

**1.3 718-724 HIGH STREET ROAD, GLEN WAVERLEY  
CONSTRUCTION OF A FIVE (5) STOREY APARTMENT DEVELOPMENT  
(TPA/52977)**

**EXECUTIVE SUMMARY:**

This application proposes the construction of a five storey apartment building with basement car parking and alteration of access to a road in a Transport Zone. The subject land is located within the residential periphery of the Glen Waverley Major Activity Centre, in a location designated for residential growth.

The application was subject to public notification. Three (3) objections to the proposal have been received.

Key issues to be considered relate to building scale, height, design detail, adequacy of car parking, infrastructure, overlooking and overshadowing of adjoining properties.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework and Clause 58, and issues raised by objectors.

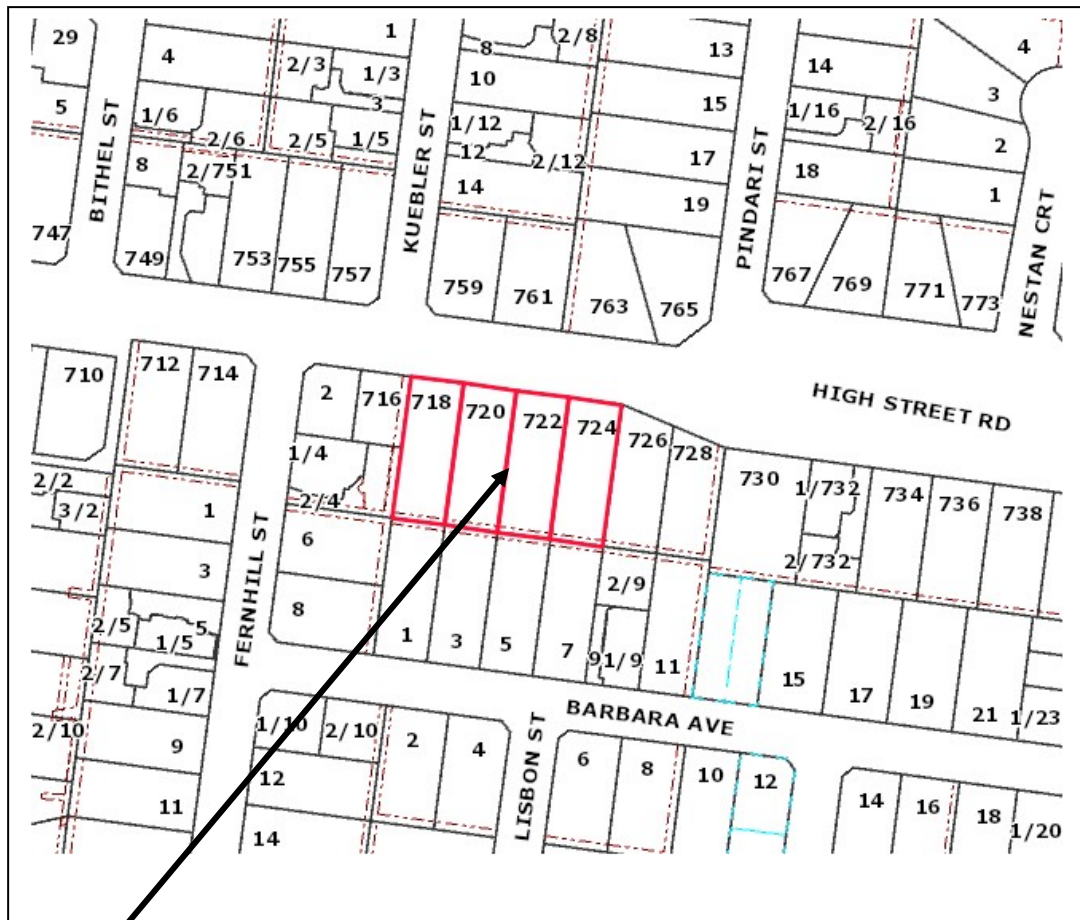
**The reason for presenting this report to Council is the proposed development cost of \$15 Million.**

**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>Catherine Sherwin</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Anne Maree Roberts</b>
<b>WARD:</b>	<b>Glen Waverley</b>
<b>PROPERTY ADDRESS:</b>	<b>718-724 High Street Road, Glen Waverley</b>
<b>EXISTING LAND USE:</b>	<b>Four single storey dwellings</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Three (3)</b>
<b>ZONING:</b>	<b>Residential Growth, Schedule 4</b>

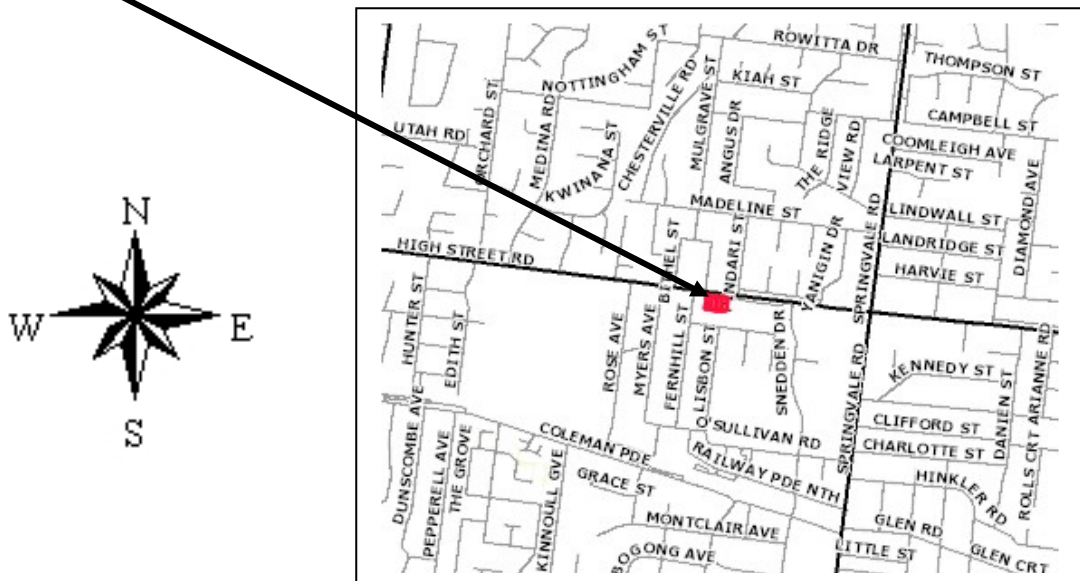
<b>OVERLAY:</b>	<b>Proposed Suburban Rail Loop East Specific Control Overlay (SCO15)</b>
<b>RELEVANT CLAUSES:</b> <u><b>Planning Policy Framework</b></u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- 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 18.02-1S & R- Sustainable Personal Transport Planning Clause 18.02-1S & R- Sustainable Personal Transport Clause 19.03-3S- Integrated Water Management	<u><b>Local Planning Policy Framework</b></u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.05 -Housing 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 22.14 Glen Waverley Major Activity Centre Structure Plan Clause 22.13- Environmentally Sustainable Development Policy  <u><b>Particular Provisions</b></u> Clause 52.06- Car Parking Clause 52.29 –Alteration of access in Transport Zone 2 Clause 53.18- Stormwater Management in Urban Development Clause 52.34- Bicycle Facilities Clause 58- Apartment Developments Clause 65 – Decision Guidelines
<b>STATUTORY PROCESSING DATE:</b>	<b>29 May 2022</b>
<b>DEVELOPMENT COST:</b>	<b>\$15 Million</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/52977)** for the construction of a five (5) storey apartment development with basement car parking, construction of a front fence and create and alter access to a road in a Transport Zone 2, at 718-724 High Street Road, Glen Waverley 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 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 on 22 March 2022, prepared by Jesse Ant Architects (TP06- TP18, Revision B dated 2 March 2022 but modified to show:

- a) A minimum parapet height of 1.5 metres to be provided on the northern and southern sides of the rooftop terrace;
- b) The fifth storey to be finished in a light external colour and a non-reflective finish;
- c) Details of the location, height and construction materials of the safety balustrade to the roof top. Any balustrades greater than the height of the building parapet should be set back from the edge of the building to reduce visibility from the street and adjoining properties;
- d) A notation on the plans that the roof top pergola is to remain unroofed;
- e) A notation on the plan that the door to the south of the lift on the roof is for access to roof services only;
- f) The internal layout of Apartment G.06 reconfigured to delete bedroom 2 and improve internal amenity.
- g) The secluded open space to apartments G.12 and G.13 redesigned to provide for a minimum dimension of 3 metres with direct access from the living room;
- h) The length of the balconies associated with Apartments 1.12 and 1.13 increased in length from 5 metres to 6 metres, and the balconies associated with Apartments 2.10 to 2.11 increased from 5 metres to 5.5 metres;
- i) Balconies associated with Apartments 1.11 and 1.14 to be no less than 50% clear to the sky;

- j) The design to demonstrate compliance with Standard D29 to provide for at least 40% of the dwellings with effective cross ventilation;
- k) Details of screening to be provided to all south facing habitable room windows and balconies on the first, second and third floors within 9 metres of the rear boundary to avoid unreasonable overlooking into adjoining properties;
- l) Details of height and materials of construction for all internal fencing to private open space areas;
- m) Fencing between private open space areas within the front setback of the site reduced in height to match the proposed front fence;
- n) Decorative screen fencing to replace the timber fencing to the ground floor apartments facing the central courtyard;
- o) A passing area at least 6.1m wide and 7m long provided at the entrance of the property in accordance with the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme;
- p) The location of vehicle electrical charging facilities and associated infrastructure in the basement;
- q) 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 each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road;
- r) Provision for a decorative screen wall with details of shrub planting to screen the gas meter enclosure in the secluded open space ground floor apartment G.03. This is to include an elevation specifying height, materials and decoration;
- s) An amended landscaping plan showing the deletion of the electrical substation in the property frontage and provided with an additional canopy tree and landscaping to be consistent with the development plans;
- t) A reduction in the extent of paving provided in the front setback, particularly around the main pedestrian entrance to the building and landscaping provided on both sides of the entrance extended to the front boundary;
- u) A reduction in the paving at the front of apartment G.06 by relocation of the visitor bicycle spaces to be integrated into the front entrance area of the building. Additional landscaping be provided along the frontage and within the open space area.

- v) All windows and glazed doors to apartments facing High Street Road to be provided with double glazing;
- w) A notation on the site plan to require reinstatement of the nature strip of three existing crossovers to be removed.
- x) An external lighting plan in accordance with the requirements of conditions 6;
- y) Changes required in accordance with the Waste Management Plan as requested in condition 8;
- z) Changes required to satisfy the Sustainable Management Plan in accordance with Condition 9; and
- aa) Changes required to satisfy the Wind Assessment in accordance with Condition 10.
- bb) All changes required by the Department of Transport and the Suburban Rail Loop Authority in accordance with Conditions 27 to 39.

All to the satisfaction of the Responsible Authority.

#### **Layout not to be Altered**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **Landscaping Plan**

3. Concurrent with the endorsement of any plans requested 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 Architects (Revision B) dated 3 August 2021 except that the plan must show:
  - a) The revised building layout in accordance with the amended development plan (TP06- TP18, Revision B dated 2 March 2022) and any changes required under condition 1 of this permit;
  - b) The landscaping details for all upper floor balconies including details of planting to achieve a cascading effect over the balconies;
  - c) A reduction in the extent of paving provided in the front setback, particularly around the main pedestrian entrance to the building with and landscaping provided on both sides of the entrance extended to the front boundary.
  - d) A reduction in the paving at the front of apartment G.06 by relocation of the visitor bicycle spaces to be integrated into the front

entrance area of the building. Additional landscaping be provided along the frontage and within the open space area.

- e) Deletion of the electrical substation at the western end of the frontage and the area replaced with and an additional canopy tree and surrounded by landscaping;
  - f) Deletion of the pedestrian pathway along the western side of the building and replaced with landscaping;
  - g) Provision for a decorative screen wall with details of shrub planting to screen the gas meter enclosure in the secluded open space ground floor apartment G.03;
  - h) Details of all proposed paving;
  - i) Details of all rain gardens (as identified within the Sustainability Management Plan) and any associated green infrastructure to the roof top garden; and
  - j) 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. When approved, the plans will be endorsed and then form part of the Permit.

4. Before the use starts, 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 thereafter.

#### **Street Tree Removal & Replacement**

5. The existing street tree (Acer species) at the eastern end of the frontage will be removed and replaced by Council at the cost of the developer prior to the commencement of the development.

#### **Lighting Plan**

6. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Lighting Plan prepared by a suitably qualified or experienced Lighting Engineer must be submitted to and approved by the Responsible Authority. The Lighting Plan must show:
- a) Location of any external lighting;
  - b) Intensity of lighting limited so as not to cause any loss of amenity to occupiers of nearby land and/or excessive light spill to public open space conservation areas to the satisfaction of the Responsible Authority.

When approved, the plans will be endorsed and then form part of the Permit.

7. All external lighting must be designed, baffled, located and maintained to prevent light spill from the site causing any unreasonable amenity or environmental impacts on the locality, to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

8. 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 generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 4 March 2022 but revised to show the:
- a) Sufficient areas for the anticipated waste volumes, including organics recycling;
  - b) Increased area of the waste room; and
  - c) Provision of scaled plans detailing the proposed waste collection process including; bin collection areas, the strategy for bin transfer from storage area to collection point & transfer routes and gradients; and plans for hard waste and e-waste collection and disposal.

to the satisfaction of the Responsible Authority

When approved, the plans will be endorsed and then form part of the Permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

9. Prior to the commencement of any site works (including any demolition, vegetation removal and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. Once approved, 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) Pedestrian and cyclist access through and around the construction site including ongoing connections to the adjoining shared user path network;
  - b) Appropriate measures to control noise, dust and water and sediment laden runoff;
  - c) Appropriate measures to prevent silt or other pollutants from entering into the Council's drainage system or onto the road network;
  - d) Appropriate measures relating to removal of any 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 so as to prevent material leaving the site and being deposited on Council's road network or drainage system;
- f) A program for the regular cleaning and maintenance of the 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) Measures to provide for public safety and 24 hour site security;
- i) A plan showing the location of parking areas for all construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to the surrounding location. 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) A swept path analysis, using the largest truck anticipated on site, demonstrating the ability of trucks to enter and exit the site in a safe and timely manner.
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- m) The provision of 24 hour contact details of key construction site staff; and
- n) Restriction on hours of work on site, including demolition, excavation or general construction works, to 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.Unless prior written consent is provided by the Responsible Authority these hours cannot be varied.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

#### **Sustainable Management Plan (SMP)**

10. Concurrent with the endorsement of plans requested 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 SMP prepared by Low Impact Development Consulting Dated 23 December 2021, except that the plan must be modified to show:

- a. Any changes required by Condition 1 of this planning permit;

Upon approval the Sustainable Management Plan 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.

#### **Pedestrian Wind Level Assessment**

11. Concurrent with the endorsement of plans requested pursuant to Condition 1, a pedestrian wind level assessment must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Desktop Pedestrian Level Wind Assessment prepared by Global Wind Technology Services Pty Ltd Dated 4 May 2022, except that the plan must be modified to show:

- a) Any changes required by Condition 1 of this planning permit;

Upon approval the Pedestrian Wind Level Assessment will be endorsed as part of the planning permit and the development must incorporate the recommendations to the satisfaction of the Responsible Authority.

#### **Tree Protection**

12. All existing vegetation shown on the endorsed plans marked to be retained, must not be removed, destroyed or lopped without the further written consent of the Responsible Authority.
13. Prior to the commencement of any works permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, must be marked and provided with a protective barricade to ensure the retention. The installation and maintenance of these barriers must be verified by a qualified landscape architect or horticulturist.
14. All work within the dripline of any tree to be retained (including trees on site and adjoining properties) 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.
15. No building material, demolition material earthworks, machinery or vehicles shall be parked, stored or stockpiled under the canopy line of

any tree identified as “to be retained” during the construction period of the development hereby permitted.

#### **Car Parking and Accessways**

16. On site visitor parking spaces are to clearly marked.
17. Before the uses start, 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; 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. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
19. Car parking within the development must be allocated as follows:
  - (a) Provision of no less than 1 car space to each one or two bedroom dwelling.
  - (b) Provision of no less than 2 car spaces to each three or more bedroom dwelling.
  - (c) Provision of residential visitor car parking in accordance with clause 52.06.

Any future subdivision of the development must provide for car parking in accordance with the above-mentioned requirement on Title to the satisfaction of the Responsible Authority.

#### **Privacy screens**

20. Prior to the occupation of the building, 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. Note: The application and use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

#### **Services and Plant Equipment**

21. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
22. 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.
23. 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.

#### **Drainage & Stormwater**

24. The site must be drained to the satisfaction of the Responsible Authority.
25. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

#### **Satisfactory Continuation**

26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Department of Transport Conditions (Ref: PPR:37218/21-A)**

27. Prior to the occupation of the development, all disused or redundant vehicle crossings 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.
28. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority at no cost to the Head, Transport for Victoria.
29. The level of the footpath must not be lowered or altered in any way to facilitate access to the site.

30. Vehicles must enter and exit the site in a forward direction at all times.

**Suburban Rail Loop Authority Conditions (SCO15/2022/04)**

31. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition and excavation), detailed design drawings must be submitted to the satisfaction of Suburban Rail Loop Authority. When approved, the plans will be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions, be generally in accordance with the plans by Jesse Ant Architects, date stamped 2 March 2022 but modified to show:
- a) all excavation and footing details in accordance with the Engineering Report required by Condition 32 (Engineering Report) below.
  - b) excavation depths for all buildings, structures and retaining walls (including excavation required for services and utilities) to be shown at Australian Height Datum (AHD) on floor plans and elevations;
  - c) foundations and footing designs of all buildings, structures and retaining walls, (including pile designs and associated loadings if applicable).
32. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition and excavation) and before the submission of plans under Condition 31 (Amended Plans), an Engineering Report from a suitably qualified engineer must be submitted to and approved by Suburban Rail Loop Authority. The report must outline the design, management and construction techniques to be implemented prior, during and following construction to prevent any impact on Suburban Rail Loop East and associated infrastructure. Once approved, the Engineering Report will form part of the planning permit. All relevant structural and geotechnical issues must be considered, and the report must demonstrate the following:
- a) that the building footings will not compromise the structural integrity of, or damage or displace Suburban Rail Loop East and associated infrastructure. In this case, demonstrating that the increase in unfactored loading from the footings and piles, if adopted, at RL 95.2 m AHD beneath the south western corner of the building does not exceed 50 kPa would be considered to satisfy this requirement (unloading from basement excavations should not be included in this assessment);
  - b) any hold points that will require an inspection by Suburban Rail Loop Authority (in accordance with Condition SC4 (Inspection by

- SRLA) (below) and approval prior to releasing the hold points;
- c) that the development and construction methods will appropriately manage and mitigate any impacts from construction vibration on Suburban Rail Loop East and associated infrastructure.
33. All design, excavation and construction must be undertaken in accordance with the Engineering Report approved under Condition 32 (Engineering Report) (above), unless alterations or modifications are approved in writing by Suburban Rail Loop Authority.
34. The permit holder must contact Suburban Rail Loop Authority to arrange inspections of the development during the construction of the development at the hold points identified in the Engineering Report.
35. Where any alterations or modifications to the plans endorsed under Condition 30 (Amended Plans) are not consistent with the Engineering Report prepared in accordance with Condition 32 (Engineering Report) (above), the prior written consent of Suburban Rail Loop Authority must be obtained.
36. Piled foundations used for the development must not intrude below RL 110 m AHD into land affected by Special Control Overlay SCO15 unless otherwise agreed in writing by Suburban Rail Loop Authority.
37. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to the satisfaction of Suburban Rail Loop Authority. The Demolition and Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to Suburban Rail Loop East and associated infrastructure during demolition and construction, and must set out objectives and performance and monitoring requirements for:
- a) the demolition and construction program;
- b) any demolition, excavation or construction mitigation measures identified in the Engineering Report (or approved in accordance with Condition 31 (Engineering Report)).
- c) management of drainage, effluent, material stockpiles, fencing and hoardings to ensure Suburban Rail Loop Authority area land or Suburban Rail Loop East and associated infrastructure is not used for, or impacted by these activities;
- d) measures to ensure that all works on the land will be carried out in accordance with the Demolition and Construction Management Plan.

38. All demolition and construction works must be carried out in accordance with the Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to Suburban Rail Loop Authority.
39. Unless otherwise agreed in writing with Suburban Rail Loop Authority, the permit holder must ensure that no Suburban Rail Loop East infrastructure, assets or services are damaged or altered as a result of the development. Any damage must be rectified to the satisfaction of Suburban Rail Loop Authority, at the full cost of the permit holder

#### **Time for Starting and Completion**

40. 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. Council's Horticultural Department must be contacted regarding the removal of the street tree proposed.
- C. Any residents of the approved development will not be entitled to car parking permits for on street car parking.
- D. A detailed plan of the vehicle crossing/traffic island access arrangement to High Street Road must be submitted to the Responsible Authority for approval. A Road Opening Permit, with associated refundable security

bond, will be required from Council's Engineering Department prior to the roadworks commencing.

- E. 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.
- F. 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 is to be detained on site to the predevelopment level of peak stormwater discharge.

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. Approval of any detention system is required by the City of Monash prior to works commencing.

- G. 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.
- H. The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Department of Transport pit in the nature strip to be constructed to Council standards. *(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.

- I. 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.



- J. The existing side entry pit is to be converted to a junction pit with a medium duty cast iron frame and lid. A new side entry pit is to be constructed 1.0 metre away from the edge of the modified crossing to Council/Department of Transport standards.
- K. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
- L. 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.
- M. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
- N. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- O. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

Notes required by Department of Transport

- P. The proposed development requires the construction of a crossover. 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.
- Q. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Notes required by Suburban Rail Authority

- R. Please contact Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au) when 'as-constructed' details of the building's footings (and if piled, the piling records) are available, to ensure they are considered as part of the detailed design of Suburban Rail Loop East.
- S. Should the development be constructed at the same time as Suburban Rail Loop East (in this area), communication between the permit holder and Suburban Rail Loop Authority is critical to coordinate the logistics of

both projects. Please contact the Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au).

## **BACKGROUND:**

### **History**

At Council's meeting of 26 March 2019, Council resolved to issue a Notice of Decision to Grant a Planning Permit (TPA/49276) for the development a four storey apartment building and basement car park at No 720 – 722 High Street Road. No appeals were lodged and a Planning Permit issued on 2 May 2019.

The development was for 32 apartments with one level of basement parking for 40 car spaces. This permit has subsequently expired as works had not commenced on the site.

There are no previous planning applications for No 718 and 724 High Street Road.

### *Image of Approved Development TPA/49276*



### **The Site and Surrounds**

The subject land is located on the southern side of High Street Road in Glen Waverley, approximately 50 metres east of the intersection with Fernhill Street and approximately 200 metres west of Snedden Drive and The Glen Shopping Centre. The land comprises four separate Titles and has a combined area of approximately 3,000 metres square, having a combined frontage of 67.06 metres to High Street Road and depth of 44.87 metres. The land has a gradual fall of up to 2 metres from south-west to north-west. A 1.83 metres wide drainage and sewerage easement encumbers the southern boundary of all four properties.

Four single storey brick dwellings and associated outbuildings currently occupy the land. Each property has an existing vehicle crossover to High Street Road. The property at 724 High Street Road has two medium size trees in the frontage and one medium size tree at the rear identified to be of moderate retention value. The other three properties are devoid of any significant vegetation with scattered

small trees and shrubs of low retention value. Three of the properties (No 718-722 High Street Road) have high front fencing and No 724 High Street Road is unfenced. There are two existing established street trees in the front of No 718 High Street Road and a recently planted juvenile tree planted in the front of No 724 High Street Road.

The established built form of the surrounding area is diverse. Development is typically residential in nature and includes a mix of single and double storey detached dwellings. A small group of commercial shops are located approximately 90 metres west of the site on High Street Road, which are also included within the Glen Waverley Activity Centre. The commercial buildings are a mixture of single and double storeys, and include indented angled parking to the front of the buildings.

The Glen Shopping Centre is located 200 metres to the east of the subject land and the Glen Waverley Railway Station is approximately 850 metres to the south-east.

Surrounding established residential areas located to the wider south-west are developed with single and double storey detached dwellings originally constructed in the 1950's and 1960's along with some newer replacement dwellings and multi-unit townhouse development having occurred within the last 15 years.

The built form of the immediate surrounding area can be described as:

#### **North**

High Street Road spans the northern boundary being an identified Transport Zone 2. The road supports two lanes of traffic in each direction. Further north is a mixture of single and double storey dwellings constructed with varied materials, including brick and cement render, pitched and flat roof forms. A bus stop is located nearby with bus routes 734 and 736.

#### **East**

726 High Street Road supports a recently constructed two storey brick dwelling with a tiled, pitched roof. The dwelling extends deep into the property with ground and first floor windows setback 1.0 metre and 1.5 metres adjoining the site along the western boundary. Secluded open space is located to the south and east of the dwelling and vehicle access is provided adjacent to the eastern boundary.

Of note, the topography has a steep slope further east of the site, down towards the commercial core of the Activity Centre. This allows for views of the Dandenongs and results in a large embankment between High Street Road and the service roads on the north and south of the street.

#### **South**

Adjacent to the southern boundary is the rear of No 1, 3, 5 and No. 7 Barbara Avenue. No. 1 and 7 support two storey dwellings and No 3 and 5 support single

storey dwellings. All properties have a large area of secluded private open space located to the rear (north) of the property facing the rear of the site.

### **West**

No. 716 High Street Road and 2/4 Fernhill Street both support single storey dwellings with secluded open space to the east and facing the site. The garage to No 714 High Street Road is built along the boundary adjoining the subject site. To the rear of the property No 2/4 Fernhill Street has windows setback approximately 2.5 metres from the boundary and a further area of secluded open space to the north.

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

### **PROPOSAL:**

The application proposes the construction of a five storey apartment building.

Details of the proposal can be summarised as:

- 69 apartments comprising of:
  - 5 x 1 bedroom apartments (49.1-59.1m<sup>2</sup> internal floor area).
  - 47 x 2 bedroom apartments (60.3m<sup>2</sup>-87.6m<sup>2</sup> internal floor area).
  - 15 x 3 bedroom apartments (94.1m<sup>2</sup>-115.5m<sup>2</sup> internal floor area).
  - 2 X 4 bedroom apartments (113.0m<sup>2</sup>- 126.5m<sup>2</sup> internal floor area)
- Ground level courtyard spaces ranging in size from 11.5m<sup>2</sup>-69m<sup>2</sup>.
- Balcony secluded private open space areas ranging in size from 8.0m<sup>2</sup>-31.4m<sup>2</sup>.
- Front setback of 6 metres to High Street Road.
- Two levels of basement car park with a total of 109 car spaces provided including 13 dedicated visitor car spaces.
- Vehicle access to the basement to High Street Road via a modified double width, vehicle crossover located within the north-east corner of the site. Right turn movement into the site will not be permitted.
- Pedestrian access to the building centrally located from High Street Road.
- Storage areas, waste room, services and bicycle parking within the basement.
- Communal area of theatre/bar of 45 square metres square and gym with an area of 65 square metres within the basement and a landscaped roof top terrace providing seating areas and BBQ.
- Lift to service all floors of the development including the basement.
- Materials palette comprising of face brickwork, render, and metal cladding in a variety of grey tones.

- 1.5m high fence setback 2 metres from the front boundary and enclosing part of the front setback. Services structures are incorporated within the fence.
- Maximum overall building height of 16.5 metres and 18.4m to the lift overrun from natural ground level.
- The building has been designed as a “U” shape with a central courtyard running from the middle and through the building to the rear at all levels. The courtyard has a width ranging from 10 -12 metres providing separation at all levels and a depth of 20 metres from the rear boundary.
- An area of communal open space is proposed on the rooftop, including seating and BBQ facilities. Two pergola structures are proposed with a height of 2.7 metres.

Setbacks of the building are as follows:

Level	North (frontage)	East (276 High Street Road)	South (rear) - Excludes setback of central open courtyard	West (716 High Street Road and 2/Fernhill St)
Lower basement*	5 metres	1.1-3.2 metres	5.6 metres	3.2 metres
Upper basement*	5 metres	1.1-3.2 metres	5.6 metres	3.2 metres
Ground floor (first storey)	6-10.65 metres	3.1-9.2 metres	3.2-5.8 metres	3.2 -9.2 metres
First floor (second storey)	6-10.65 metres	3.1-9.15 metres	3.2- 5.3 metres	3.1-9.15 metres
Second floor (third storey)	8-10.65 metres	5.2 -9.15 metres	6-7.5 metres	4.5-9.15 metres
Third floor (fourth storey)	8-10.65 metres	4.5-9.15 metres	6.5- 7.5 metres	4.5-9.15 metres
Fourth floor (fifth storey)	11.4 metres	9.15-11.2metres	9.8- 12.2 metres	9.15-11.6metres

\*Note, both basement levels are below natural ground level.

*Render of Proposed Development*



Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### **Zoning**

The land is zoned Residential Growth - Schedule 4 (RGZ4) under the provisions of the Monash Planning Scheme. Pursuant to the provisions of Clause 32.07-5 a permit is required to construct two or more dwellings on a lot.

No permit is required for use of land for a dwelling within the Residential Growth Zone.

Pursuant to Clause 32.07-9 there is no mandatory building height within the zone or the schedule however this clause does provide that *"If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres."*

#### **Overlays**

The site is not affected by any current overlays but has been identified as being affected by the proposed Suburban Rail Loop (SRL) and the proposed Specific Control Overlay 15 (SCO15) to the Monash Planning Scheme. This is a proposed planning control and has not been gazetted.

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

#### **Particular Provisions**

##### **Clause 52.06: Car Parking**

Clause 52.06 requires 99 car spaces to be provided on the land (86 for occupants plus 13 for visitors). As 109 car spaces have been provided and allocated appropriately, a requirement for a planning permit is not triggered under this provision.

**Clause 52.29: Land adjacent to a Transport Zone 2.**

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

**Clause 52.34: Bicycle Facilities**

For a residential development of 69 dwellings the proposal is required to provide 21 spaces (14 for occupants plus 7 for visitors.) The requirements of Clause 52.34 have been satisfied as 32 spaces have been provided.

**Clause 58: Apartment Developments.**

The development of an apartment building of five or more storeys is required to be assessed under Clause 58 of the Monash Planning Scheme. As the date of the amended application is 22 March 2022, the application is subject to the provisions of Amendment VC174 gazetted on 20 December 2021 which updates Clause 58 to reference the “Better Apartment Design Standards.” The amendment to Clause 58:

- Includes new and revised requirements for communal and private open space, landscaping, access, external building design, building entries and site services.
- Introduces a new standard at Clause 58.04-4 (Wind impacts objective) for developments of five or more storeys.
- Introduces a new standard at Clause 58.06-4 (External walls and materials)

**CONSULTATION:**

Further information was requested of the Permit Applicant on 7 September 2021. In this letter, officers also raised the following preliminary concerns:

- The height of the development exceeds the preferred height identified in the Glen Waverley Activity Centre Structure Plan that recommends a preferred height of 3-4 storey allowing for a suitable transition to the residential properties to the rear of the site.
- The size of the basement levels limits opportunities for substantial deep root planting adjacent to the side and rear boundaries of the site.
- The height and style of the front fencing in conjunction with the proposed privacy screens to the terrace areas for apartments with open space located within the front setback of the site fails to achieve an open landscaped character.
- The proposal fails to provide a comprehensive streetscape presentation with respect to fencing, services and provision of landscaping. The location of service cabinets, particularly the height and area of the substation and fire hydrant booster, have not been designed in a manner which responds appropriately with the proposed front setback. It is recommended that where possible the services are located in the basement car park to reduce the visual impact
- The fourth and fifth floors fails to comply with B17 requirements with respect to setbacks to No. 726 High Street Road.

- The layout has a heavy reliance of ‘Snorkel type windows’ as the only source of light to bedrooms of many apartments and provides poor internal amenity for future occupants.
- The layout with central courtyard running to the rear of the building is supported, however, the entry to the rear apartments on all levels is via long narrow corridors lacking light and ventilation. In addition a number of apartments are provided with poor outlook from the bedrooms toward blank internal walls within the site.
- Clothes lines have been located within the frontage of the ground floor apartments and should be deleted.
- The provision of communal areas within the basement does not provide for quality facilities for future occupants and should be relocated to ground floor.

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

The Permit Applicant responded to this letter on 24 December 2021 by providing the requested information and amending the application under Section 50 of the Planning and Environment Act. The amended plans:

- Increased the rear and side setbacks of the basement levels and upper floors
- Increased setback of the front fence
- Relocated the communal gym and lounge/meeting room from the basement to the roof (resulting in an additional storey i.e. 6 storey building).
- Where snorkel windows have been used the applicant has provided clarification with dimensions that they meet the requirements of Clause 58.

The applicant was advised that the amendments would not be supported. A new issue was raised with regarding to the additional storey to the building being unacceptable.

On the 22 March 2022, the applicant submitted a further amendment under Section 50. This included the removal of the communal gym and lounge/meeting room (deleting the sixth storey) and turning it into a rooftop communal area. Thus resulting in a 5 storey building once again. The revised plans also removed the 3 metre high substation from the property frontage and an electrical pillar that is to be mounted on a power pole in the nature strip, as agreed with the electricity provider. The ‘pole mounted substation’ measures 350m x 800m x 1200mm (H). The revised plans known as Revision B, dated 2 March 2022 are the subject of consideration.

The Applicant was advised that this application is scheduled for the June Council meeting. In additional, a letter has been sent formally advising them of the details



of the Council meeting. The Applicant has been 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**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and an individual sign displayed to the frontage of the four sites.

Three (3) objections were received. Key issues raised within objections can be summarised as follows:

- Bulk and scale not satisfying “Garden City Character.”
- Visual Impact.
- Does not satisfy Neighbourhood Character Policy.
- Loss of vegetation and impact on wildlife.
- Increase in traffic to High Street Road and impacts to local streets.
- Overlooking.
- Overshadowing.
- Overdevelopment.
- Noise to neighbours.

Attachment 4 details the location of objector properties.

### **Referrals**

#### **External Referrals**

##### **Department of Transport**

The application was referred to the Department of Transport as determining referral authority pursuant to Clause 52.29 to create or alter access to a road within a Transport Zone and Clause 66.02-11 due to the number of dwellings exceeding 60. The Department advised of no objection subject to conditions.

##### **Suburban Rail Loop Authority**

Although not a determining referral authority under the current provisions of the Monash Planning Scheme, the application was referred to the SRLA due to the site’s location within the proposed Specific Control Overlay (SCO15). The Authority has advised that part of the south-western (rear) corner of the proposed development would be constructed over part of the proposed tunnel alignment as shown within SRLA’s Surface and Tunnel Plans dated April 2022. No objection has been raised subject to conditions requiring engineering details of excavations and footings of the proposed basement.

## Internal Referrals

### Strategic Planning

Council's Strategic Planning Department has assessed the original and advertised plans and provided the following comments:

- Lot consolidation is supported to achieve increased residential density and is consistent with the Residential Growth Zone and the Glen Waverley Activity Centre Structure Plan.
- The fifth storey is recessive and the development will present as four storey building on a large consolidated allotment.
- The original excessive size of the basement would restrict planting of canopy trees. The increased setback of 5 metres accommodates greater areas of deep soil planting
- The development proposes a high dwelling density with minimum bedroom, living and circulation spaces. Decreasing the dwelling yield would allow for increase in room size and a decrease in the size of the basement to allow for increase in deep root planting.

It is considered that the revised plans under consideration have addressed the concerns with landscaping, however, the number of and size of the dwellings remains as submitted. Conditions have been included to address on site internal amenity where required.

### Traffic Engineer

No concerns subject to conditions including additional detail on a proposed traffic island to prevent right-turn movement into the site.

### Drainage Engineer

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

### Waste Services

A waste management plan has been provided proposing private collection. The submitted plan requires revision to respond to the projected needs of the number of occupants and can be addressed as a permit condition. Adequate space is provided within the basement and service areas for waste storage and collection.

### Horticultural Services

The application will require the removal of the recently planted Acer tree at the eastern end of the frontage to accommodate the entrance to the basement car park. Originally Horticultural Services recommended a distance of 2.6 metres be required from the tree. However, on the basis that the tree is a juvenile species and the established street trees will not be affected, the tree can be removed at the developer's costs.

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

The Planning Policy Framework seeks (among other things) to provide for sufficient supply of housing (Clause 11.02-1S), in established areas which are located to services and public transport (Clause 16.01-1S).

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) reiterates the objectives of Plan Melbourne and 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.*

Housing policy at Clause 16 seeks:

*“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*

*Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.”*

*“Plan Melbourne: Metropolitan Planning Strategy 2017-2050”* 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.”*

The strategy identifies Glen Waverley as the most significant Major Activity Centre within the City of Monash. The area is recognised as having an extensive range of goods and services, easy access to good quality public transport and transport routes and is recognised as a major social focus for the municipality and the middle south eastern region. Initiatives seek to locate a substantial proportion of new housing in or close locations that offer good access to services and transport and employment areas.

Increased residential density and dwelling diversity is sought by State and Local policies. The proposed development is considered consistent with the planning policy framework in respect of increased density and housing diversity objectives. The proposed development is considered to be consistent with policy requirements relating to built form and site context which is well designed, of high architectural quality and provides for high levels of internal amenity. The proposed development provides for additional housing at increased residential density within established residential identified for housing growth.

#### **Residential Growth Zone – Schedule 4**

The relevant design objective of RGZ4 seeks:

*“To provide for diverse housing development with appropriate setbacks to allow for landscaping and canopy trees.”*

The Schedule 4 to the Residential Growth Zone (RGZ4) nominates the following variations to Clause 55 applicable to the site:

- *Minimum front street setback – 5 metres.*
- *Minimum side street setback – 3 metres*
- *Landscaping - Retention or provision of at least three canopy trees (two located within the front setback) with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.*
- *Front fence height – no front fence.*

One of the matters to be considered under the Schedule is:

- *Whether the development enables the consolidation and development of sites in a progressive manner that does not result in the creation of small, isolated holdings of land of limited development potential.*

The proposed development on a large consolidated site allows the opportunity for increased density within a landscaped setting and is consistent with the Schedule. The submitted proposal and suggested permit conditions satisfy the above mentioned requirements in terms of front setback and minimum number of canopy trees. The building envelope provides for a street setback of 6 metres to High Street Road and provision of seven new canopy trees and one existing tree within the High Street Road frontage to be retained. Additional canopy tree planting along the frontage will be required as permit conditions as the submitted landscaping plan needs to be revised to reflect the large substation in the frontage now being removed. Although the Schedule nominates no front fencing, the proposed fence has been designed to complement the development and the streetscape and will be discussed below.

**Local Planning Policy Framework**

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

Clause 21.04 (Residential Development Policy) provides Council's goal for residential development in the City to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character. The Policy identifies the site as within Category 1 – Activity Centre with development potential to include more intensive and higher scale.

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies the Glen Waverley Activity Centre as a Major Centre in Monash. Apartments are included within the 'primary focus' of the centre, and strategic directions include allowing for medium rise residential development within the centre.

Clause 22.01 (Residential Development and Character Policy) applies to all residential land and 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 is included in a small pocket nominated as Monash Residual Residential Areas, which mainly applies to several streets immediately around the Glen Waverley Activity Centre. This is a location where housing growth and diversification is supported. Mixed use and apartment development at a density appropriate to the context of the Activity Centre is sought.

Clause 22.05 (Tree Conservation Policy) is to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 10 or more dwellings, a Sustainability Management Plan is required to be prepared and submitted. A Sustainability Management Plan was prepared by Low Impact Development Consulting Pty Ltd indicating that the proposal achieves best practice.

Clause 22.14 applies to the Glen Waverley Activity Centre (Glen Waverley Major Activity Centre Structure Plan) (GWACSP). The Glen Waverley Major Activity Centre is acknowledged as being regionally significant. The vision is for it to be different from its surrounding residential and light industrial uses. The GWSP provides policy guidance for new development within the commercial centre and surrounding residential areas. Higher built form is envisaged, however as with any proposal, the development should make a positive contribution to the public realm and liveability of places through well considered and high quality designs that respond to their physical context.

Relevant strategies and policies seek:

- *“High quality and diverse housing options will be available for a greater number of residents with a range of housing needs” (Clause 22.14-1).*

Clause 22.14-3 applicable Policy:

- *“To encourage the development of a range of housing types within the GWAC to cater to all ages and circumstances, and meet expected population growth;*
- *To promote excellence in architectural quality and design across the major activity centre, defining a contemporary and exciting identity for Glen Waverley;*
- *Ensure that developments contribute to the ‘buildings-in-landscape’ character of the existing residential areas surrounding the GWAC commercial centre;*
- *Ensure new development creates human scaled places that promote visual and pedestrian amenity to enable informal interaction including between neighbours.*
- *Ensure that all development with sensitive interfaces to residential areas and open space is designed to respect valuable qualities of those adjacent places*
- *Avoid large high massing buildings that dominate streetscapes and open spaces.*
- *Design buildings to address the future amenity of the occupants, visitors and those using public streets by maximising accessibility, passive surveillance and internal amenity.*
- *Landscape front setbacks adjacent to the future ring road to contribute to visual and pedestrian amenity, and the environmental sustainability of buildings.*
- *Design developments, including residential developments, to maximise safety, comfort and accessibility for people with all levels of mobility to better provide for changing circumstances, aging in place, and to limit restrictions for visitors.”*

The subject land is located within Precinct 7 (Surrounding Residential Precinct) of the Activity Centre which envisages:

*“The surrounding residential precinct provides a key role in supporting the growth of the centre by delivering a diverse range of housing that is located in close proximity to shops and services, public transport and open space. A number of streets will be enhanced as key walking and cycling routes connecting into the town centre”.*

It is policy to:

*“Encourage the intensification of housing in identified areas on High Street Road, Snedden Drive, Coleman Parade, Myrtle Street, Bogong Avenue and Springvale Road.”*

The Structure Plan is identified as a reference document in this policy.

#### **Glen Waverley Activity Centre Structure Plan**

The GWASP recognises the subject land as an appropriate location for increased residential density, residential intensification, high quality development, housing renewal opportunity and increased housing diversity. Strategies seek to cater to the needs of a changing population by providing additional housing choices and alternative housing forms such as apartments located within walking distance of the activity centre. Architectural quality and integration with surrounding established residential precincts is critical in determining the appropriateness of development.

Relevant built form opportunities applicable to the subject land encourage:

- *“Opportunity for heights of 3-4 storeys;*
- *Ground level setback of at least 5m and side and rear setbacks in accordance with ResCode.”*

The proposed development is generally consistent with applicable policy and built form guidance as envisaged by the GWASP. The maximum 5 storey scale of the development does not meet with the preferred height guidance for development along High Street Road. However, in this case the graduated massing of the development on a large consolidated site provides for suitable height transition with surrounding residential properties.

#### **Neighbourhood Character and Built Form**

New development must be designed to ensure that the design response respects existing neighbourhood character, contributes to the preferred future character and respond to the features of the site. The height and setback of buildings must also respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings. In this case the development must also provide a suitable transition to the sensitive interface of properties to the rear of the site within a General Residential Zone, Schedule 2 where building heights must not exceed 3 storey.

Given the main road locality, proximity to GWAC, RGZ4 zoning and consolidation of four lots, the subject land is considered suitable for an apartment form of the scale proposed. The proposal responds to the features of the site and surrounding area by appropriate building setbacks, landscaping elements along the perimeter of the site and use of a diverse materials and finishes palate with variation in setbacks to break up building massing. The building design is a contemporary response to the context.

It is considered the layout of the development on a large consolidated site allows the opportunity for an increase in height from the preferred height of 13.5 metres within the zone and 3 - 4 storeys recommended in the Structure Plan after consideration of the following:

- The proposal exceeds the maximum height by 3 metres with a maximum height of 16.5 metres to the building parapet. The fifth storey is to be well recessed with a minimum setback of 11.4 metres from the front boundary, between 9 - 11 metres from both sides and between 9-12.2 metres from the rear boundary. The setbacks with a reduced floor area from the third floor assist in minimising the visibility to the street and adjoining properties.
- The length of the frontage to High Street Road of 67 metres together with the front setbacks and variation in building form, allows for transition in mass and the building to sit comfortably on the site without impacting the streetscape.
- The design of the development with the central courtyard and internal separation of 12 metres breaks up the length of all floors of the development, including the fourth floor along the rear elevation.
- The fifth storey is to be constructed in lighter weight materials of metal cladding to be more recessive than the brick and concrete used across the other levels. However, a condition will also require that a lighter colour is used to further visually recess this level.
- The proposed side and rear setbacks to adjoining properties satisfy the setback requirements of Rescode as required by the Schedule.

The development will provide for a suitable built form outcome with the surrounding established residential area, incorporating street setbacks and additional landscaping opportunities consistent with Garden City character policy objectives:

- The front setback of 6 metres in lieu of the 5 metres required under the Schedule, provides an enhanced dedicated landscaped frontage and landscaped side setbacks as envisaged by policy in providing for well designed, high quality development within an attractive garden setting that softens the built form.
- The built form and massing has been designed to present as a two storey wall height to the street with recessed upper levels. At first floor protruding curved balconies provide additional articulation and variation in form and setback to the street. The streetscape façades provide for defined visual breaks in built form and a high degree of façade articulation to reduce the massing impact of a long building across the frontage. At ground level the central entrance to the building is a substantial size and recessed to provide a significant break. This is complemented by two smaller recessed areas and vertical articulation through different materials provided to all levels up to the third floor with the building presenting with four elements rather than one continual façade.
- The building is well articulated along the side and rear elevations both vertically and horizontally through varied setbacks and materials to mitigate the perception of building massing.
- The articulation, setbacks and substantial break in the building at the rear due to the central courtyard, will avoid unreasonable building bulk and provide a suitable transition in height and scale to the to the adjoining properties at the rear of the site and within a General Residential Zone.



- The basement car park ensures car parking will not be visible from the street, provides for an efficient use of the land, a higher density of dwellings and provides an expected design outcome for an apartment building. It also reduces the number of vehicle crossings on a major road and associated hard surface coverage in the frontage.
- The plans are also unclear with respect to the height and location of these balustrade areas and further detail will be required to ensure the bulk of these structures is minimised as much as possible.

The development proposes a 1.5m high rendered brick pier fence with steel pickets which does not satisfy the Schedule that has a preferred requirement that no front fence be provided. In this case the design of the fence is transparent with rendered piers and will complement the building and provide passive surveillance. The fence is to be setback 2 metres from the front boundary and allows for the planting of canopy trees on both sides of the fence to provide an open landscaped setting. The fence also allows for the placement of the site service structures to be incorporated into the fence design and be spaced along the property frontage to minimise visual impact. This is considered site responsive and satisfies the amended Standard D22 that requires meters and services are designed as *“integral component of the building or landscape.”*

Overall, the proposed development is respectful of the scale and character of the surrounding area in that it facilitates suitable transition in scale and form from the established traditional residential areas to the south and west. The proposed development is generally well setback from boundaries and this results in appropriate protection for existing adjoining residential properties.

The proposed building design adopts a contemporary architectural response to the site’s context. The proposed materials include brickwork, decorative screening, metal cladding and rendered facades. The façade treatment provides for an appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimise the perception of visual bulk. The materials will satisfy the new Standard D25 Clause 58 that requires external walls are resilient and weather well over time.

### **External Amenity Impacts**

#### **Overlooking**

Standard D14 (building setbacks) in Clause 58 requires that *“buildings should be set back from side and rear boundaries, and other buildings within the site to....avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.”*

Although the application is not subject to the overlooking requirements of Standard B22 of Clause 55.04-6 (Rescode), the design has applied the same criteria in addressing overlooking into adjoining properties. Standard B22 requires that

habitable room windows and balcony spaces should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony from a height of 1.7 metres above floor level.

The proposed development generally complies with the overlooking requirements of Clause 55.04-6. Appropriate screening and provision of obscure glazing has been provided to respond to overlooking of the adjoining properties. Screening measures have been provided to protect adjoining habitable room windows and secluded private open space within 9 metres of the boundary. There are several windows and balconies at the third and fourth storeys that have not been provided with screening with the potential to overlook due to the setback being less than 9 metres from the rear boundary. This applies to the rear facing balcony to apartments 2.08 and 3.08 and the majority of the habitable room windows on the along the southern elevation. This will be addressed as permit conditions.

The substantial setbacks from the rear and side boundaries allows windows to the fifth storey to not require screening. This will provide increased internal amenity for future occupants as required under Clause 58.

#### Visual Bulk

As discussed, the setbacks from the side and rear boundaries satisfy the standards of Rescode as required under the Schedule. It is noted that the building has incorporated the following design features to lessen the impact of visual bulk to the properties to the west, including:

- The ground floor is to be excavated reducing the height at ground floor to range from 2.2 – 2.4 metres (measured from natural ground level) with a setback of 3.2 metres. This setback will allow for planting along the perimeter to soften the outlook.
- As the height of the building increases the setbacks increases from 4.5 metres to 11.25 metres.
- The presentation along the western elevation at all levels provides for breaks in the building and has been articulated with different building materials.

The adjoining property to the east at No 276 High Street Road provides the dwelling located close to the adjoining boundary (west) and the secluded open space to the dwelling located on the eastern side. As the dwelling extends deep into the block, the development will not impact the visual outlook from the open space. The visual impact from the habitable room windows of the dwelling has been minimised by providing ground floor setback opposite the dwelling generally ranging from 3 metres to 4.5 metres allowing for landscaping along the boundary. There is also a substantial break between ground floor apartments G.07 and G.08 that extends to 9.1 metres opposite the habitable room windows of No 276 High Street Road. This break in the building is continued from ground floor through to the upper levels and allows for more extensive landscaping opposite the windows. As the height of the building increases the setbacks increase to 9.1 metres and 11.6 metres for the fifth

floor. The variation in setbacks at all floors when combined with the use of different building materials and finishes and landscaping softens the outlook from the windows.

The impact to the outlook from the secluded open space of the properties in Barbara Avenue has been addressed by the “U” shape of the building with the courtyard provided in the centre. The courtyard opens up to a width of 12 metres and effectively divides the building to present as two buildings and reduce the length and extent of the building.

#### Overshadowing

Overall, the overshadowing and visual impact of the development to adjoining properties is considered acceptable. Although the application is not subject to the overshadowing requirements of Standard B21 of Clause 55.04-5 (Rescode), the same criteria has been applied as a guide to assess the impact on the amenity of the adjoining dwellings. This requires that *“where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.”*

The development will result in a minor increase in overshadowing to the SPOS of both properties to the west at No 716 High Street Road and 2/4 Fernhill Road at 9.00am. This will not have a significant impact after consideration of existing shadows cast by boundary fences and existing buildings.

Overshadowing to the SPOS of No. 726 High Street Road is minimal with no impact to the primary SPOS to the east of the dwelling. A small section of the open space to the south of the dwelling will receive a minor increase in shadow after 3.00pm having noted that this area is already affected by the dwelling and boundary fencing.

Overshadowing to the SPOS of the properties to the south would be between 9.00am and 1.00pm with a minor increase in shadows cast by the boundary fencing. However, the rear setbacks of the proposed development reduce the impact of shadows on the use of the large open space areas at the rear of each dwelling and is considered minimal.

Any overshadowing caused by the development would satisfy the objectives of Clause 55.04-5 in ensuring buildings do not significantly overshadow existing private open space

#### Wind Impacts

Standard D17 of Clause 58 requires that developments of five or more storeys, (excluding a basement) should not cause unsafe wind conditions to public land, publicly accessible areas on private land, private open space and communal open

space. Developments should also achieve comfortable wind conditions in public land and publicly accessible areas on private land.

The assessment provided Global Wind Technology Services Pty Ltd investigated the wind environment around the proposed development by considering its form and exposure, the nearby existing low rise developments, the local wind climate and the proposed use of ground level areas in and adjacent to the proposed development. The assessment found the development is not expected to produce an unsafe or uncomfortable wind environment.

The desktop assessment and findings conclude that speeds are predicted to approach or marginally exceed the limit for the recommended criteria for the building balconies and on the rooftop terrace. The report has provided the following recommendations to provide a safe and comfortable environment for residents relating to the rooftop terrace but has not recommended any changes to the balconies:

- Minimum parapet height of 1.5 metres on the northern and southern sides of the rooftop terrace.
- Precaution to securely fix or remove lightweight items on balconies and rooftop terrace during high wind events.

The recommendations requires a minor amendment to the plans that can be addressed as permit conditions.

#### **Internal Amenity Impacts**

The proposed development demonstrates good internal amenity outcomes for residents.

The development provides a mix of apartments that range in size proving diversity and choice from 44.6 metres for the smallest one bedroom apartment to 126.5 metres square for the largest four bedroom apartment. Bedroom and living room internal dimensions are compliant with applicable minimum room dimensions of Standard D26 with a functional layout. Whilst the corridors are considered long, each is provided with external light access and are shaped to account for the central courtyard. Entry doors have not been indented from the corridor, but are wide enough to allow for circulation space and provide a sense of entry to each apartment.

#### **Daylight and Cross-Ventilation**

Overall, the design provides the majority of apartments with good access to daylight. Apartments have been designed to be narrow, with limited distance of all areas within the apartments from an external window. The development has reduced the number of apartments with snorkel windows from 48 to 36 bedrooms or 23% of the total number of bedrooms in the building. The dimensions provided demonstrate compliance with Standard D27 that requires a minimum width of 1.2 metres and maximum depth of 1.5 metres and has been assessed to achieve best practice outcomes under the environmental sustainable design assessment.

However, the sustainability report concludes that the second bedroom window to the ground floor apartment G.06 does not achieve daylight criteria. The layout of this apartment is an awkward shape constrained by the ramp to the basement resulting in the bathroom projecting into the passage and poor light provided to the south facing window. It is considered this apartment would be better suited as a single bedroom unit to delete the second bedroom and improve the internal layout.

The report also concludes that 33% of apartments provide for effective cross ventilation. This does not satisfy Standard D29 that requires at least 40%. The non-compliance applies to the majority of the ground floor apartments with only 3 out of the 18 being assessed as compliant. A condition will require that both these issues are addressed to improve the amenity for future occupants.

#### Internal Views

Standard D15 aims to limit views into the private open space and habitable rooms within the development. This has been addressed by offsetting windows facing the central courtyard to avoid direct views within 9 metres and providing louvered screening to balconies. The louvres will provide an outlook to the central courtyard and also privacy for residents. There are some bedroom windows that directly face each other, however due to the “U” design of the building there is a distance of between 10 and 12 metres which is satisfactory as it exceeds 9 metres.

#### Private Open Space

Overall the private open space for the apartments is generally compliant with the Standard D20 as ground floor units have access to an outdoor space of at least 25 square metres with access to a terrace and upper floors provided with balconies. However, there are several apartments that the private open space arrangement needs revision to provide all occupants with a quality area as required, these are discussed below.

The apartments at the rear or the southern end of the building at all levels have been provided with a balcony with either an eastern or western orientation which is preferable to south facing (except for Apartment 2.13). However, there are several balconies that are covered by the upper levels, particularly at the rear of the building. At ground floor this is not as critical as these apartments have access to ground floor space at the rear of the building.

The two apartments on the south side of the internal corridor, facing south to the common courtyard on the second, third and fourth storeys are all internal within the building and south facing and covered by floors above. However, these areas will be compensated with a direct outlook to the central courtyard that does not require screening. Notwithstanding this, a proposed condition will require the length of these balconies (running north-south) to be increased at the second storey (Apartments 1.12 and 1.13) by an additional 1 metre, and at the third storey (Apartments 2.10 and 2.11) by 0.5m to allow for the lower levels to have a small area of balcony which is clear to the sky.

The balconies associated with Apartments 1.11 and 1.14 will also result in poor amenity, as they are completely covered by the levels above, and will also be shadowed by the building form to the north. A condition will require that these balconies are not covered by more than 50% the area of the balcony. This will require either reconfiguration of these apartments, or the bedrooms on the levels above.

The secluded open space to apartments G.12 and G.13 has the main area leading from the living room with a dimension of only 1.5 metres with a larger area provided without a connection to the living room. These areas need to be redesigned to provide a minimum dimension of at 3 metres with connection to the living room as required by Standard D20. This may have consequential changes to the shape of the central courtyard and may also affect the layout of the adjoining apartments but can be addressed as condition.

The ground floor secluded open space for apartment G.03 satisfies the minimum area but is affected by the location of the enclosure for the gas metre. The structure has a height of 1.5 metres and an area 5 metres square and is located adjacent to the paving area and within the SPOS. The structure has a setback of 2 metres from the street and integrated into the fence as with the other structures but extends into the SPOS. Although the landscaping plan provides shrub planting around the enclosure within the SPOS, it is considered a feature wall with additional detail on the species to effectively screen the structure, to improve the outlook for the occupants. This will be required as a condition on permit. An additional condition will also require the location of all internal fencing to private open space areas to be shown on the development and landscaping plan.

#### Communal Open Space

The apartments will be provided with a large area of communal open space to the roof top with an area of 216 square metres that will receive good access to sunlight. This satisfies the Standard of D7 that requires a minimum area of 202 metres square. There is also the central courtyard at ground level and communal gym and theatre room/bar. Although the gym and theatre spaces are located in the basement, they will provide additional facilities for residents above the minimum requirement and are not areas requiring natural light for interaction. It is considered the proposed standard 1.8 metre high timber fencing of the ground floor apartments adjoining the central court yard should be replaced with higher quality decorative screenings.

A condition is required to restrict access from the door on the southern side of the lift is for access to services only.

The development generally complies with accessibility design requirements of Standard D18 including apartments providing for widened door openings, internal corridors and adaptable bathrooms. The communal area and apartment

entrances will be provided with the required door openings and at least 50% of the apartments will satisfy the accessibility requirements.

All apartments have been provided with storage areas as required.

### **Landscaping**

The development incorporates a comprehensive landscaping treatment integral to the overall design response. As discussed, proposed conditions will require a revised plan showing the deletion of the large substation originally proposed in the property frontage and replaced with an additional canopy tree and landscaping.

The plan provides for trees within the street setback areas and substantial planting along the perimeter of the site adjacent to adjoining residential properties. The planting of trees and shrubs around the perimeter of the site will contribute to the 'greenness' of the neighbourhood.

Additional permit conditions are required deleting the extent of paving in the front setback, particularly at the main entrance to be consistent with the development plans. The relocation of the bicycle spaces to be integrated into this front entrance area may also assist in reducing the amount of hard paving. Further to this, deleting the pedestrian pathway leading from the street and along the western boundary is required. The proposed pathway significantly reduces the width of the landscaping area along this side setback and reduces the privacy to the secluded open space area of apartment G.01. The landscaping plan also needs to provide details of the planting to the upper floor balconies to achieve a cascading effect over the balcony edges as depicted on the development plans.

The proposed basement car park and the building are set back from each boundary allowing for sufficient space for landscaping throughout the site, although opportunities for deep soil planting adjacent to the eastern boundary are constrained by the basement ramp. Nevertheless, the basement and ground floor setbacks provide adequate room for landscaping along the eastern boundary to soften the built form.

The amended Standard D10 provisions of Clause 58 require a total of 15% of the site area of deep root planting to be provided. An area of 950 square metres of canopy cover is required across the site including the deep root planting and the provision of planters. This also must include either 2 medium trees (8-12 metres in height) within 49 square metres of deep soil or 1 larger tree (above 12 metres in height) within 121 square metres of deep soil. The submitted landscaping plan provides a total of 17% of the site area proposed for deep root planting around the perimeter of the basement which satisfies the standard.

The proposed number of trees exceeds the standard for tree planting with a total of 43 trees proposed, of which 36 that will reach a height of at least 8 metres. The

proposed development provides for additional landscaping in planters within the central courtyard and roof deck and provides a comprehensive treatment

The single, double width access ramp in addition to the removal of the three existing vehicle crossovers on the large property frontage of over 65 metres allows for substantial space for meaningful landscaping within the front setback of the site. The location at the eastern end of the frontage ensures there is no impact to the established street trees at western end of the frontage in the front of 718 High Street Road. This will require the removal of a juvenile street tree on the nature strip in the front of 724 High Street Road, but is a preferred location as it allows for minimal disruption to the front setback to establish new planting on the property. There are two existing trees within the property of 724 High Street Road that are identified as medium retention value, only one of which one is to be retained due to the location of the ramp to the basement.

### **Car Parking, Traffic and Access**

The proposal provides in excess of the requisite number of car parking spaces pursuant to Clause 52.06 as detailed in the following table:

	No. of dwellings	Clause 52.06 requirement	Car spaces required	Car spaces provided
<b>One and two bedroom dwellings</b>	52	1 space per dwelling	52	52
<b>Three bedroom dwellings</b>	17	2 spaces per dwelling	34	44
<b>Visitor parking</b>	69	1 space per 5 dwellings	13	13
<b>Total required</b>			<b>99</b>	
<b>Total provided</b>				<b>109</b>

The development provides for sufficient on-site car parking. The proposal has a statutory requirement to provide 99 car spaces with 86 spaces required for residents. A total of 109 car spaces are proposed to be provided on-site in excess of the Planning Scheme requirements. A condition is required showing the location of facilities for the charging of electric vehicles as nominated in the sustainability report

Vehicular access to/from the site is proposed to be via a new double width crossover located in the north-east corner of the subject site. This is a modification to the existing single width crossover. The other three vehicle crossovers will be removed and nature strip reinstated. The Department of Transport has consented to the modified access arrangement subject to conditions.

Council's Traffic Engineers have requested additional detail on the design of the new vehicle crossing and traffic island to be addressed as a condition on permit. The Engineers have advised the predicted traffic generated of 33 vehicle



movements/peak hour is low and is expected to have a negligible impact on the surrounding road network. Vehicle turning movements are satisfactory. All vehicles can exit in a forward direction.

**Additional Issues raised by Objectors**

One objector has raised issue that the Arborist report only assesses the properties at 718 and 724 High Street Road and not all four properties. The assessment of vegetation on the middle two properties was undertaken in consideration of the previous application for No 720- 722 High Street Road with Permit TPA/49276 issued on 2 May 2019. At the time it was determined that the vegetation on the properties was not significant and was not required to be retained with the development.

Other issues raised by objectors have been addressed within the body of this report.

**CONCLUSION:**

The amended design response has responded to the issues raised with the original plans and satisfies the objectives of the Residential Growth Zone Schedule 4 and the Glen Waverley Activity Centre Structure Plan.

The large site provides an opportunity for more intensive development in a landscaped setting and will provide an appropriate mix of housing diversity and additional housing making a meaningful contribution to urban consolidation. The design is site responsive and provides a suitable transition to the adjoining residential areas as required by the objectives of state and local policies.

The proposed development is appropriate subject to conditions set out in this report.

**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.