

Report Prepared for: EBG Developments

September 2021

ADVERTISED COPY

Town Planning Report

1-9 Allen Street &
777-781 Warrigal Road,
Oakleigh

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planning:report

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Appendix A Certificate of Title

1.1 Instruction

Ratio Consultants has been engaged by *EBG Developments*, the permit applicant in this matter. This report provides a town planning assessment in support of a planning permit application for the use and development of the land for a retirement village and an associated car parking dispensation.

1.2 Investigation and Research

In the preparation of this report, we have:

- Reviewed the previous planning permit and endorsed plans for an aged care facility on the site;
- Assessed the proposal against the relevant planning controls and policies contained within the Monash Planning Scheme;
- Inspected the site and surrounds;
- Reviewed the application plans prepared by VIA Architects Pty Ltd;
- Reviewed the Landscaping Plan prepared by John Patrick Landscape Architects;
- Reviewed the Sustainable Management Plan prepared Integrated Group Services;
- Reviewed the Stormwater Management Plan prepared by Integrated Group Services;
- Reviewed the Market Assessment prepared by One Fell Swoop;
- Reviewed the Traffic Engineering Assessment prepared by Traffix Group; and
- Reviewed the Waste Management Plan prepared by Traffix Group.

1.3 Ageing in Place

The proposal is for a retirement village for residents seeking to downsize and 'enjoy life' in a retirement village setting where residents can age in place within their established community.

The facility will provide excellent amenities to the residents and will offer residents an excellent quality of life and a strong sense of community with others in the retirement village.

1.4 Summary

In summary, it is submitted that the proposal should be supported because:

- It is consistent with the strategic directions of State and Local Policies set out within the Monash Planning Scheme;
- The retirement village use will provide a high quality facility that serves the needs of the ageing population and is appropriate given the site context;
- The scale and siting of the proposed building is responsive to the residential context of the land, the relevant property abutments, and the previous planning approval;
- The development will provide high-quality facilities and deliver excellent amenity outcomes for future occupants;
- The proposed development will not have unreasonable impacts on surrounding residents and community uses;
- The proposed car parking provision will appropriately serve the retirement village; and
- The development will achieve a strong net community benefit.

2.1 Subject Land

The subject site is an amalgamation of several different parcels of land, which forms an irregularly shaped site including 1-9 Allen Street, 777, 779, and 781 Warrigal Road, Oakleigh.

The site is generally bounded by Warrigal Road to the west, Allen Street to the south, and Scotchmans Creek to the east, and the OC Connections site to the north.

Figure 2.1 – Location Map



Source: LASSI (<https://maps.land.vic.gov.au/lassi/>)

The key features of the site are summarised as follows:

- The consolidated development site includes a 115.5 metre frontage to Allen Street and a 44.5 metre frontage to Warrigal Road.
- The site has an overall site area of approximately 6309m².
- No. 1-9 Allen Street has been cleared and is currently vacant.
- No. 777 – 781 Warrigal Road is currently developed with single storey dwellings.
- The site features a slope down from Warrigal Road to the Scotchmans Creek interface, with the site falling approximately 7 metres between the south-west to the north-east corners.
- The site features a double-width crossover to Warrigal Road servicing 777 and 779 Warrigal Road, whilst there are five (5) crossovers (varying in width) along Allen Street.
- There are a number of existing street trees along Warrigal Road and Allen Street, however the subject site feature minimal private realm vegetation.

Figure 2.2 - Street view of 1-9 Allen Street from south-west corner/Allen Street

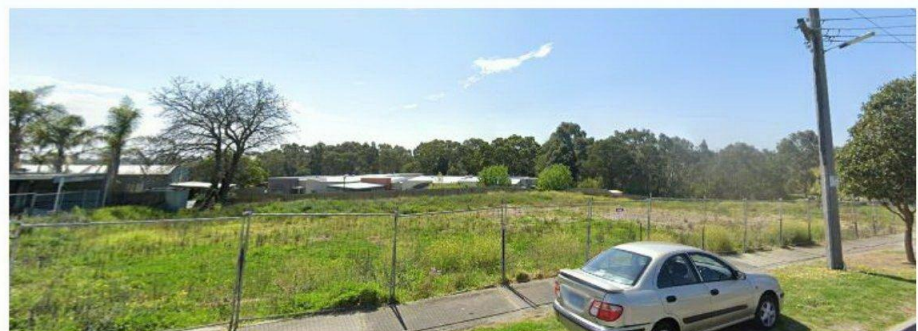


Figure 2.3 - Street view of 1-9 Allen Street from south-east corner/Allen Street



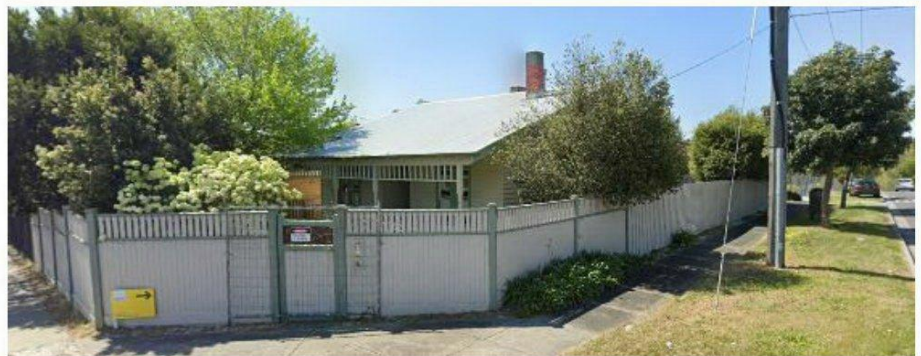
Figure 2.4 - 777 Warrigal Road



Figure 2.5 - 779 Warrigal Road



Figure 2.6 - 781 Warrigal Road



2.2 Surrounding Land

The subject site is located on the eastern side of Warrigal Road in a small area of residentially zoned land bound by Warrigal Road, Allen Street and Scotchmans Creek.

With regard to the specific interfaces, we note the following:

North

- To the north of the site is No. 773 Warrigal Road and 775 Warrigal Road.
- No. 773 Warrigal Road is occupied by OC Connections, a disability service provider. The site includes a large single storey facility generally located to the north/east section of the site, whilst a car parking area is located adjacent to the southern boundary.
- No. 775 Warrigal Road is occupied by a single storey respite facility.
- These properties are located within the Neighbourhood Residential Zone, Schedule 2.

East

- To the east of the site is Scotchmans Creek Linear Reserve.
- The reserve features large areas of vegetation that flank a pedestrian/bicycle path. The reserve incorporates a playground opposite the site, while sports fields and a golf course are in close proximity to the site.
- The reserve is located in the Public Park and Recreation Zone.

South

- To the south of the site is Allen Street, a local road which provides 30 car parking spaces within a central aisle which separates east- and west-bound traffic.
- The residential area on the southern side of Allen Street is developed with a diverse range of single storey dwellings including Federation, Edwardian, Californian bungalows / Spanish mission and some post war dwellings. The dwellings provide a mix of materials, built form responses, and feature a mixed landscape character.
- The dwellings, including 2A, 2, 6, 8, 10, 12, and 14 Allen Street all front Allen Street, whilst No. 783 Warrigal Road is located on the corner of Allen Street and Warrigal Road, fronting Warrigal Road.
- These dwellings on the south side of Allen Street are located in the Neighbourhood Residential Zone, Schedule 1.

West

- To the west of the site is Warrigal Road, a dual carriageway consisting of six (6) traffic lanes. Warrigal Road is located within the Category 1 Road Zone.
- On the western side of Warrigal Road are a range of dwellings typologies, ranging from single storey dwellings to 4-storey apartment complexes.
- Land abutting the western side of Warrigal Road is located within the Residential Growth Zone, Schedule 1.

Notably, this land is located within the City of Stonnington.

2.3 Neighbourhood Context

The surrounding context contains some variances in built form, however the prevailing neighbourhood character is a mixture of single and double storey dwellings with hipped and tiled roofs.

The site is located along Warrigal Road between the Princes Highway and Monash Freeway.

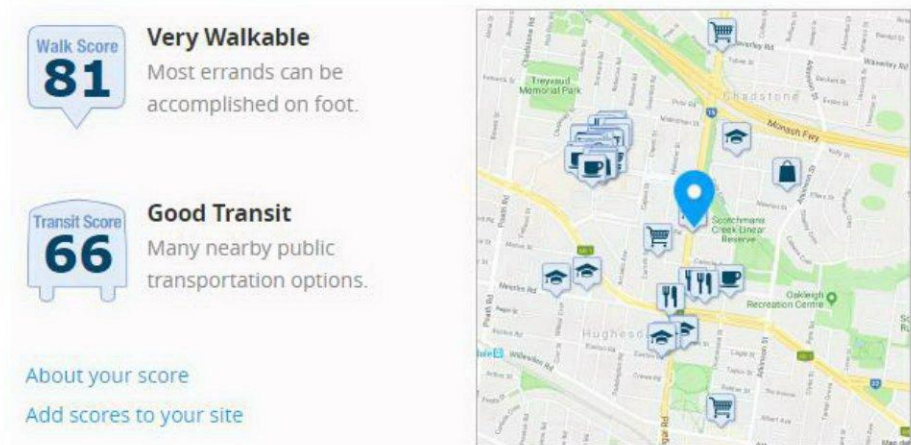
The site is well located, being in close proximity to the Chadstone Shopping Centre (300m west of the site) which is a Principal Activity Centre and major shopping precinct. Further, the Oakleigh Major Activity Centre is located approximately 1km to the south.

The eastern end of the street falls significantly towards Drummond Street and the Scotchmans Creek Linear Reserve. The Scotchmans Creek reserve abuts the eastern boundary of the site and features a vegetated interface. The reserve incorporates a playground opposite the site, while sports fields and a golf course are in close proximity to the site.

Public transport within the vicinity of the site is readily available as services along Warrigal Road provide access to the major bus interchange at Chadstone and the Oakleigh Railway Station.

Notably, this is reflected in the site having a Walk Score of 81 (with the site being Very Walkable) and Transit Score of 64 (with the site having Good Transit) as established by Walkscore.

Figure 2.7 - Walkscore Rating for Subject Site



Source: Walkscore <https://www.walkscore.com/>

2.4 Planning Permit No. TPA/49990

Planning Permit No. TPA/49990 was directed to issue on the subject site by the Victorian Civil and Administrative Tribunal (the Tribunal) in the matter of *Steller Care Oakleigh Pty Ltd v Monash CC [2019] VCAT 1670*.

The Tribunal directed that the permit be issued to allow:

- Construction of a residential aged care facility.
- Use and development of the land for a medical centre.
- Alteration of access to a road in a Road Zone Category 1.

More specifically, the approved built form of the development can be described as follows:

- A three-to-four storey building, featuring an overall maximum height of 13.3 metres.
- A basement car park featuring 56 on-site car parking spaces.
- A central internalised break for outlook opportunities.
- A pick-up and drop off zone along Allen Street.

Figure 2.8 - Warrigal Road frontage - Approved Scheme

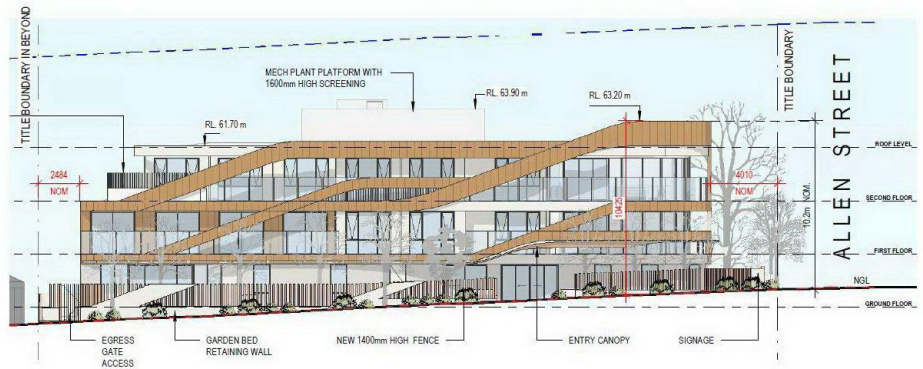


Figure 2.9 - Allen Street frontage - Approved Scheme (western end)



Figure 2.10 - Allen Street frontage - Approved Scheme (eastern end)



Figure 2.11 - Aerial Image of Subject Site Context



Source: <https://app.landchecker.com.au/> (2 April 2021)

Figure 2.12 - Aerial Image of Subject Site



Source: <https://app.landchecker.com.au/> (2 April 2021)

3 The Proposal:

The proposal seeks planning approval for the use and development of the land in association with a retirement village and an ancillary food and drinks premises.

As part of the proposal, the development will require a car parking dispensation associated with the food and drinks premises, while the development will also remove the crossovers and reinstate a naturestrip along Warrigal Road, and will erect signage at the corner of Warrigal Road and Allen Street.

Accordingly, the proposal is seeking planning permission for:

'The use and development of a retirement village, alterations to a Road Zone Category 1, business identification signage, and a reduction to the car parking rate.'

More specifically, the proposal can be described as follows:

Uses

- Use of the land for 'retirement village' (accommodation), comprising 84 retirement apartments.
- The ancillary 'café' (food and drinks premises) occupies a 120sqm tenancy which will primarily service the residents but will be open to the community. As such, while the premises will operate individually, it is ancillary to the operation of the retirement village.

Buildings and Works

- Construction of a part 3-, part 4-storey development comprising 84 retirement apartments and car parking as follows:
 - Lower Ground Floor – a 104 x car 'basement' with BOH access, the café tenancy, a range of communal facilities including a cinema, private dining rooms, gym, physio, and yoga facilities, a games room, a lounge area, and 6 x apartments including 1 x 1-bed apartment and 5 x 2-bed apartments.
 - Ground Floor – a northern outdoor terrace, a central communal area and void, and 27 x apartments including 1 x 1-bed apartment, 21 x 2-bed apartments, and 5 x 3-bed apartments.
 - First Floor – a central communal area and void, and 28 apartments including 1 x 1-bed apartment, 20 x 2-bed apartments, and 7 x 3-bed apartments.
 - Second Floor – a communal greenhouse room, an external 'rooftop' terrace, a central communal area and void, and 23 x apartments including 2 x 1-bed apartments, 16 x 2-bed apartments, and 5 x 3-bed apartments.
- The building has been designed in an 'S' shape and thus provides recesses adjacent to the northern and southern boundary.
- The development will comprise a maximum overall building height of 12.75 metres above natural ground level.
- The development proposes site coverage at 62% and permeability of 20%.
- An approximate 1.5-metre-high render and picket fence along with a 3-metrehigh (required) substation is proposed to High Street Road.
- Landscaping is proposed to all boundaries and communal open spaces, whilst landscaping is also proposed within the private courtyards.

Figure 3.1 - Render of Development from Allen Street



Figure 3.2 - Render of Development from Warrigal Road and Allen Street



Figure 3.3 - Render of Development from Scotchmans Creek Reserve



Access and Transport

- The proposal will provide pedestrian access from Warrigal Road and Allen Street.
- The proposal will provide vehicle access from Allen Street via a 5.5-metre-wide crossover, which will provide access to the basement at lower ground level.
- The basement will contain 104 x car parking spaces for residents in accordance with the requirements of Clause 52.06.
- The vehicle access will provide direct access to the main entrance to the building, which is proposed to include a porte-cochere over the entrance area.
- The proposed access will result in the removal of 5 vehicle crossovers, including 1 double-crossover on Warrigal Road and 4 crossovers along Allen Street.
- The removal of the crossovers will be complemented by the reinstatement of the naturestrip and the addition of 5 car parking spaces along Allen Street.
- The development also provides 20 bicycle parking spaces within the development.

Please refer to the submitted Traffic Impact Assessment for a full assessment of traffic and parking issues.

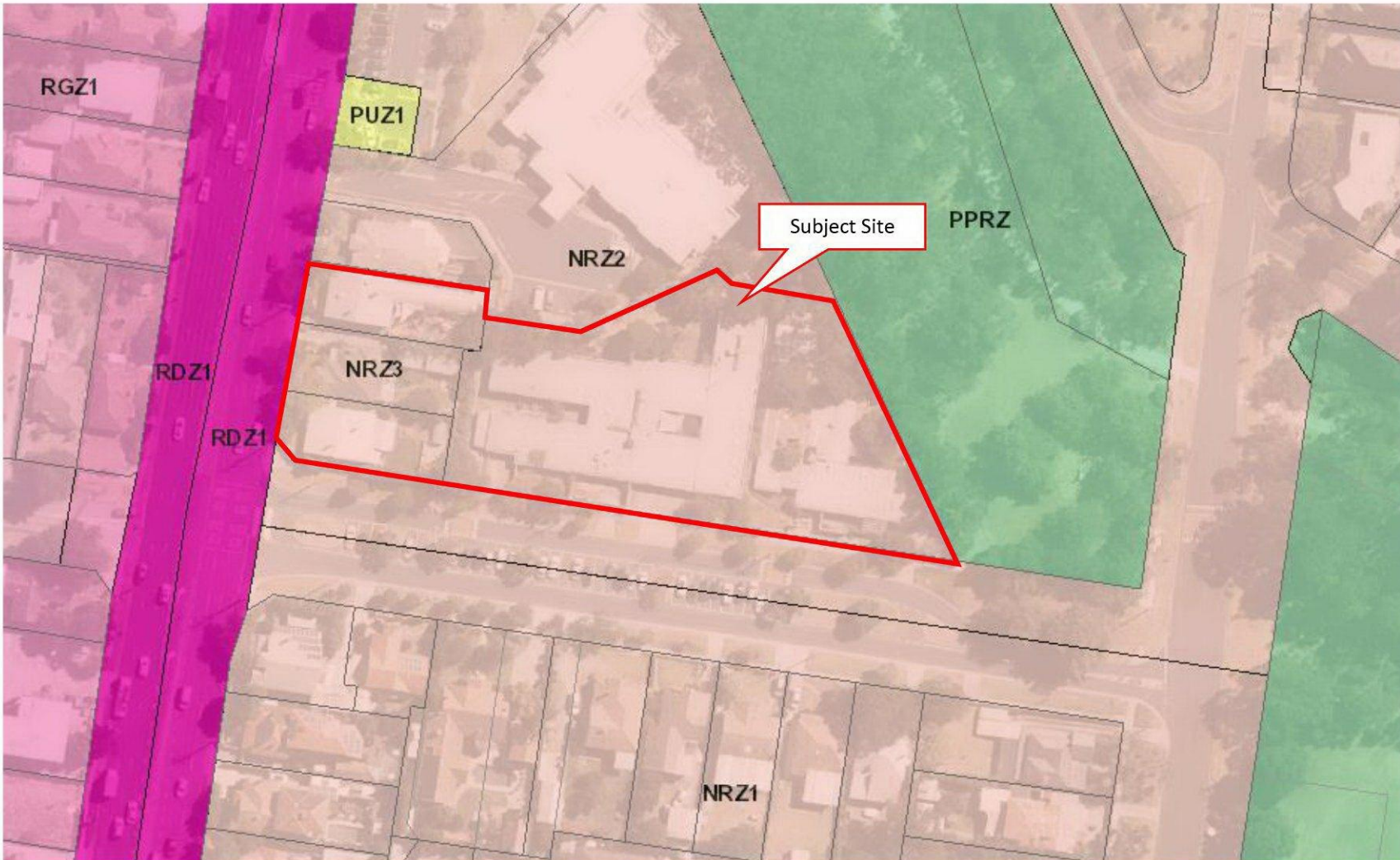
4.1 Relevant Planning Controls of the Monash Planning Scheme

Table 4.1 - Planning Controls and Provisions

Statutory Planning Controls	
Neighbourhood Residential Zone Schedule 2 (NRZ2) and Schedule 3 (NRZ3)	<p>Clause 32.09-2 – a <u>permit is required</u> to use of land for accommodation (retirement village), a Section 2 use.</p> <p>Clause 32.09-9 – a <u>permit is required</u> to construct a building or construct or carry out works for a Section 2 use.</p> <p>Importantly, given the proposed use, the application is <u>not</u> subject to the requirements of ResCode or the Better Apartment Design Standards (BADs).</p> <p>Schedule 2 relates to the Creek Abuttal Areas, whilst Schedule 3 relates to the Creek Environs Area.</p>
Overlay Controls	<u>There are no overlay controls</u>
Particular Provisions	
Clause 52.05 – Signs	<p>The subject site is in a Category 3 sign area, which is subject to medium signage limitations.</p> <p>Clause 52.05-13 confirms that a permit is required for business identification signage.</p>
Clause 52.06 – Car Parking	<p>Clause 52.06-5 establishes the following car parking requirements:</p> <ul style="list-style-type: none"> — 1 car parking space to each one- and two-bedroom dwelling (unit) in a retirement village; — 2 car parking spaces to each three or more-bedroom dwelling (unit) in a retirement village; and — 3.5 car parking spaces per 100sqm of leasable floor area of the food and drinks premises. <p>Given the site is within the Principal Public Transport Network (PPTN), no visitor car parking is required.</p> <p>The proposal provides for 67 x one and two-bedroom units, whilst the proposal provides for 17 x three or more-bedroom units. This generates a resident car parking requirement of 101 car parking spaces.</p> <p>Given 104 car parking spaces are provided, the proposal provides sufficient car parking for the future units.</p> <p>A car parking dispensation <u>will be required</u> for food and drinks premises car parking.</p>
Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	Clause 52.29-2 – a permit is required to: create or alter access to a road in a Road Zone, Category 1.

Clause 53.17 – Residential Aged Care Facility	This policy <u>does not apply</u> to this application given the proposal is for a retirement village
Clause 53.18 – Stormwater Management in Urban Development	The proposal must ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater. An SMP report has been prepared by IGS in conjunction with this application.
Clause 55 – Two of More Dwellings on a Lot and Residential Buildings	This policy <u>does not apply</u> to this application given the proposal is for a retirement village.
Clause 64.01 – Land Used for More Than One Use	The proposal seeks to provide for the use of the land for a retirement village and a food and drinks premises.
Clause 64.01 – Land Used in Conjunction with Another Use	The proposal seeks permission for a café use in conjunction with the retirement village use.
Clause 65.01 – Approval of An Application or Plan	‘Decision Guidelines’ states that, before deciding on an application, considerations should be given to a series of matters including the purpose of the zone, overlay or other provision, the orderly planning of the area and the effect on the amenity of the area.

Figure 4.1 - Zoning Map



Source: VicPlan (<https://mapshare.vic.gov.au/vicplan/>)

5.1 Planning Policy Framework (PPF)

There are various PPF provisions that are relevant to this proposal. These include:

- Clause 11.01-1S and 1R – Settlement
- Clause 11.02-1S – Supply of Urban Land
- Clause 12.05-2S – Landscapes
- Clause 13.07-1S – Land use compatibility
- Clause 15.01-1S and 1R – Urban Design
- Clause 15.01-2S – Building Design
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.02-1S – Energy and Resource Efficiency
- Clause 16.01-1S and 1R – Housing Supply
- Clause 16.01-2S – Housing Affordability
- Clause 18.01-1S – Land Use and Transport Planning
- Clause 18.02-1S and 1R – Sustainable Personal Transport
- Clause 18.02-2S – Public Transport
- Clause 18.02-2R – Principal Public Transport Network
- Clause 18.02-4S – Car Parking
- Clause 19 – Infrastructure
- Clause 19.02-1S – Health Facilities

The PPF provisions in relation to the proposal generally seek to support the provision of well-designed facilities that respond to demographic trends, are appropriately accessible and serviced, and fit comfortably within the site context.

Importantly, the PPF recognises the need to anticipate future demands, integrate important services into the community, and provide flexibility in the use of health and other facilities. Further, the PPF supports a wide range of housing typologies for an ageing population, increased housing choice, and diversity and better use of existing infrastructure

5.2 Local Planning Policy Framework (LPPF)

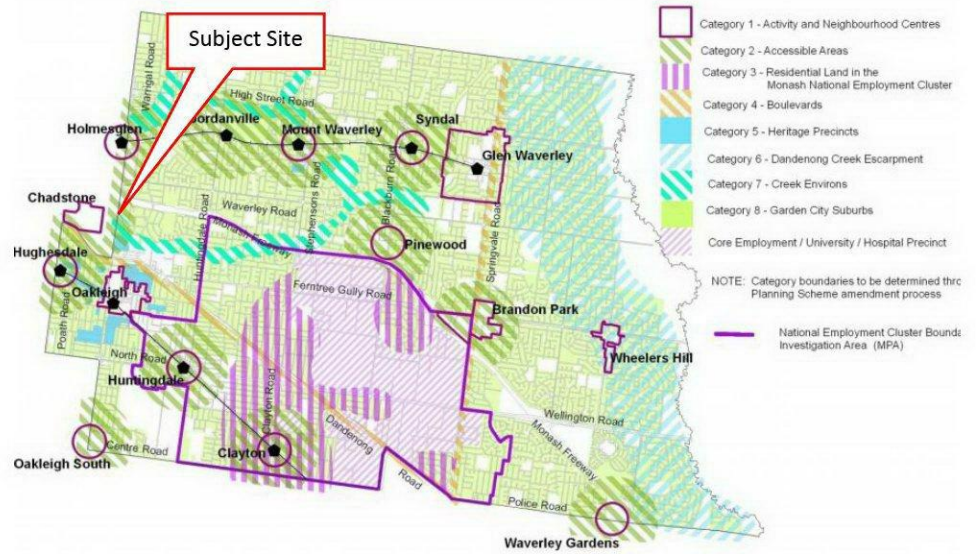
Relevant policies within the LPPF include:

- Clause 21.04 – Residential Development
- Clause 21.08 – Transport and Traffic
- Clause 21.10 – Open Space
- Clause 21.13 – Sustainability and Environment
- Clause 22.01 – Residential Development and Character Policy
- Clause 22.04 – Stormwater Management Policy
- Clause 22.05 – Tree Conservation Policy
- Clause 22.09 – Non-Residential Use and Development in Residential Areas
- Clause 22.13 – Environmentally Sustainable Development Policy

Municipal Strategic Statement (MSS)

The Municipal Strategic Statement (MSS) at **Clause 21** generally seeks to encourage appropriately designed residential housing growth in accessible areas of the municipality, such as the subject site (**Clause 21.04**). Similarly, **Clause 21.04** identifies the need to provide accessible housing opportunities for the ageing population of the municipality and surrounds. Further, the MSS seeks to ensure that development appropriately responds to available transport opportunities and seeks to mitigate potential detriment to the local amenity (**Clause 21.08**).

Figure 5.1 - Residential development framework map (Clause 21.04)



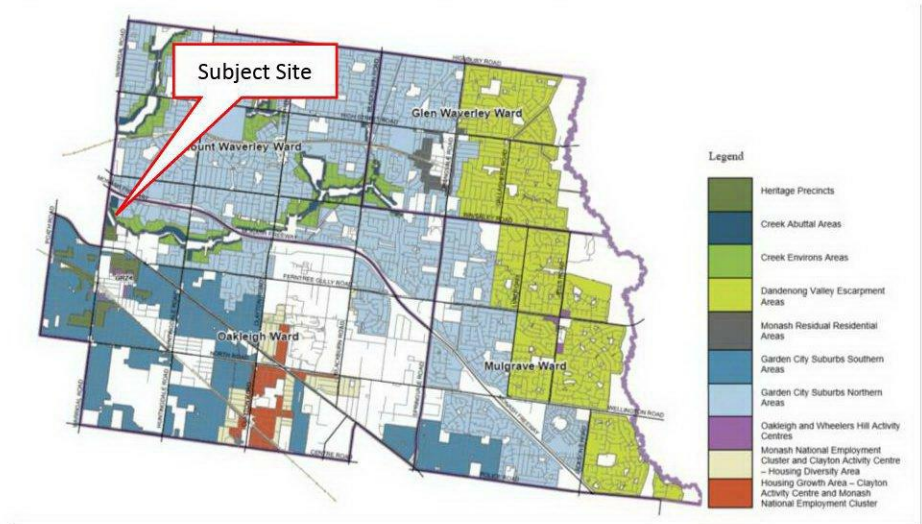
Source: Monash Planning Scheme

The MSS at **Clause 21.10** identifies the various open spaces provided within the municipality and the importance of providing accessible open spaces that are close to residential areas. Meanwhile, policy at **Clause 21.13** acknowledges the need for the development to be sustainable and achieve good quality ESD outcomes.

Local Planning Policies

Clause 22.01 (Residential Development And Character Policy) identifies that the site is located within the Creek Abuttal and Creek Environs areas, which is reflected in Schedules 2 and 3 to the Neighbourhood Residential Zone.

Figure 5.2 - Monash Residential Character Types (Clause 22.01)



Source: Monash Planning Scheme

This policy includes important character guidance of relevance to the application, including:

- *Consistency in front setbacks and the maintenance of larger setbacks from the creek which will provide areas for planting and sustaining larger trees'*



- *‘Will be well-designed, energy efficient and adhere to sustainability principles’*
- *‘Design emphasis should be placed on promoting the preferred neighbourhood character by responding to the landscape setting’*
- *Development will visually connect to the creek environment through the use of colours and materials for buildings and fencing that blend with, rather than contrast with it’*
- *‘Development on adjoining residential sites should seek to respect and enhance the existing character of these open spaces’*

Section 6 of this report appropriately considers the built form and character outcomes of the proposal.

Clause 22.04 (Stormwater Management Policy) requires that all development consider the stormwater runoff. The proposal is accompanied by an ESD Report (Sustainability Management Plan) which appropriately considers the required stormwater matters.

Clause 22.05 (Tree Conservation Policy) seeks to reinforce the need to maintain and enhance the tree canopy within the City of Monash.

Clause 22.09 (Non-Residential Use and Development in Residential Areas) seeks to provide policy guidance and criteria for considering non-residential uses and development within residential areas.

Clause 22.13 (Environmentally Sustainable Development Policy) provides guidance for development and seeks to encourage best practice environmentally sustainable development. This policy requires the preparation of a Sustainability Management Plan, which we note has been prepared and provided with this application.

5.3 Key Reference Documents

- Plan Melbourne.
- Monash Housing Strategy 2014 (prepared by Planisphere).

6.1 Introduction/Overview

Clause 71.02-3 of the Monash Planning Scheme promotes the “balancing” of sometimes conflicting policies in favour of net community benefit and sustainable development.

In this case, we say the “balancing act” needs to assess matters such as the value of providing a retirement village on a key redevelopment site in an excellent location, against other matters such as character and amenity considerations.

In particular, we say the proposal prompts the following questions:

- Is there general strategic support for the proposal?
- Is the proposed use appropriate?
- Is the proposed built form appropriate to its context?
- Will the proposal have acceptable amenity outcomes?
- Is the proposal appropriate having regard to traffic and waste considerations?
- Will the proposal achieve a net community benefit?

6.2 Is there general strategic support for the proposal?

The proposal seeks to provide an retirement village proposal that seeks to provide residents the opportunity to downsize into apartment style living in a ‘vertical’ retirement village where residents can age in place within an established community.

Planning Policy Framework (PPF)

The PPF seeks to anticipate and respond to the needs of existing and future communities, through the provision of zoned and serviced land for a range of uses, including housing, employment, recreation and open space, commercial and community facilities, and infrastructure.

Importantly, policy acknowledges the need to create mixed use neighbourhoods and increase housing choices and opportunities (**Clause 11.01-1R**). Similarly, policy directs consideration to the potential for consolidation and intensification where appropriate within the existing urban context (**Clause 11.02-1R**).

Policy seeks to encourage a liveable city that can support and foster a sense of community within quality environments (**Clauses 15.01-1S and 1R**). Development is also sought to achieve high quality design, support neighbourhood character, and provide a sense of place (**Clause 15.01-2S; Clause 15.01-5S**).

A diversity of housing typology and form is an essential component of the land use network to provide a mix of housing styles to meet the needs of a diverse community, whilst providing housing will further help support this mix of housing offerings (**Clause 16.01-1S**). This is even more so for the ageing population who require varying access to care and support services (**Clause 16.01-5S**).

Policy also identifies the importance of taking into account trends and anticipated future demand for services within a community (**Clause 19.02-1S**).

Local Planning Policy Framework (LPPF)

In addition to the above, the LPPF also seeks to support and protect existing and future communities through guiding development to be appropriately located and designed.

Notably, local policy divides residential development into areas that have development potential, areas that have limited development potential, and areas

that are anticipated to experience incremental change (**Clause 21.04**). The location of the subject site is in an area where it is acknowledged that there is development potential based on the accessibility of the area. This policy also notes that it wants to *'encourage... purpose built housing to cater for Monash's ageing population'*, indicating the strong support for the proposed retirement village use.

Further, local policy identifies the ageing nature of the City of Monash's population and the need to provide accommodation for the ageing population close to their social networks (**Clause 21.01**).

Contextual Considerations

Contextually the site provides an excellent opportunity for the strategic development of a retirement village, noting:

- This is a large consolidated landholding and located on a corner;
- The site does not directly abut any dwellings;
- The site is located on a Category 1 Road Zone;
- The site has good transport and walkability as confirmed by Walkscore;
- The proposal will not isolate dwellings from the surrounding residential area due to the corner lot location; and
- The site has an outlook and ready access to Scotchmans Creek linear reserve.

In summary, the proposal has strong strategic policy support at both the State and Local level. The large well-located site provides the perfect site for a well-designed retirement village that will provide for a specific segment of the community (ie retirees).

6.3 Is the use acceptable?

The proposed use for residential village (accommodation) requires a planning permit and as such, consideration must be given as to whether the proposed use is acceptable in the context. Notwithstanding this, it is evident that a retirement village is a residential use in a residential location and this clearly weighs heavily in support of the use.

Community Need

This application is accompanied by a market assessment prepared by One Fell Swoop which was prepared prior to the engagement of any sub-consultants to understand whether there was demand within the market for a retirement village.

As identified on page 50 of the report, there is the potential for the significant undersupply of retirement living (retirement village) units within the area over the next decade. Further, the report identifies that there has been a lack of new, modern facilities, with the report acknowledging that most of the existing supply is over 20 years old and will not offer the modern and adaptable facilities that will be expected of an ageing population in the future.

Accordingly, there is an identified need for retirement village uses within the area. There is also a lack of existing high quality apartment style retirement living units.

Consistency with Zone

The Neighbourhood Residential Zone (NRZ) establishes 'retirement village' (accommodation) as a discretionary use. Given that a retirement village is a residential use it follows that it is appropriate to locate such a use in a residential zone.

Importantly, the ‘purposes’ of the NRZ specifically acknowledge the potential for residential uses and other uses that will serve the needs of the local community. This is an acknowledgment that local needs should be met within the community these uses serve, and these uses can sit comfortably within a residential context where the location is deemed appropriate. It is also logical that a retirement village would be located in a residential area given that it is likely that many of the residents of the village will have lived in the surrounding residential areas for many years.

As such, given the level of strategic policy support and the purposes of the zone supporting uses such as the retirement village, the proposed use (and ancillary activities) is appropriate.

6.4 Is the proposed built form appropriate to its context?

The proposal has achieved an appropriate balance between providing a modern and functional facility whilst also respecting its specific context.

Critically, it must be recognised that a retirement village, like an aged care facility, will inevitably have a different character to that of traditional development forms you are more likely to see in the Neighbourhood Residential Zone.

Stockland Development Pty Ltd v Bayside CC (Corrected) [2019] VCAT 147

The *Stockland* decision provides guidance over the assessment of retirement village proposals within the Neighbourhood Residential Zone where policy generally directs one- to two-storey residential development. This VCAT hearing was in relation to a proposal for a four-storey retirement village in Bayside City Council and, like the subject site, was included in a Neighbourhood Residential Zone (NRZ). The matter was heard by two well respected members of VCAT, including a Senior legal member (Geoffrey Code) and Member Lorina Nervegna (Architect / urban designer).

In ordering that a planning permit be granted, the Tribunal in that matter found, amongst other things, that:

- a vertical retirement village in a suburban setting is no longer an ‘alien’ built form and this form is increasingly likely given the lack of large sites and the competing development pressures for well-located large sites in strategic locations;
- that ‘minimal growth’ does not necessarily equate with no or minimal change;
- given the differences between retirement village and dwelling (as defined by the scheme) the preferred character of an area had little relevance to the proposal because character policy focused on a character comprised of dwellings, and in particular low-rise dwellings;
- the maximum building height requirements and minimum garden area requirements of the NRZ did not apply as the proposal didn’t contain dwellings;
- the site was a preferred location for a discretionary use (i.e. retirement village) because, amongst other things, it abuts a main road, is a large consolidated site and is on a street corner with good access to public transport;
- Council’s contention that the building form and scale was too intense was misguided and a higher scale built form could be contemplated.
- the Bayside Planning Scheme specifically encourages greater housing density and diversity, including aged and affordable housing and that the supply of retirement villages is well below current and projected demand for the municipality.
- The proposal balanced the various competing policy objectives in favour of net community benefit and sustainable development.

Notwithstanding this, the proposal before Council has sought to respond in so far as practical to its physical and policy context, through the introduction of a well-articulated and modulated building form that responds very well to its context and immediate interfaces. The following sections describe how this has been achieved.

Character Assessment

In relation to the design response, we make the following observations:

- The proposed building envelope has largely followed approved building envelope of the aged care facility which was approved on the site pursuant to Planning Permit TPA/49990
- The proposed setback to Warrigal Road satisfies and exceeds the setback (applicable to multi-dwelling developments) required by the schedule to the zone. Further, the setback to Allen Street is also consistent with the Schedule, which will be further complimented by inground planting areas to support the existing tree canopy along the naturestrip.
- The extent of built form fronting Warrigal Road has been broken up through the provision of recessed elements including windows and the entrance to the development, whilst Allen Street has included a prominent recess extending up to 16 metres in depth associated with the primary building entrance and porte-cochere.
- The proposal provides appropriate setbacks to the adjoining properties to the north and Scotchmans Creek to the east and views of the facility from Scotchmans Creek will be filtered by existing and proposed vegetation.
- The building 'steps down' towards the Scotchmans Creek reserve, with the top level recessed so that views from the Scotchman's Creek of the top level will be very limited.
- The development provides a vegetation response to all boundaries to assist in supporting the landscape character and transition of the site towards Scotchmans Creek.
- The proposed vegetation to Allen Street and Warrigal Road will reach up to 8 metres in height and provide a positive and improved tree canopy outcome for the subject site and the neighbourhood.
- The response integrates with the Scotchmans Creek interface through the location of the café adjacent to this interface and establishing a visual connection between the trail and the café.
- The height of the building varies between three and four storeys, although is predominately three storeys due to the slope of the land, with the development reaching a maximum height of 12.57m.
- This maximum building height is located away from the site boundaries, centrally within the site to ensure that the development does not dominate the streetscape.
- The proposal does not seek to replicate the established character of the southern side of Allen Street, but seeks to reference the design and material palette of the surrounds (refer to detailed character assessment and design response package prepared by the architects).
- Breaks in the buildings allow for a northern courtyard and other garden spaces, ensuring that all residents have access to outdoor recreation areas.
- The high-quality contemporary architecture is a substantial improvement on existing conditions and will enhance the streetscape and character of the area.
- Vehicle access points to Warrigal Road are proposed to be removed, removing potential conflicts with this busy Category 1 road.

- Excess crossovers to Allen Street are also proposed to be removed, with vehicle access to basement car parking along Allen Street ensuring that car parking will not dominate the building or streetscape.

Accordingly, the proposal represents an opportunity to comfortably fit a slightly varied built form response given the nature of the use and size of the site, whilst still meeting the fundamental preferred characteristics of the precinct.

Assessment against Endorsed Proposal

Planning Permit No. TPA/49990 was directed to issue on the subject site by the Victorian Civil and Administrative Tribunal (the Tribunal) in the matter of *Steller Care Oakleigh Pty Ltd v Monash CC [2019] VCAT 1670*.

The permit granted approval for the construction of a 3-4 storey residential aged care facility on the subject site.

Given the similarities between uses and built form outcome, it is important to consider whether the proposal is generally consistent with the built form and character approval of the previously approved scheme.

Notably, with respect to the building design, the proposal adopts a similar built form response adjacent to the western half of the site, however the basement area has been extended to the Warrigal Road title boundary.

Along the eastern half of the site, the proposal has sought to enhance the street presentation through the relocation of the central break to the development at ground and first floor to the Allen Street frontage. This design response has ensured that the proposal provides an enhanced and more recessive design to Allen Street.

In so far as practical the proposal seeks to work within the parameters of the approved building envelope. Given the change in the nature of the use and activities it has been necessary to make some minor variations. In some instances, there has been a minor reduction in proposed setbacks whilst in others there has been an increase in proposed setbacks.

Table 6.1 - Built form Assessment against Previous Proposal

Metric	Approved Scheme	Proposed Scheme	Setback Variation?
Warrigal Road setback	7.9 metres	8.075 metres	Minor increase
Allen Street setback	4.3 – 8 metres	4.3 – 16 metres	Major increase to central area
North setback (to 775 Warrigal Road)	<u>Ground & First floor:</u> 2.325 metres <u>Second floor:</u> 3.945 metres to balustrade and 6.165 metres to building.	<u>Lower Ground, Ground, & First floor:</u> 2.325 metres <u>Second floor:</u> 3.945 metres to balustrade and 6.035 metres to building.	Generally consistent
North setback (to 773 Warrigal Road)	<u>Ground & First floor:</u> 2.85 – 13.7 metres <u>Second floor:</u> 3.05 – 12.5 metres to balustrade and 6.56 –	<u>Lower Ground, Ground, & First floor:</u> 1.655 – 14.1 metres	Minor increases and decreases

	14.8 metres to building.	<u>Second floor:</u> 6.425 – 14.1 metres to building.	
East setback (to Scotchmans Creek)	<u>Ground floor:</u> 4 metres to balustrade and 6 metres to building. <u>First floor:</u> 5.3 metres to balustrade and 7 metres to building. <u>Second floor:</u> 7 metres to balustrade and 17.25 metres to building.	<u>Lower Ground floor:</u> 2.3 – 4.7 metres to balustrade and 6 metres to building. <u>Ground and First floor:</u> 6 – 8.6 metres to building. <u>Second floor:</u> 8.5 metres to balustrade and 17.25 metres to building.	Minor increases and decreases
Maximum height	13.305 metres	12.75 metres	Reduced height
Site coverage	62.4%	62%	Consistent

Whilst there are some minor reductions to setbacks, these changes are an appropriate outcome given:

- The setback to Warrigal Road remains compliant with the required setback under the Schedule to the Zone.
- The setbacks to Allen Street and Warrigal Road are appropriately treated with proposed landscaping and trees to grow up to 14 metres in height.
- Where minor reductions to setbacks are proposed, these are generally made in conjunction with minor increases to setbacks along the same interface.
- The Scotchmans Creek interface has been treated to ensure that the upper level is significantly recessed and generally not visible from the Scotchmans Creek trail.

Figure 6.1 - Approved Scotchmans Creek Interface



Figure 6.2 - Proposed Scotchmans Creek Interface

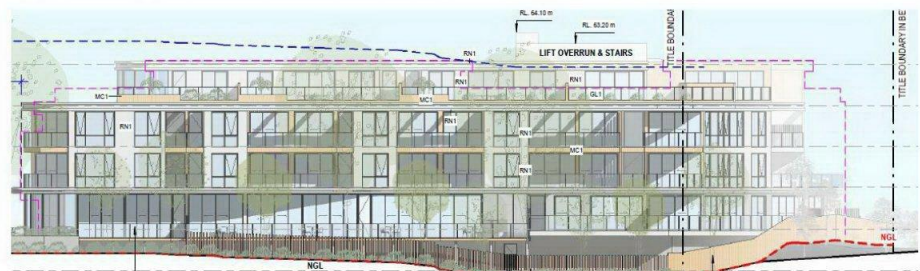
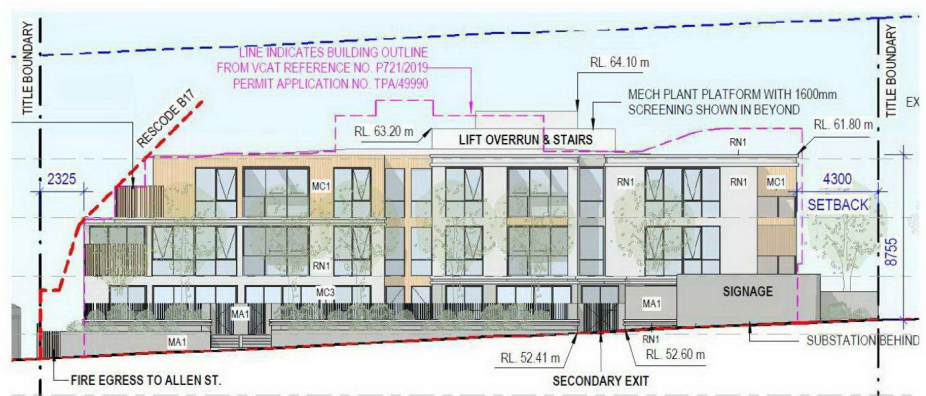


Figure 6.3 - Approved Warrigal Road Interface



Figure 6.4 - Proposed Warrigal Road Interface



Given the evident consistency of the proposal with the key metrics of the previous proposal, the improved built form response to Allen Street, and enhanced built form connection to Scotchmans Creek, the built form response is appropriate to the site context.

6.5 Will the proposal result in an appropriate level of amenity?

The various aforementioned SPPF, LPPF and zone provisions require that consideration be given to both internal and external amenity considerations.

Internal Amenity

Whilst the proposal is not subject to the provisions of Clause 55.07 given the proposal is for a retirement village, the proposal provides excellent internal amenity offerings for future residents. The following features of the building contribute to the high level of amenity:

- Balconies/SPOS areas for each retirement living unit.
- Functional and spacious internal layouts
- Accessible and adaptable unit designs.
- Excellent daylight access, noting that the proposal complies with the BESS best practice daylight expectations.
- Lower Ground floor amenities including:
 - A shared café;
 - Private (adaptable) dining rooms;
 - A lounge and games area;

- A cinema room;
 - A gym;
 - Meeting rooms;
 - A cellar and various other offerings.
- A large ground floor communal northern outdoor terrace;
 - A greenhouse and communal rooftop terrace at second floor offering outlook to Scotchmans Creek;
 - A central communal space including seating and a void which will assist in connecting the vertical community; and
 - A centralised drop off porte-cochere allows for the convenient dropping off for visitors and pick up for residents.

Further to the above, the retirement units are designed to achieve the Gold Assessment of the Liveable House Standards. An extensive and considered design process has been undertaken for each proposed retirement unit to ensure that the units are accessible for those persons who require a wheelchair.

Figure 6.5 - Internal communal facilities



Figure 6.6 - Integration of facilities to enhance relationship with Scotchmans Creek



Notably, the development has been designed to maximise the integration and outlook opportunities with Scotchmans Creek, ensuring that the development will result in a high-quality offering for future residents, while also achieving a positive connection with the community. Further, the development will feature high-quality materials and finishes to further enhance the lived experience of the future residents of the retirement village.

External Amenity

It is relevant that the subject site enjoys abuttal to two roads, a respite facility to the north, and a community open space to the east. It is evident therefore that the proposal does not have any sensitive residential abutments excluding the respite facility to the north. It is also relevant that Allen Street is an unusually wide road for a suburban street.

Given the design response, the development will not result in unreasonable impacts to the amenity of neighbouring properties or the community, whilst having appropriate regard to the development potential of the subject site.

Visual Bulk

With respect to potential visual bulk impacts to the surrounds, we note the following:

- The proposed building height and setbacks remain generally consistent with the previous planning approval, with minor variations to the setback to the northern boundary. These minor variations present as acceptable responses given:
 - The minor variations to the northern boundary remains consistent with policy and will achieve an appropriate built form outcome given the variation is located adjacent to a car park.
 - The minor variations to the northern boundary are accompanied by increased setbacks to other sections along the northern boundary, As is demonstrated by the section diagrams below.

Figure 6.7 - Section CC building envelope comparison

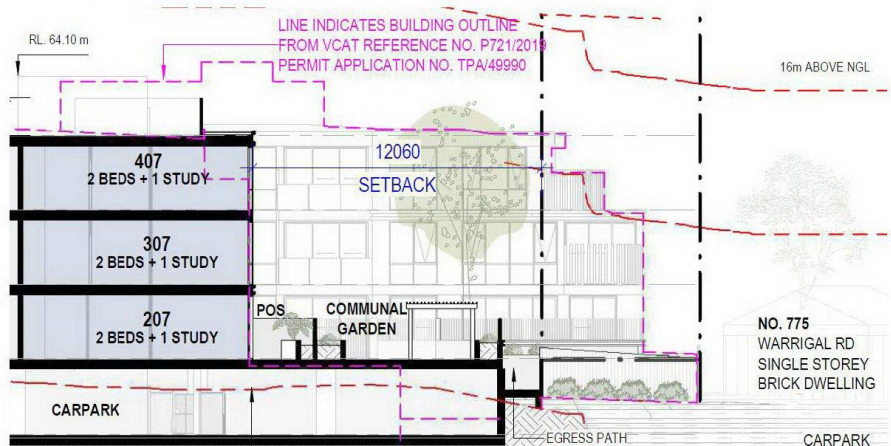
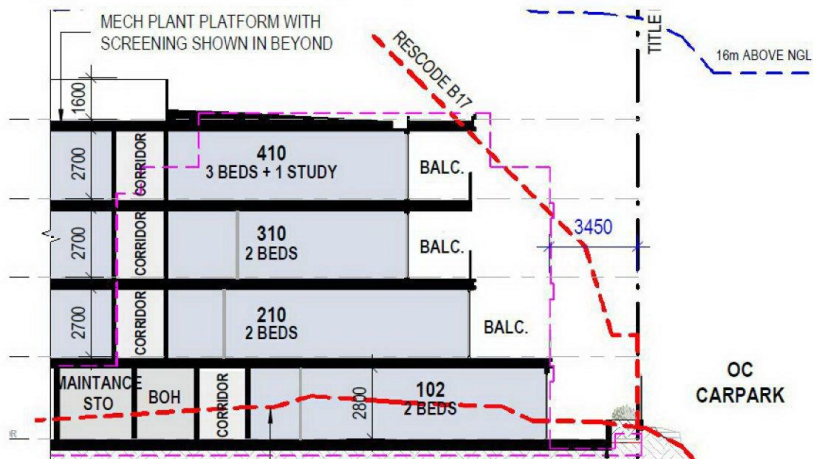


Figure 6.8 - Section EE building envelope comparison



- The building façade features extensive fenestration of the façade due to the extent of windows and balconies, which in turn enhances the activation of the streetscape.
- The building envelope has introduced an additional ‘cut-out’ along Allen Street to soften the appearance to the public realm and to provide a more recessive built form to Allen Street;
- The proposal does not propose any walls on boundary (where located above ground level).

Given the proposal provides appropriate building form setbacks, provides an enhanced building response to Scotchmans Creek and Allen Street, and does not propose any inappropriate built form on boundaries, the proposal will result in appropriate built form outcomes.

Overlooking

There is no unreasonable overlooking as a result of this proposal.

The siting of the site and the abutting interfaces is as such that the retirement village units can enjoy uninterrupted views which do not require screening in any direction road and creek abutments.

Where the retirement village units face the northern boundary, the units facing the OC Connections building at No. 773 Warrigal Road do not require screening given the non-sensitive land use, whilst windows and balconies facing 775 Warrigal Road are appropriately screened to minimise views into the respite property.

Overshadowing

As detailed on the shadow diagrams (TP300), the development will not result in any overshadowing of secluded private open space areas on abutting land.

Importantly, there is almost no increased overshadowing onto any adjoining properties, with only minor overshadowing to the Scotchmans Creek Linear Reserve at 3pm.

The proposal will therefore result in appropriate shadowing outcomes.

6.6 Is the proposal appropriate having regard to traffic, parking and waste considerations?

Please refer to the ‘Traffic Engineering Assessment’ and ‘Waste Management Plan’ prepared by Traffix Group, with respect to all matters relating to parking and traffic and waste.

Significantly, the proposal is fully compliant with the car parking requirements for residents and visitors pursuant to **Clause 52.06**, whilst noting that the café is an ancillary use to the development.

The submitted traffic report confirms that the proposal includes appropriate access arrangements and parking provision, and will not result in unreasonable impacts on the surrounding road network.

6.7 Will the proposal achieve a net community benefit?

Importantly, the proposal is considered to achieve a net community benefit given:

- Monash has identified that there is a growing ageing population and accommodation for the ageing population is required.

- The accompanying market assessment confirms the anticipated high levels of demand for additional retirement village units to be provided, and the shortfall of spaces that is required to be filled within the municipality.
- The use is for accommodation purposes and is consistent with the intent of the Neighbourhood Residential Zone.
- The site presents as a key redevelopment site within the City of Monash and one that could reasonably accommodate the required retirement village uses.
- The site will provide an opportunity for members of the ageing population and future residents to age in place through the provision of liveable apartments that meet the abilities of people over their lifetime.
- The site and proposed development is appropriately located and designed as to ensure that the proposal will not result in unacceptable amenity impacts to the surrounds.

Given the above, the proposal will provide a valuable product to the community to enable greater opportunities for residents to age in place within their community, whilst ensuring that the development does not compromise the amenity or character of the surrounds.

As such, the proposal is considered to achieve a net community benefit.

7.1 Conclusions

The proposal seeks planning approval for the use and development of a retirement village, alterations to a Road Zone Category 1, business identification signage, and a reduction to the car parking rate.

In conclusion, we note:

- The use and development of the subject site for a retirement village is supported by the planning policy framework and local policies that promote the provision of diverse housing that meets serves the community and meets community needs.
- A residential zone is an appropriate location for retirement village on a main road location.
- The proposal will meet an identified gap in the market for retirement village units.
- The facility provides the opportunity for aging in place through the location of the site and the adaptable nature of the units, which is important in the context of the associated increase in demand for housing for the ageing population within metropolitan Melbourne.
- The building offers excellent internal amenity to future residents and has been sited and designed to integrate with the surrounding land uses and interfaces.
- The site orientation and design of the proposal will ensure that there are no unreasonable amenity impacts to neighbouring lots.
- The proposed built form is generally consistent with the previous built form approved on the subject site.
- Car and bicycle parking provision meets the statutory requirement for the future residents and is designed for safe and convenient access. Traffic impacts will be negligible and traffic generated can be easily accommodated by the surrounding street network.

The Planning Policy Framework requires that decision makers integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The proposal will have positive social implications and will provide for a strong net community benefit. Therefore, the proposal is worthy of Council support.

Ratio Consultants Pty Ltd

Appendix A Certificate of Title



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11954 FOLIO 723

Security no : 124092313895N
Produced 07/09/2021 12:53 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 807221L.
PARENT TITLES :
Volume 07989 Folio 195 Volume 09204 Folio 527
Created by instrument PS807221L 07/02/2018

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
1 ALLEN ST LAND PTY LTD of "RIALTO SOUTH" [REDACTED]
3 [REDACTED]
AT063699K 11/03/2020

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS807221L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 1-9 ALLEN STREET OAKLEIGH VIC 3166

DOCUMENT END

PLAN OF SUBDIVISION		EDITION 1	PS807221L	
LOCATION OF LAND PARISH: MULGRAVE SECTION: 1A CROWN ALLOTMENT: (PART) 2 & (PART) 3 TITLE REFERENCE: Vol 7989 Fol 195 Vol 9204 Fol 527 LAST PLAN REFERENCE: LOT 1 ON TP830275R CP106102 POSTAL ADDRESS: 773-775 WARRIGAL ROAD (at time of subdivision) OAKLEIGH 3166 MGA 94 CO-ORDINATES: E: 332054 ZONE: 55 (of approx centre of land in plan) N: 5804793		Council Name: Monash City Council Council Reference Number: TPS/11905 Planning Permit Reference: TPA/47530 SPEAR Reference Number: S102008A Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Nick Sakolevas for Monash City Council on 22/08/2017		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION	DOES NOT APPLY			
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). 73 & 85 (P'sh Mulgrave) In Proclaimed Survey Area No.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easements and Rights Implied by Section 12(2) of the Subdivision Act apply to the whole of the land on this plan.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE & SEWERAGE	1.83	LP 19837	LOTS IN LP19837
E-2	DRAINAGE & SEWERAGE	1.83	LP26640	LOTS IN LP26640
E-3	CARRIAGE WAY	3.05	IN2540253	VOL4186 FOL130 (PART)
E-1,E-4	SEWERAGE	SEE PLAN	THIS PLAN	YARRA VALLEY WATER CORPORATION
NACHA MOORE Land Surveyors P/L Licensed Surveyors & Development Consultants 226 Mitcham Road MITCHAM, Vic. 3132 Phone (03) 9872 5512 Email: tnacha@bigpond.net.au		SURVEYORS FILE REF: 16053 Digitally signed by: Trevor Nacha (Nacha Moore Land Surveyors Pty Ltd). Surveyor's Plan Version (Version 2), 03/08/2017, SPEAR Ref: S102008A		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2 PLAN REGISTERED TIME: 2:03pm DATE: 7/2/2018 Assistant Registrar of Titles

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09363 FOLIO 416

Security no : 124092313901G
Produced 07/09/2021 12:53 PM

LAND DESCRIPTION

Lot 1 on Title Plan 174470Y.
PARENT TITLE Volume 07284 Folio 770
Created by instrument H776143 23/11/1979

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
1 ALLEN ST LAND PTY LTD of "RIALTO SOUTH"
AT063699K 11/03/2020

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DIAGRAM LOCATION

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ACTIVITY IN THE LAST 125 DAYS

NIL

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Additional information: (not part of the Register Search Statement)

Street Address: 777 WARRIGAL ROAD OAKLEIGH VIC 3166

DOCUMENT END

TITLE PLAN	EDITION 1	TP 174470Y
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<p>Location of Land</p> <p>Parish: MULGRAVE Township: OAKLEIGH Section: 1A Crown Allotment: 2 (PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 9363 FOL 416 Depth Limitation: 15.24 m</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p style="text-align: center;">Description of Land / Easement Information</p> <p>all that piece of land in the Township of Oakleigh Parish of - - - Mulgrave County of Bourke being part of Crown Allotment 2 Section One^A which land is shown enclosed by continuous lines on the map hereon TOGETHER WITH a -on the said map- right to use the land shown marked A/for drainage purposes - - - - -</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 19/08/2003 VERIFIED: L.S.</p>
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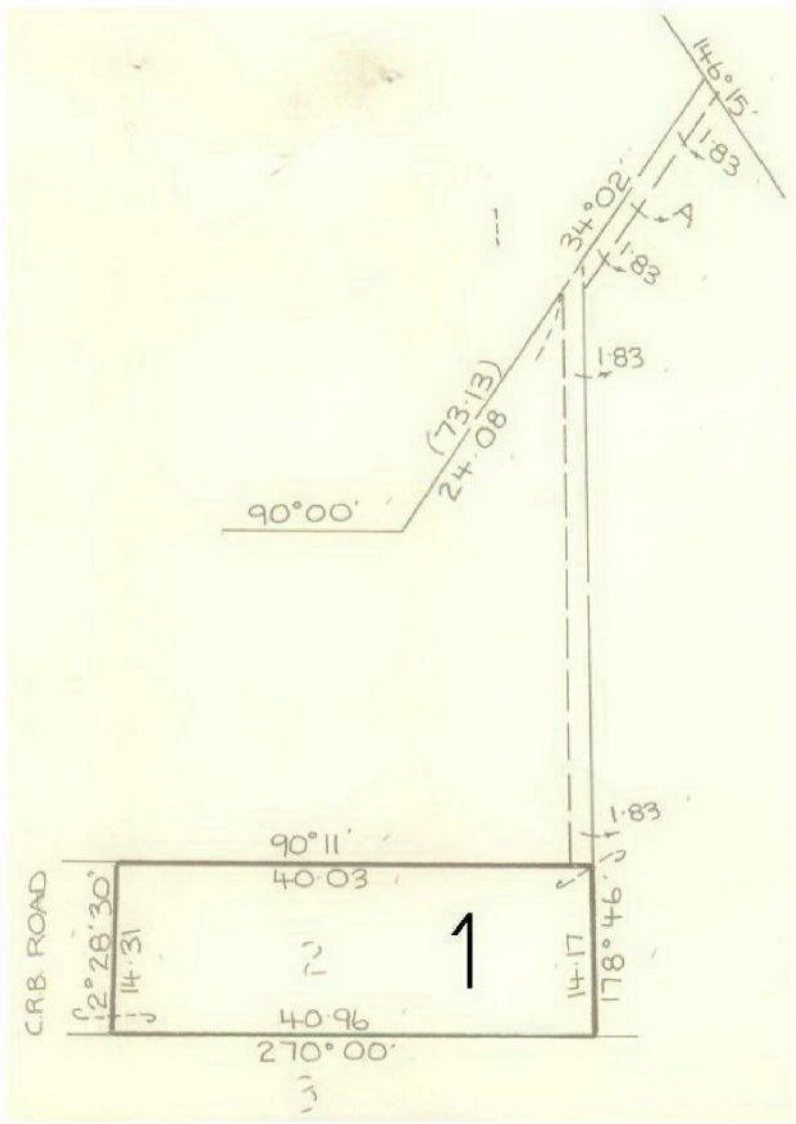


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 2 (PT)

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07603 FOLIO 005

Security no : 124092313910W
Produced 07/09/2021 12:54 PM

LAND DESCRIPTION

Lot 1 on Title Plan 758063J.
PARENT TITLE Volume 04186 Folio 129
Created by instrument 2281920 01/02/1950

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
1 ALLEN ST LAND PTY LTD of "RIALTO SOUTH" [REDACTED]
AT063699K 11/03/2020

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DIAGRAM LOCATION

SEE TP758063J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 779 WARRIGAL ROAD OAKLEIGH VIC 3166

DOCUMENT END

TITLE PLAN	EDITION 1	TP 758063J
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Location of Land Parish: MULGRAVE Township: OAKLEIGH Section: 1A Crown Allotment: 3(PT) Crown Portion: Last Plan Reference: LP19837 Derived From: VOL 7603 FOL 005 Depth Limitation: 50 FEET	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
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Description of Land / Easement Information

ENCUMBRANCES REFERRED TO.

As to the land coloured blue -----
THE EASEMENTS (if any) existing over the same
 by virtue of Section 212 of the Transfer of -
 Land Act 1928 -----

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 24/03/2004
 VERIFIED: CL

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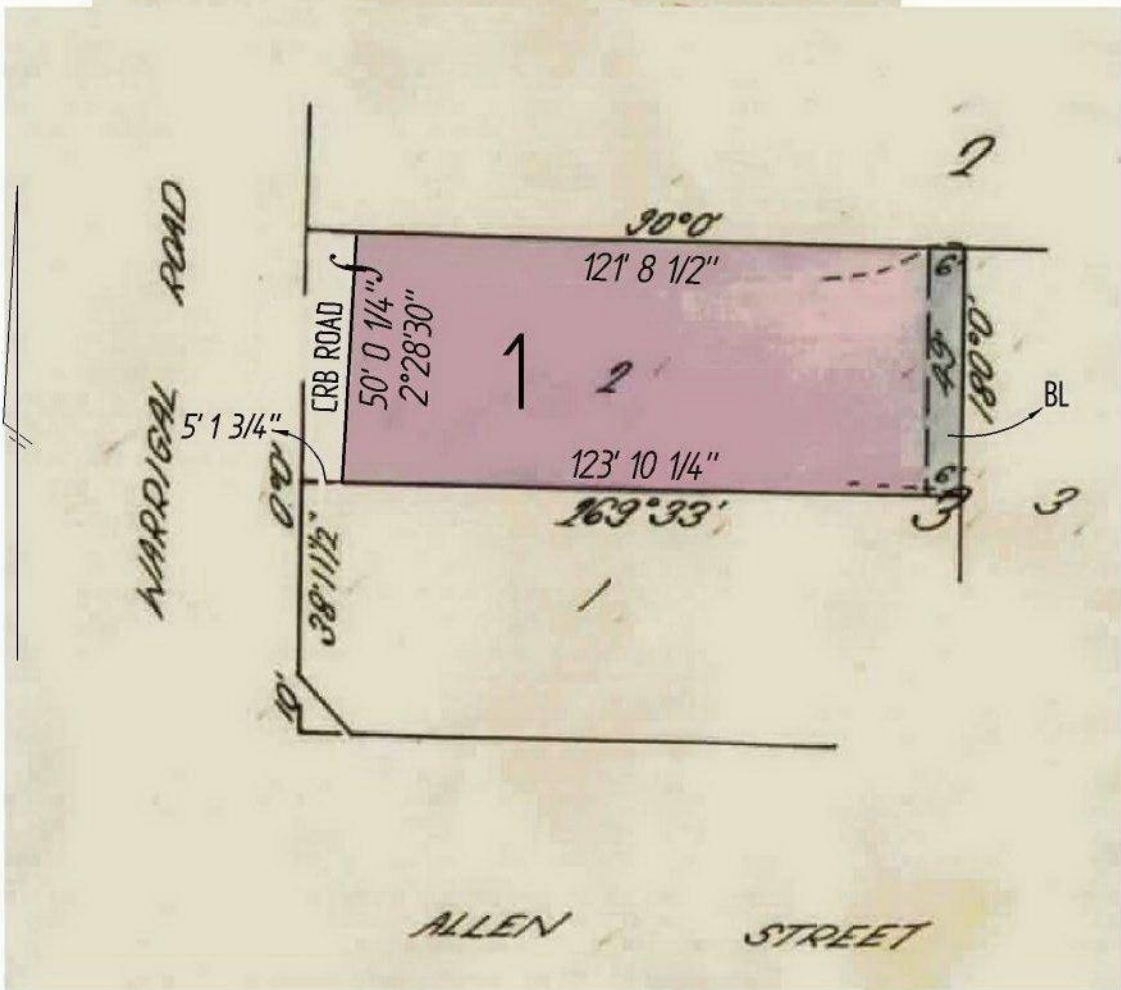


TABLE OF PARCEL IDENTIFIERS
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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09599 FOLIO 563

Security no : 124092313914S
Produced 07/09/2021 12:54 PM

LAND DESCRIPTION

Lot 1 on Title Plan 097512N.
PARENT TITLE Volume 08057 Folio 633
Created by instrument L436375W 21/12/1984

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
1 ALLEN ST LAND PTY LTD of "RIALTO SOUTH"
3
AT063699K 11/03/2020

ENCUMBRANCES, CAVEATS AND NOTICES

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DIAGRAM LOCATION

SEE TP097512N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 781 WARRIGAL ROAD OAKLEIGH VIC 3166

DOCUMENT END

TITLE PLAN		EDITION 1	TP 97512N
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Location of Land Parish: MULGRAVE Township: OAKLEIGH Section: Crown Allotment: Crown Portion: Last Plan Reference: LP19837 Derived From: VOL 9599 FOL 563 Depth Limitation: 15.24 m	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
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Description of Land / Easement Information ENCUMBRANCES REFERRED TO As to the land shown marked E-1 THE EASEMENTS (if any) existing over the same by virtue of Section 98 of the Transfer of Land Act	THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 05/08/1999 VERIFIED: PB
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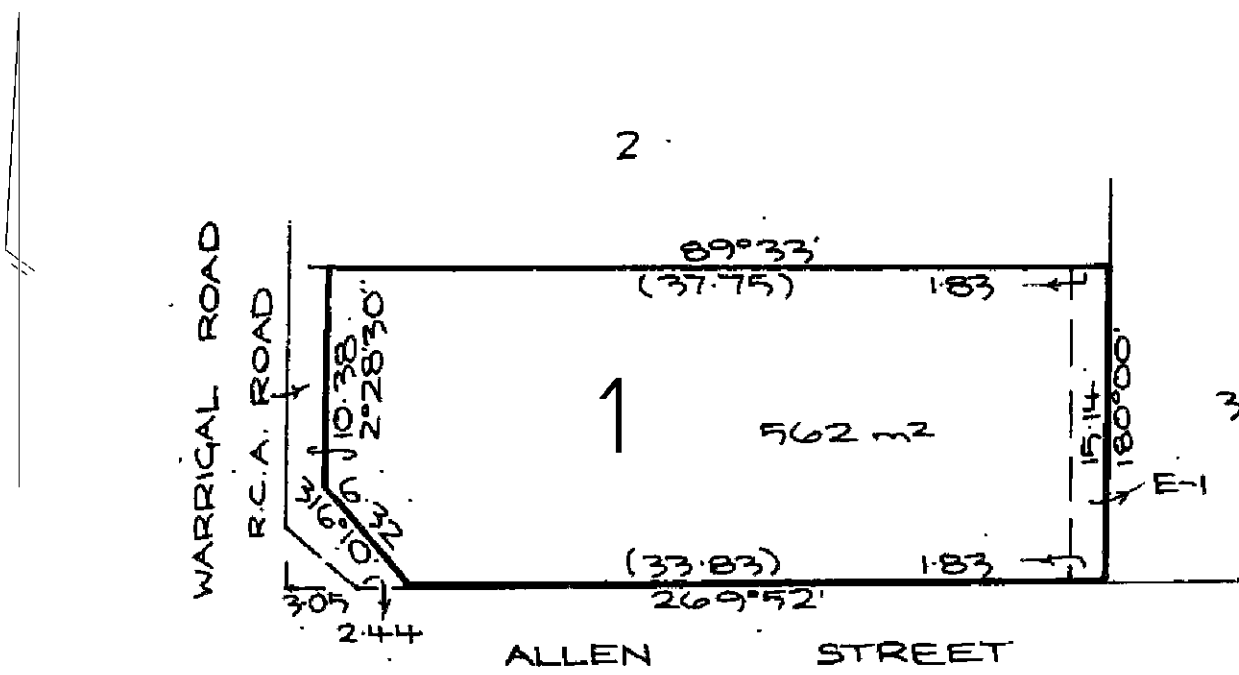


TABLE OF PARCEL IDENTIFIERS	
WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = LOT 1 (PT) ON LP19837	