposed crossovers along Allen Street.



Council's Horticultural Services advise the following:

- Tree 1 (most eastern tree- 8m high *Lophostemon*): No excavation will be allowed within 3.2 metres of the tree base. The proposed crossover is setback 5.675 metres from this tree and satisfies this requirement.
- Tree 2 (2nd tree from the east - 8m high *Lophostemon*): No excavation will be allowed within 3 metres of the tree base. The proposed crossover is setback 3.5 metres from this tree and satisfies this requirement.
- Tree 3 (2nd tree from the west- 9m high *Lophostemon*): No excavation will be allowed within 3 metres of the tree base. The proposed crossover is setback 2.95 metres from this tree which is 50mm less than the required setback.
- Tree 4 (most west -8m high *Lophostemon*): No excavation will be allowed within 3 metres of the tree base. The proposed crossover is setback 2.64 metres from this tree which is 360mm less than the required setback.

No concerns were raised from Council's arborist regarding Tree 3, but concerns were raised in relation to the potential adverse impacts to Tree 4. Advice from a qualified arborist was provided by the Applicant to support the proposed crossover. The advice indicates that a Non-Destructive Root Investment (NDRI) was undertaken to determine the size and number of roots which would be impacted as a result of the works. Based on the result of the NDRI, it was recommended that the proposed western crossover should be located at least 2.64 metres from Tree 4 and 2.95 metres from the Tree 3. The proposed crossover satisfies these requirements.

Council's Horticultural Services advised that the proposed setbacks are considered acceptable subject to a condition requiring no excavation will take place within 2.5 metres of Tree 4.

DISCUSSION:**Consistency with State, Regional and Local Planning Policies****State Planning Policy Framework (PPF)**

There is general support in the State, Regional and Local Planning Policy Frameworks for the proposal. Clause 11.01-1R (Settlement- Metropolitan Melbourne) supports investment and growth in places of state significance including Metropolitan Activity Centres to address needs of Melbourne's rapidly growing population.

Clause 15 (Built Environment and Heritage) emphasises to promote excellence in the built environment and create places that accommodate people of all abilities, ages and cultures.

Clause 17.02-1S (Business) encourages development that meets the community's needs for retail, entertainment, office and other communal services. Strategies include ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Clause 18.02-1S, 2S & 3S (Walking, Cycling & Public Transport) encourages to facilitate an efficient and safe walking, bicycle & public transport network and increase the proportion of trips made by walking, cycling and public transport.

The site is large in area which lends itself to support higher densities than the immediate surrounding area. It is well located to services being close to Oakleigh Major Activity Centre which is approximately 1km to the south; and Chadstone Shopping Centre which is a Principal Activity Centre and located less than 400 metres to the west. It is also located in a Principal Public Transport Network (PPTN) with public transport within the vicinity of the site readily available as services along Warrigal Road provide access to the major bus interchange at Oakleigh Railway Station and Chadstone Shopping Centre.

The proposed development is consistent with the state and regional objectives of the Monash Planning Scheme. The retirement village will provide additional housing supply and increase housing choices for the ageing population. The proposed built form is similar to the previous approval for an aged care facility and has been designed in response to the context of the subject land which will be further discussed in the balance of this report.

Local Planning Policy Framework (LPPF)

Council's goal is for development in residential areas within the municipality to be balanced in providing a variety of housing style whilst remaining sympathetic to the existing or preferred neighbourhood character. The Municipal Strategic Statement 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. It also encourages appropriate accommodation for 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 site as located within the *Accessible Areas, Garden City Suburbs* and *Creek Environs* in Clause 21.04 *Residential Development*. This policy seeks to retain trees where possible and to provide landscaping to reduce the dominance of buildings, generous front setbacks to allow for landscaping and building scale, height and bulk to continue to enhance and reinforce the existing landscape and built form character; and protect and contribute to the special character of the creek environs. This policy also recognises the housing needs of an ageing population in proximity to neighbourhood and activity centres.

The proposal provides a contemporary design of the building with architectural features consistent with the built form of the previous approved development. Proposed setbacks are sufficient for meaningful landscaping to mitigate visual bulk and mass from the streetscape or the creek corridor. Natural tone building colour, materials and finishes are utilised to generally complementary to the streetscape character of the surrounding area; and respectful of the Scotchman's Creek environs.

Assessment

Building form and scale

The subject site has a unique context with land size of over 6,000 square metres. It is irregular in shape with significant fall from west to east, where the Scotchmans Creek Linear Reserve abuts the eastern boundary of the site and features a vegetated interface. Warrigal Road is a main road and the large frontage allows for a more robust presentation.

The site adjoins a largely commercial interface to the northern boundary with a small residential interface towards the front and a residential heritage precinct exists on the opposite of Allen Street. A greater emphasis is placed on an appropriate transition and integration to the Scotchmans Creek interface to the east, and minimising external amenity impact to the nearby residential properties.

The proposed building has been designed to present as 3 storey to Warrigal Road; have a predominantly 3 storey presentation to the Scotchmans Creek and will generally be perceived as 3 storeys from the adjoining public open space. Part of the basement protrudes above ground level where the land falls significantly away where the building has a technical 4 storey height at this point.

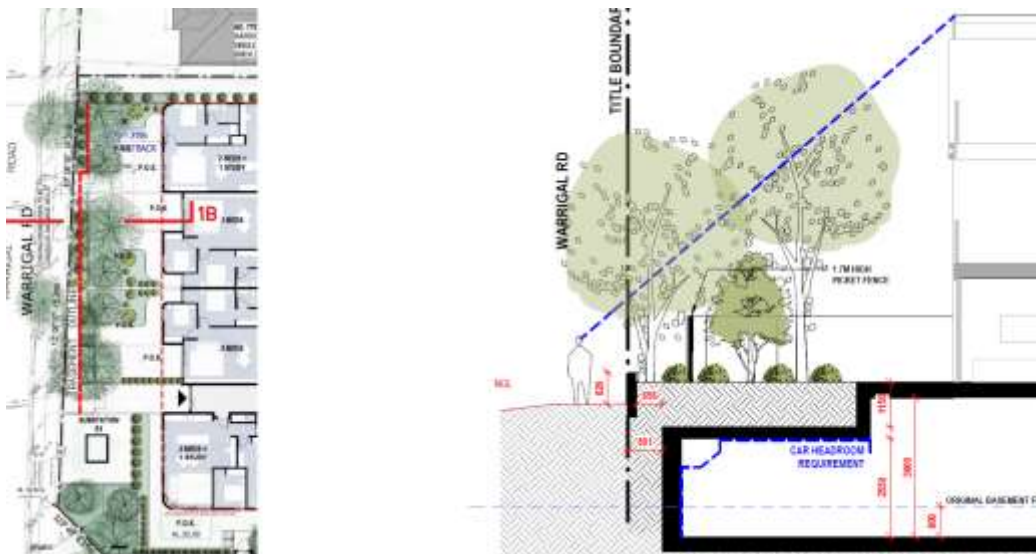
The proposed setbacks on ground level provides sufficient space to provide meaningful landscaping and canopy trees which will assist in softening the

presentation of the building to the streetscape and the creek environs. The scale and siting of the proposed building will not have an unacceptable impact upon the heritage precinct on the south side of Allen Street due to the width of the street, and the on street parking and landscaping in the centre median of Allen Street. The proposed built form will be a considerable distance from the residential properties within the heritage precinct.

The proposed building height and built form is similar to the currently approved development. As the policies contemplate a different form of development than a residential dwelling or residential building, the design provides high quality architecture with significant façade articulation through the use of recesses, balconies and setbacks and achieves an acceptable built form outcome.

Front setback & Western interface

The proposal provides a minimum ground level setback of 8 metres from the Warrigal Road boundary which exceeds the street setback requirement of the schedule to the Neighbourhood Residential Zone. Although not specifically applicable to this application, this setback will ensure that the buildings sit comfortably within the streetscape enabling sufficient landscaping opportunities in front of the buildings facing the street to soften the built form. The setbacks and soil depths from the basement will also provide sufficient room for deep soil planting within the front setback.



Extract from RFI Response Pack provided by Applicant

Northern interface

Predominant of the northern interface is non-residential. Where the site adjoins a residential interface, the building is setback a minimum of 2.37 metres from the northern boundary and increased to 6.035 metres on the upper level to mitigate visual bulk and mass from the immediate adjoining property.

Although not applicable to this application, the proposed setbacks comply with Rescode side setback requirements. The proposed ground level setback is

sufficient to provide screen planting to soften the visual appearance of the building, and the proposed ground and upper level setbacks are similar to the previous approved development. Additional outdoor open space areas are provided along this interface which will also allow for canopy tree planting and landscaping.

Eastern interface (Scotchmans Creek Trail)

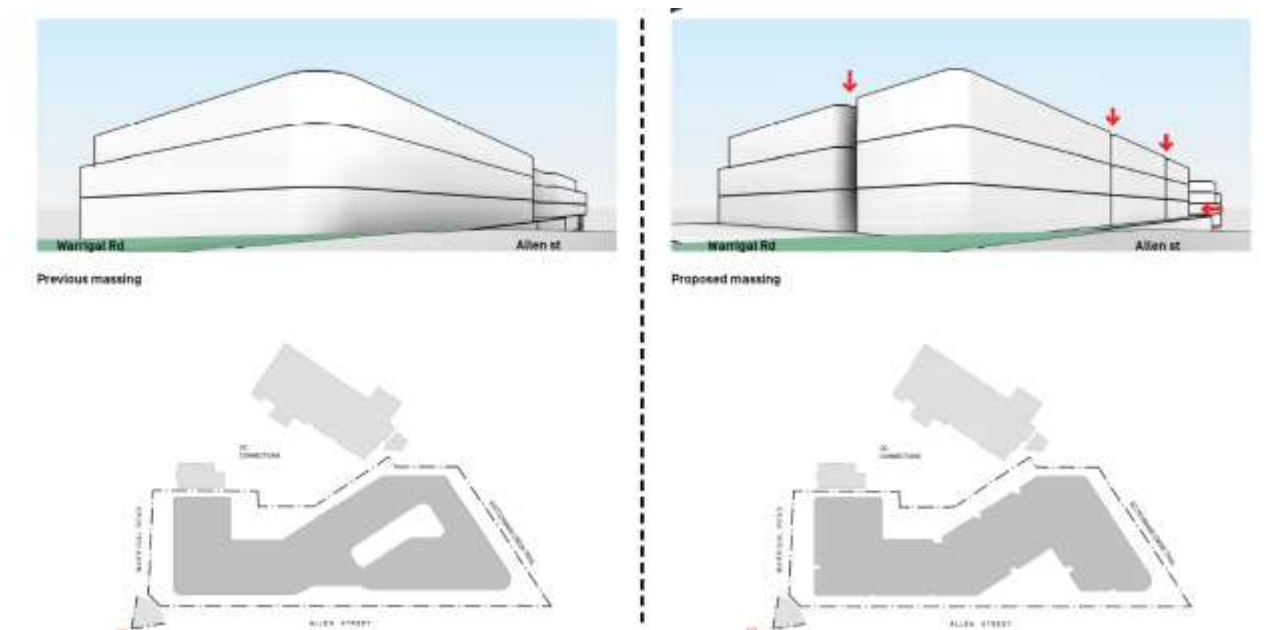
Given the proposed setbacks the development will be perceived as a 3 storey build when viewed from the east. The proposed lower ground level setback of 6 metres will provide adequate space for generous landscaping and canopy tree planting to achieve a dominant landscape outcome.

The proposed building height and setback is consistent with the approved development however the Tribunal in the previous application (discussed under the history section above) considered that it did not provide an adequate transition down the slope of the site towards the creek environs and that a greater level of stepping of the built form is required. A condition was required for the ground to provide a minimum setback of 7.5 metres and the first floor to be setback 9 metres from the eastern boundary, excluding the terrace balustrade.

The current proposal provides a lower ground level setback of 6 metres; and ground and first level setbacks of 6-8 metres. The majority of the ground and first floor still share the same setbacks as the lower ground level and does not provide sufficient transition down the slope towards the creek, and should be further setback from the eastern boundary, to improve the transitional interface to the east. Recommended permit conditions will require the ground and first levels to be setback a minimum of 7.5 and 9 metres from the eastern boundary, excluding terraces/balconies, to improve the transition interface to the creek. This will also achieve a consistent outcome with the previous Tribunal decision.

Southern interface

The building is setback a minimum of 4.3 metres from the Allen Street boundary and will provide sufficient room for canopy tree planting within the Allen street setback. The proposed architecture incorporates 'visual breaks' along the Warrigal Road and Allen Street interfaces to break the long façade massing.



Extract from Town Planning Design Response Pack provided by Applicant

The Tribunal in VCAT decision *Steller Care Oakleigh Pty Ltd v Monash CC [2019]* determined that a four storey built form with the proposed building height and scale is acceptable taking consideration with the width of Allen Street. The proposed building height and setbacks are not dissimilar to the approved development. Combined with the generous landscaping opportunities, width of Allen Street with median strip parking and street trees, the proposed setbacks are considered appropriate.

Side and rear setbacks

Although not specifically applicable to this application, the proposal satisfies the requirements of Standard B17 *Side and rear setbacks objectives* to ensure setbacks of the proposed building is respectful of the existing neighbourhood character; and ensure adequate daylight access to habitable rooms.

Architectural design

The architectural details including an 'arc' shape architectural detail for the pick-up and drop off area; an 'S' shape design to provide recesses to the northern and southern boundaries, the rounded corners and featured screenings provide a high quality architecture outcome. The palate of materials and finishes appropriately integrates the development into the surrounding context and includes a variety of natural tones including stone look brickwork, timber cladding and white render. The mixture of building materials also assists in softening the building from the streets and demonstrates a high degree of architectural quality in the façade presentation

Front fence

A 1.7 metre high fence brick & picket fence is proposed along the Warrigal Road frontage of the site. Despite the height of the proposed fencing higher than the preferred height in the NRZ (*whilst not specifically applicable to this application,*

NRZ 2 and 3 specify that front fencing should be no greater than 1.2 metres in height as Warrigal Road is in a Transport Zone 2), the proposed fencing is setback 2.25-3.24 metres from the Warrigal Road frontage and provides sufficient room for canopy tree planting and landscaping forward of the fence. The design consists of brick piers and infill design is respectful of other fencing within the residential interfaces and will not be at-odds to the streetscape of Warrigal Road. The picket infills will allow 25% transparency and provides an acceptable level of visibility to the landscaping behind the fence, maintaining garden city character and allow for privacy of habitable rooms and secluded private open space areas adjacent to the street frontages

Substation

The substation is proposed at the south-western corner of the land fronting Warrigal Road. The proposal was amended to incorporate a featured masonry wall with signage to screen the substation from being visible from the street, which addressed the officers' concerns raised in the initial assessment. The design and material of the masonry wall will match that with the fencing along the Warrigal Road and Allen Street boundaries and will not be at-odds to the streetscape.

External Amenity Impacts

Overshadowing

Shadow plans have been prepared and show that the proposal will not result in any additional overshadowing to the adjoining land or objectors' properties, with the exception of minor overshadowing onto the Scotchman's Creek Trail at 3pm. The extent of additional shadow which falls onto the Scotsman's Creek trail is not significant and permit conditions to require the first floor to be further setback from the eastern boundary will further reduce shadow in this location.



Current proposal shadow diagram provided by Applicant

Overlooking

The proposed building will not result in unreasonable overlooking as the majority of the northern interface (773 Warrigal Road) is a non-residential use, for which screening is not required. The windows and balconies facing the adjoining residential property (775 Warrigal Road) are screened to avoid direct views into the secluded private open space area of the property, further details of which will be required via condition.

Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

The proposed building is setback a minimum of 2.37 metres from the northern boundary which is sufficient to provide adequate light court to the windows at the property at 775 Warrigal Road.

Internal Amenity

The proposal provides for a high level of internal amenity, noting the following:

- Access to the development is provided for car and bicycle parking. A drop off /pick-up area is also provided at the Allen Street ground level which can also be used by emergency vehicles. Car and scooter parking is provided for within the basement for residents and at the ground floor for visitors or staff. Car parking within the basement is accessible via a lift and stair.
- The building provides a clearly identifiable pedestrian entry on Allen Street.
- New habitable room windows are appropriately set back from the ramp accessing the car park which may be impacted by noise generation.
- Windows will receive appropriate access to daylight as all windows are on an external wall. The Daylight Report indicates that 80% of all bedrooms will achieve a daylight factor greater than 0.5% to 90% of the floor areas meeting the BESS Indoor Environment Quality (IEQ) Daylight requirement.
- A number of communal facilities are proposed on the site including a café and dining / function space with lounge, gaming area, cinema, gym and greenhouse. There are also outdoor communal terraces on the lower ground and upper levels providing visual connection to the Scotchmans Creek Trail; a separate outdoor open space area is provided on the ground level with an outdoor sitting area. A communal sitting room is also provided on each level.
- The majority of the habitable room windows do not require screening given the non-sensitive interfaces and orientation of the windows, thereby improving the internal amenity and outlook for residents.
- Each apartment is provided with a terrace or balcony with an area of between 8 square metres and 109 square metres.
- Apartment sizes ranging 64 to 157 square metres with functional layout. Although not specifically applicable to this application, the proposed room

widths and areas meet the ‘functional layout objectives’ of Clause 55.07 *Apartment Developments*.

- Apartments with adaptable design to provide flexibility for residents who require wheelchairs or mobility aids.

Landscaping

The design response maintains a landscape setting to the street frontages by setting back the fencing along the Warrigal Road to a minimum of 2.2 metres from the front boundary; and staggering the fencing along Allen Street to allow ‘landscaped pockets’ forward of the fence.

A Landscaping Plan prepared by John Patrick Pty Ltd proposes landscaping within all areas of the site, of varying sizing. Planting is proposed within the perimeter of the site and the outdoor communal open space/ terrace areas. The planting assists in breaking up the built form to the adjoining properties and soften the visual appearance to the streetscape and the creek trail. A row of *Correa reflexa* is proposed near the northern boundary for screening purposes. It is considered that some small to medium sized canopy trees should be provided to further soften this interface.

A variety of planting is also proposed within the front setback to Warrigal Road, incorporated with the front fencing. Additional shrubs should be provided along the pedestrian walkway near the substation to reduce the hard surface coverage to the streetscape. Additional landscaping is provided along the Allen Street frontage. The proposed timber decking and planting of native trees along the lower ground level eastern setback is respectful of the Scotchmans Creek environs.

Food and Drink Premises

The proposed food and drink premises is a Section 2 Use and therefore requires planning approval. The food and drink premises will operate in conjunction with the proposed retirement village for primary use by residents as well as visitors and nearby residents, thus it is not expected to generate a high volume of additional traffic. The clear glazing and sliding doors along the eastern wall of the common lounge and the food and drink premises will activate the Scotchman’s Creek Trail interface, and provide a visual connection between the building and the creek trail.

The proposed operation hours of the food and drink premises is not specified, given it is in a residential area, proposed permit conditions will require the food and drink premises to be limited to 6am to 6pm seven days a week; to protect the amenity of nearby residents.

Signage

The proposal includes two business identification signs to be displayed on the masonry wall, one fronting each street frontage. The sign facing Warrigal Road is 500mm in height and 3.1 metres in width; and will be constructed at a height of

1.8 metres above ground. The sign fronting Allen Street has the same size and will be constructed approximately 1.4 metres above ground. These signs are not internally or externally illuminated, which will not cause dazzle or distraction to drivers and will not result in a safety hazard for vehicles.

The proposed location and size of the signage is appropriate for a retirement village; and will not impact views or vistas. The signs are simplistic in nature, and will assist in breaking the sheerness of the featured masonry wall and provide clear business identification.

Car Parking, traffic and access

The subject land is within the Principal Public Transport Network (PPTN) and the requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Number of apartments/ leasable floor area	Clause 52.06 requirement	Car spaces required	Car spaces provided
One or two bedroom apartment	67	1 space/one or two bedroom)	67	67
Three bedroom apartment	17	(2 spaces/ three bedroom	34	34
Visitor parking	84	0 space (PPTN)	0	2
Food and drink premises	90sqm	3.5 space to each 100sqm of leasable floor area	3	1
Total			104	104

The proposal provides two additional “visitor” car spaces for the retirement village and seeks a reduction of two car spaces for the food and drink premises.

A car parking demand assessment was provided which shows the anticipated parking demand for the proposed food and drink premises will have limited external drive-up customers that will generate additional car parking demand. This is based on the food and drink premises premise operating in association with the retirement village on the land and the expected customers will be mainly from the residents of the retirement village, staff, visitors or walk ups from the nearby area.

Council’s Traffic Engineer advises that the car space within the porte-cochere should not be counted within car parking provision as it is a short term pick up/drop off space rather than long term car parking space. Excluding the porte-cochere space from the car parking provision, the ‘actual’ total number of car parking spaces provided on site is 103, and not the required 104.

On the above basis, the shortfall of (2) two spaces for the food and drink premises and a total of (1) one space for the overall development is considered acceptable and unlikely to have any off-site impacts.

A Construction Management Plan will be required as a condition of the Permit. The Construction Management Plan will be required to consider the likely maximum parking demands for construction workers and provide detailed staging of the project to demonstrate that the various occupants plus and additional construction workers can be accommodated on the site.

Environmentally Sustainable Development

Clause 22.13 (Environmentally Sustainable Development Policy) requires the Submission of a Sustainability Management Plan. A report was prepared by Sustainable Development Consultants and includes a BESS assessment. The assessment has been undertaken to meet minimum sustainability policy provisions contained within the Planning Policy Framework and Local Planning Policy.

Cultural Heritage Management Plan

The land is located within an area identified as having cultural heritage sensitivities and as such may require preparation of a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*. A CHMP was prepared for the previous development of an aged care facility. An amended CHMP was prepared for this proposed development and an approved amended CHMP has been provided to Council on 29 March 2022.

The amended CHMP sets out conditions and contingencies under Part 1 of the report and a note will be placed on any permit issued to satisfy the conditions required to the satisfaction of the Cultural Heritage Advisor.

Objections not previously addressed

Safety concerns

The state and local planning policies supports the increase in density in appropriate locations. The proposed retirement village is residential in nature. It is consistent with the purpose and permissible in the Residential Zone.

Vehicle access arrangement has been referred to the Department of Transport and Council's Traffic Engineer who did not raise concerns about safety from vehicle movements.

Noise impact, health and wellbeing of nearby residents

A note relating to noise impacts and the requirement to comply with relevant EPA requirements will be placed on any permit that is to issue.

Noise generated from the retirement village would not be unreasonable in a residential area and is not unexpected in a suburban setting undergoing change. It is not expected that the food and drink premises will generate unreasonable noise given its nature of business and distance to the other residential properties in Allen Street.

Additional requirements will be placed on any permit issued relating to opening hours of the café, and waste collection to protect residential amenity of adjoining residential areas.

Loss of property value

This is not a relevant planning consideration.

Overdevelopment

The proposal is not considered an overdevelopment. It responds to the strategic direction to increase density of residential development and to provide housing diversity for the ageing population. The proposed building is designed to avoid unreasonable visual impact to the adjoining residential properties which have been discussed in this report. The scale of the development results in a built form outcome not dissimilar to the existing residential aged care facility approved on the land.

Construction impact

A Construction Management Plan would be required to demonstrate traffic arrangement during construction if a permit was to issue.

Potential use of the proposed building as student accommodation

The proposal is to construct a retirement village, and permit conditions will require a Section 173 Agreement to limit the use of the proposed building to be a retirement village if a permit was to issue. In the event that a different use is proposed in the future, a new planning permit or an amendment to the planning permit will be required and it will be assessed on its merit against the relevant planning policy should this happen.

The proposal will preclude the potential for alterations to the width of Warrigal Road & Allen Street intersection

An objection raised concerns that the proposed substation will preclude widening of Warrigal Road in the future. External engineering/servicing advice submitted by the Applicant shows that there is no alternative location for the substation as it cannot be located within the basement nor on top of a basement level. In response to the concern about the streetscape presentation, the amended proposal includes appropriate screening in the design of the development to minimise visual impact to the streetscape.

In addition, land identified to be acquired by a Minister, public authority or municipal council for public use (e.g. future road expansion) is controlled by the Public Acquisition Overlay (PAO). A PAO does not apply to the subject site.

It is also highlighted that Council's Traffic Engineer and the Department of Transport did not raise any concerns about the proposal nor mention future expansion of existing roads in the vicinity of the site.

CONCLUSION:

The proposed development is considered to be an appropriate use and built form outcome which will achieve additional housing diversity and housing choices for an ageing population. The site is well located in close proximity to Oakleigh and Chadstone Major Activity Centres, public transport services and public open space providing a high level of amenity and easy access to services for future residents. The proposed building has been sited to provide appropriate response to the creek trail interface and enable a high quality landscaping response across the site including the two street frontages and adjacent to the adjoining public open space.

The proposed uses are compatible with the surrounding residential area and car parking is provided on the site to support these uses, the proposed setbacks will allow adequate landscaping to soften the building to the streets and the creek trail. Minimal external amenity impacts will be generated from the proposal.

It is recommended that the application be supported subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.