

**1.4 615 WARRIGAL ROAD, ASHWOOD
USE AND DEVELOPMENT OF THE LAND FOR OFFICES, RESIDENTIAL HOTEL,
SERVICED APARTMENTS, DWELLINGS, AND RETAIL PREMISES UP TO 10 STOREYS
IN HEIGHT
(TPA/49377)**

EXECUTIVE SUMMARY:

This application proposes the demolition of all buildings on the land and the construction of a mixed use development comprising 5 buildings.

The application was subject to public notification. A total of 144 objections were received to the application. It is noted that 131 objections were received to the initial plans, and an additional 22 objections were received to the amended drawings (noting that 9 of these are original objectors).

Key issues to be considered relate to traffic generation, building scale and presentation to the streetscape, amenity impacts to adjoining properties, the appropriateness of the uses proposed and the internal amenity of the dwellings for future residents.

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

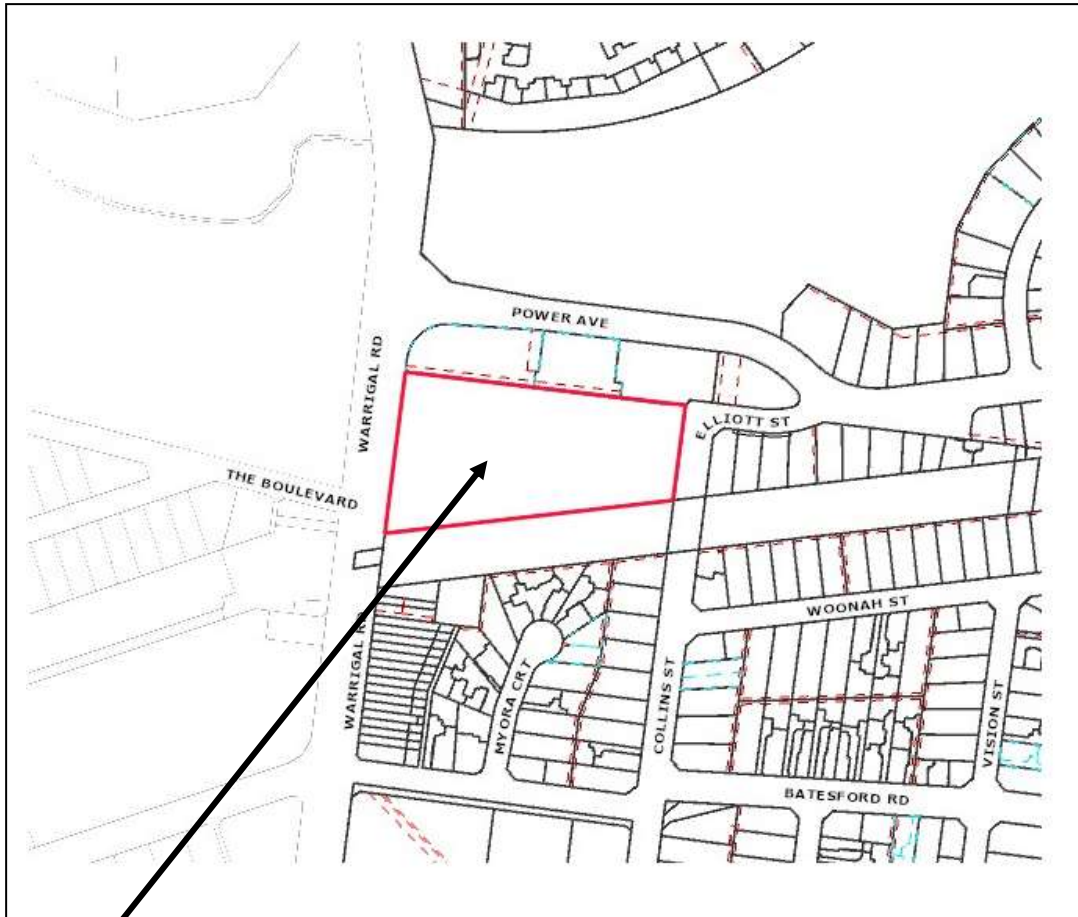
The reason for presenting this report to Council is the proposed development cost of \$135 Million.

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.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Mount Waverley
PROPERTY ADDRESS:	615 Warrigal Road, Ashwood
EXISTING LAND USE:	Industrial / office buildings
PRE-APPLICATION MEETING:	Yes

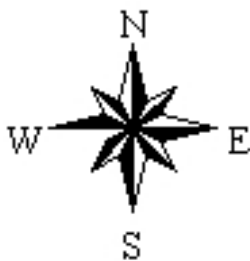
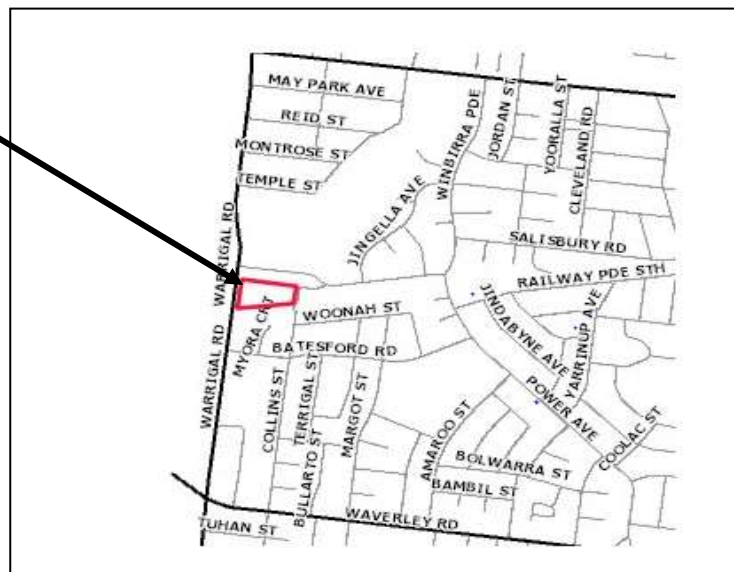
NUMBER OF OBJECTIONS:	One hundred and forty-four (144)
ZONING:	Mixed Use Zone
OVERLAY:	Environmental Audit Overlay
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1S & R – Settlement Clause 11.02-1S – Supply of Urban Land Clause 13.04-1S – Contaminated and Potentially Contaminated Land Clause 15.01-1S & R – Urban Design Clause 15.01-4S & R – Healthy Neighbourhoods Clause 15.01-5S – Neighbourhood Character Clause 15.02-1S – Energy and Resource Efficiency Clause 15.03-2S – Aboriginal Cultural Heritage Clause 16.01-1S & R – Housing Supply Clause 16.01-2S – Housing Affordability Clause 17.01-1S – Diversified Economy Clause 17.02-1S – Business Clause 17.02-2S – Out of Centre Development Clause 18.02-1S & R – Sustainable Personal Transport Clause 18.02-2R – Principal Public Transport Network Clause 18.02-4S – Car Parking	<u>Local Planning Policy Framework</u> Clause 21.01 – Introduction Clause 21.04 – Residential Development Clause 21.5 – Economic Development Clause 21.08 – Transport and Traffic Clause 21.13 – Sustainability and Environment Clause 22.04 – Stormwater Management Policy Clause 22.13 – Environmentally Sustainable Development Policy <u>Particular & General Provisions</u> Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to a Road Zone, Category 1 Clause 52.34 – Bicycle Facilities Clause 53.18 – Stormwater Management in Urban Development Clause 58 – Apartment Developments Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	20 December 2020
DEVELOPMENT COST:	\$135 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49377)** for the construction of buildings (up to 10 storeys in height) and works providing for mixed use development (offices, residential hotel, serviced apartments, dwellings, and retail premises); use of the land for accommodation (residential hotel and serviced apartments), office and retail premises / shop; alteration of access to a Road Zone, Category 1, at 615 Warrigal Road, Ashwood, subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Peddle Thorp Architects, Revision 3 dated September 2020, but modified to show:

Building A

- a) The correction of the ground and basement level plan (TP-023) to clarify the use of the ground floor Building A as a food and drinks premises / café (not retail).
- b) All café seating proposed is to be located within the title boundaries of the site, with the existing footpath and verge on Warrigal Road maintained for pedestrians and landscaping.
- c) The café seating area on the western side of Building A at the ground level to be screened on the western side with localised porous wind screens (minimum 1.5m in height) to shelter areas from high winds in accordance with the Wind Affect Assessment Report prepared by VIPAC, dated 6 October 2020.
- d) The two northernmost apartments on Level 07, Building A to be deleted to increase setbacks to the northern boundary of the site. Any balcony areas on the level above are to be reconfigured to be set back at least the setback provided on Level 07.
- e) Dimensions to be provided on all levels of Building A to the northern boundary of the site.
- f) The provision of windows to provide for natural light and ventilation to the northern and southern ends of the building at each of levels 2 to 9 inclusive.

- g) The northernmost suite on Level 9 of Building A with adjoining terrace to be converted into a common lounge space and communal terrace.
- h) The Loading dock area and Ground level retail to show access arrangements from loading to lift core within Building A.
- i) The provision of waste storage within Building A.

Building B

- j) The location of access doors for the office to the upper terraced areas and any associated weather protection.
- k) The provision of waste storage within Building B.
- l) Deletion of curtain wall glazing or set back to the south elevation of office building B at ground level to be replaced with a solid wall with no openings, to be constructed in accordance with the required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100.1;2017 – ‘Bridge Design, Scope and General Principles’. The internal layout of the development is to be adjusted accordingly.
- m) Screens, guards or design features to prevent items from being thrown or falling onto railway land from any part of the building development.
- n) Non-reflective external materials to the south elevation which must not impact on train driver visibility or recognition of signals through reflection, glare or of use of signal colours (red, green, yellow). This must be accompanied by a statement/report prepared by a suitably qualified engineering consultant in direct consultation with the Accredited Rail Operator (MTM) that verifies that the materials proposed to the south elevation of the podium adjacent rail will not interfere with train driver visibility or signal recognition.

Building C, D and E

- o) Deletion of Level 8 of the eastern wing of Building D, south of the lift and stair core.
- p) The internal layout of the proposed communal room in Building C, and detail of access to the adjoining communal outdoor terrace.
- q) The private open space of all apartments to comply with Standard D19 of Clause 58.05-3.
- r) Nomination of the balcony space at Level 03 (podium level) on the southern side of the lift and stairwell as either for communal or private use.
- s) Compliance with Standard D26 of Clause 58.07-3 (windows objective) for all apartments.

- t) The location of letterboxes for residential apartments.
- u) Storage to be provided for future residents in accordance with Standard D20 of Clause 58.05-4.

All Buildings

- v) Any recommendations arising from the wind tunnel test in accordance with Condition 9 of this Permit.
- w) Any recommendations arising from the preparation of the acoustic report in accordance with Condition 11 of this Permit.
- x) A minimum of 70 x one-bedroom apartments and 50 x three-bedroom apartments proposed within the development. Car parking must continue to be provided in accordance with Clause 52.06 of the Monash Planning Scheme for each apartment.
- y) All communal rooftop facilities to be supported with toilet and kitchenette facilities, with the uppermost lift lobby areas to be enclosed to prevent weather and water ingress potential into buildings. An enclosed space is to be provided on the rooftop of Building D, on the western side of the proposed lift and stair core, being no greater than 100sqm in area.
- z) The extent of plant area and heights on plans, elevations and sections inclusive of lift overruns, mechanical car park exhaust etc.
- aa) The toilet facilities for each of the retail / restaurant / food and drinks premises tenancies.
- bb) The location and configuration of entry doors to retail and commercial premises at Ground and Level 1
- cc) The RL levels of all ground floors of each building provided on floor plans.

Public Areas

- dd) A lift to be provided from the ground level street network to the elevated podium, integrated with the public stair elements providing equitable access to the elevated communal open space area, or clear pedestrian access from Warrigal Road and the office building to the lifts located within the 'commercial' car park which provide access to the elevated podium.
- ee) Pedestrian pathways within the elevated podium level to be consolidated where possible, or a suitable alternative response to increase landscaping opportunities to the satisfaction of the Responsible Authority. Pathways within the podium level facing common areas to be separated from habitable rooms of the development by planter zones.

- ff) The provision of a children's playground area within the south-eastern corner of the site at the raised podium level.
- gg) The gradients of the pavements linking Warrigal Road to areas within the site and ground level tenancies to adjoining footpaths to the satisfaction of the Responsible Authority.
- hh) The pedestrian crossings linking footpaths on Warrigal Road adjacent to vehicle entry and within the site at any intersection points where pedestrian pathways cross the vehicle access road.
- ii) Convenient disability parking to be provided proximate to the offices, retail, and hotel to the west and Residential apartments to the satisfaction of the Responsible Authority.
- jj) Short term scooter and visitor bicycle spaces to be provided near the entry to hotel and offices and residential building.
- kk) The retention of Trees No. 2, 34 and 35 within the site, and all street trees adjoining the site. The extent of tree protection zones for each tree to be retained is to be detailed on plans.

General

- ll) Any changes as required by the Wind Tunnel Modelling Study as required by Condition 9 of this Permit.
- mm) Any changes as required by the Acoustic Report prepared in accordance with Condition 11 of this Permit.

Layout not to be altered

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development and/or use has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscape Plan

4. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Tract Consultants, dated 4 September 2020, except that the plan must show:
 - a) A detailed landscaping plan showing the species of planting throughout the development.
 - b) Plan to clearly show the western title boundary of the site.

- c) Plan to include details of planting associated with restaurant external terrace at level 1.
- d) The retention of all street trees on Warrigal Road and Elliott Street.
- e) The provision of a minimum of five (5) native canopy within the Warrigal Road front setback of the site (within the title boundary) which can reach a height of 10 metres at maturity.
- f) The provision of a minimum of three (3) native canopy trees located within the central landscaped area of the site, which can reach a height of 10 metres at maturity.
- g) The first floor outdoor dining area within Building A to include a planter feature along the frontage, allowing for cascading planting.
- h) Provision of additional planting within the front setback of Building B to Warrigal Road.
- i) The landscaping plan to be consistent with the development plans with respect to the rear (eastern) interface of Building A with the internal accessway and parking spaces.
- j) Detail of the 100sqm of raingardens within the development in accordance with the recommendations of the Sustainable Management Plan prepared by JBA dated 20 October 2020.
- k) Any changes as required by Condition 1 of this Permit.

Tree Management Plan

5. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 2, 34, 35 and 54-59 (as identified in the Arborist Report submitted with the application, prepared by TreeMap Arboriculture, dated March 2018). The report must also detail any tree protection measures required for trees located adjacent to the northern boundary of the site, within No. 4 – 8 Power Avenue.

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:

- i. Tree protection zones and structural root zones of all trees to be retained,
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of footings within any tree protection zones;
 - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
 - c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
 - d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

6. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by MGA dated 19 October 2020, but showing to the satisfaction of the Responsible Authority:
 - a) Waste facilities to be provided within Building A for waste generated by the uses within this building.
 - b) Waste facilities to be provided within Building B for waste generated by the uses within this building.
 - c) The Swept path diagrams for waste collection to be revised to allow for access egress from the site via Warrigal Road only.
 - d) The purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for applicants.

- e) Description of existing land use and Town Planning Application number to be included within development description.
- f) The provision of food waste recycling services for each of the proposed uses on the land.
- g) Description and detail of adaption to allow for separated glass recycling in accordance with the State Government's Recycling Victoria Policy.
- h) Detail of in-dwelling waste and recycling receptacles.
- i) Scaled plans to be revised to include details of amenity (screening, odour, noise), cleaning / washing, drainage, accessibility, bin maneuverability and provision of each waste stream.
- j) The development is ineligible for the Annual Hard Rubbish Collection due to insufficient space for hard rubbish collection. Presentation of any hard waste from this development on public land is prohibited. The site operator is responsible for management of hard waste collections within the property.
- k) Details of the responsibility of the Owners Corporation regarding the implementation of the Waste Management Plan, and detail of how information will be given to residents regarding the correct use of the waste management system (i.e. information package).

Waste collection only to be carried out within hours prescribed by EPA guidelines.

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

Green Travel Plan

7. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - a) A description of the location in the context of alternative modes of transport;
 - b) Details of end of trip facilities provided;
 - c) Education and awareness initiatives and incentives for residents, staff and visitors to encourage more sustainable modes of travel to/from the site;
 - d) Management practices identifying sustainable transport alternatives;

- e) Details of the proposed electric vehicle charging facilities;
- f) Lobby areas of the building and / or raised podium area to include real time information of train, tram and bus services;
- g) Details of bicycle spaces for staff;
- h) Employee and resident packs (i.e. myki cards for new workers); and
- i) An obligation to update the plan not less than every 5 years;
- j) Details of when and how this travel plan will be available for new staff;
- k) Any other relevant matters.

Car Park Management Plan

8. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) The number and location of car parking spaces allocated to each tenancy;
- b) The number and location of car spaces for shared use, including time of shared use;
- d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- e) The Car Parking Management Plan must detail any barrier mechanisms within parking areas;
- f) Details of way-finding, cleaning and security of end of trip bicycle facilities;
- g) The number and allocation of storage spaces;
- h) Policing arrangements and formal agreements;
- i) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
- k) Details regarding the management of loading and unloading of goods and materials.

The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Modelling Study

9. Wind tunnel testing to be undertaken in accordance with the recommendations of the Wind Effect Assessment report prepared by VIPAC, dated 6 October 2020. The modelling should be conducted and reported in accordance with the Australasian Wind Engineering Society's (AWES) 'Wind Engineering Studies of Buildings Quality Assurance Manual'. When approved, the Wind Modelling Study will be endorsed and will form part of this permit.

All works must be undertaken in accordance with the endorsed Wind Assessment Report to the satisfaction of the Responsible Authority. No alterations to the Wind Assessment Report may occur without the written consent of the Responsible Authority.

Environmental Audit

10. Prior to the commencement of construction of the building hereby approved the following must be submitted and approved:
- a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - b) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A copy of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

These works must be carried out in accordance with a Works Plan approved by the Environmental Auditor engaged by the owner. A copy of the approved Works Plan must be provided to the Responsible Authority before the commencement of the buildings and works for the purposes of this condition.

Before the construction of the building hereby approved commences (excluding buildings and works carried out in accordance with a Works Plan approved by the Environmental Auditor engaged by the owner), a copy of the Certificate of Environmental Audit and/or Statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.

The development and use allowed by this permit must comply with the directions and conditions of any Statement of Environmental Audit issued for the land.

Prior to the occupation of the dwellings, a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by an environmental audit or statement have been carried out.

Notwithstanding the provisions above, the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority:

- a) Demolition and buildings and works that necessarily form part of the Environmental Audit process; and
- b) Buildings and works that the Environmental Auditor engaged by the owners advises must be carried out before a Statement or Certificate of Environmental Audit can be issued.

Should the land be unable to be remediated or the Environmental Audit Certificate or Statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act 1987.

Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the Environment Protection Act 1970.

Amended Acoustic Report

11. Concurrent with the endorsement of any plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess noise impacts from adjoining roads and the railway line in accordance with Standard D16 of Clause 58.04-3, and make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Sustainable Management Plan (SMP)

12. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by JBA, dated 20 October 2020 but modified to include or show:

- a) Any changes as required by Condition 1 of this Permit.

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

Construction Management Plan

13. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. The plan must firstly be submitted and approved by the Head, Transport of Victoria, VicTrack and the Rail Operator in accordance with Condition 49 of this Planning Permit. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust and water and sediment laden runoff;
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Public Safety and site security;

- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) A Traffic Management Plan showing truck routes to and from the site. Trucks must enter and exit the site via Warrigal Road where practicable;
- k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - 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.

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

Section 173 Agreement – Serviced Apartments

14. Prior to the endorsement of plans referred to in Condition 1 the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
 - a) Serviced apartment premises within the development are restricted to short-stay serviced apartments defined as “Residential Hotel” by the Monash Planning Scheme;
 - b) Permanent occupation of serviced apartment premises as a primary residence is prohibited;

- c) Serviced apartment premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises; and,
- d) Car parking allocated to serviced apartments on Title, are to be managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Operational Management Plan

15. Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the serviced apartments prepared to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. The plan should detail but not be limited to:
- a) The presence of a manager on site;
 - b) Services provided;
 - c) Operating hours; and
 - d) Management of the car park associated with the serviced apartments.

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Power Avenue and Elliott Street Works

16. Prior to the commencement of works, a detailed functional layout plan for a proposed pedestrian crossing is required on Power Avenue. The design is to be undertaken in collaboration with the Department of Transport and using a safe systems approach and must be endorsed to the satisfaction of the Responsible Authority. Works associated with this condition must be completed prior to the commencement of the use.
17. Prior to the commencement of works, a detailed functional layout plan to construct a series of traffic islands in and around the Power Avenue, Elliott Street intersection to reduce approach speeds and improve safety for Elliott Street residents is required to be submitted and endorsed to the satisfaction of the Responsible Authority. Works are to be completed prior to the use of the land. The cost of the works is borne on the applicant / owner of the land.

18. The existing brick paved threshold treatment in Elliot Street at the intersection to Power Avenue must be upgraded prior to the use of the land as permitted by this Permit in accordance with the recommendations of the Transafe existing conditions stage road safety audit dated 19 May 2020.

VicTrack Conditions (Ref: CSM 42330)

19. Amended Plans submitted in response to Condition 1l) through 1n) to be prepared in consultation with VicTrack, the Department of Transport (DoT) and MTM.

20. Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:

- Be designed to prevent items from being thrown or falling onto railway land.
- Not require people to access onto railway land for the purposes of cleaning, replacement, inspection or replacement.

21. Prior to the commencement of work on site, detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by VicTrack, DoT and the Accredited Rail Operator. The plans must detail all basement excavation design, retention works and control of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:

- The relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances and for minimum clearances to all electrical assets and procedures for works adjacent.
- Energy Safe Victoria (ESV) requirements for minimum clearances to electrical assets and works adjacent.
- Australian Standards AS2067, AS7000 and Electricity Safety (General) Regulations 2019 (Particularly Part 6 – 610 and 615) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
- The required rail collision loadings and collision protection measures for the building supports adjacent to the rail tracks in accordance with AS5100.1:2017- 'Bridge Design, Scope and General Principals'.
- Earthquake design loadings for structure designated as a minimum importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.

22. Before the development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements (to indemnify the state transport infrastructure against damage that may be caused as a result of the construction of the development) must be prepared and entered into with The Department of Transport and VicTrack.
23. Unless otherwise agreed in writing with VicTrack, prior to demolition and construction commencing on site, the permit holder must demonstrate to the satisfaction of VicTrack that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.
24. Prior to the commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
25. Before development starts (including demolition and bulk excavation), separate demolition and/or Construction Management Plan must be submitted to and approved by the DoT, VicTrack and the rail operator. When approved, the Demolition and Construction Management Plan will form a part of this Permit. The Demolition and Construction Management Plan must include (but not be limited to) details of the buildings, works and other measures necessary to:
 - Protect railway land, track, overhead power and associated infrastructure;
 - Prevent disruption to the operation of the railway;
 - The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure;
 - Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;And arrangements for:
 - Any hoarding associated with the construction of the development at the railway boundary or encroachments onto or overhangs into railway land;
 - Piling excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;
 - The deposit or store of waste, fill or other materials associated with the development on the railway land;

- Air and dust management;
 - Operating hours;
 - Noise and vibration controls; and
 - The security of the railway land and associated infrastructure.
26. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Responsible authority in consultation with VicTrack and DOT. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to transport agencies.
27. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.
28. The permit holder must, at all times, ensure that the common boundary with railway land is fenced to prohibit unauthorised access to the rail corridor. Any permanent walls or fences on the common boundary with railway land must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the DoT.
29. No drainage, effluent, waste soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
30. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement with the DoT and the relevant Accredited Rail Operator.
31. 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. Car parking associated with serviced apartments is to remain entirely within common property associated with the serviced apartments and managed by the operator of the serviced apartments to the satisfaction of the Responsible Authority.

Gymnasium

32. Use of the gymnasium is permitted for use by residents and staff of the development only, or direct visitors of the hotel / serviced apartments.

Landscaping

33. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
34. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
35. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Amenity of Area

36. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
 - e) others as appropriateto the satisfaction of the Responsible Authority.
37. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.
38. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level and must not include live music.
39. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.
40. Noise levels emanating from the premises must not exceed the relevant levels prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

41. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.
42. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Service Location

43. 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.
44. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

Ongoing Architect Involvement

45. As part of the ongoing consultant team, Peddle Thorp Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
 - a) oversee design and construction of the development; and
 - b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Department of Transport Conditions (ref: 26329/18-A)

46. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of any works, a revised Functional Layout Plan (FLP) showing the proposed access arrangements must be submitted to the Head, Transport for Victoria for approval. The FLP must be generally in accordance with the preliminary FLP submitted (Drawing MGA17083-03P3-

01 & MGA17083-03P3-02, dated 19 October 2020 prepared by MGA) but modified to show:

- a) the signalised intersection on Warrigal Road/Power Avenue
- b) the median strip dividing the north and south carriageways along Warrigal Road
- c) kerb modifications along Warrigal Road
- d) line marking alterations along Warrigal Road and Power Avenue
- e) the left in/left out access at Warrigal Road to and from the development

47. Subsequent to the approval of the Functional Layout Plan and prior to the commencement of any road works required by the Head, Transport for Victoria under this permit, the permit holder must submit the detailed engineering design plans, along with a detail design stage Road Safety Audit, to the Department of Transport for review and obtain written approval from the Head, Transport for Victoria. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road Safety Audit must be addressed in the detailed design plans to the satisfaction of and at no costs to the Head, Transport for Victoria.

48. Before the development starts, including demolition and bulk excavation, Demolition and Construction Management Plans must be submitted and prepared to the satisfaction of the Head, Transport for Victoria, VicTrack and the Rail Operator. The Construction Management Plan must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:

- a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
- b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
- c) Rail safety requirements that must be adhered to by the permit holder.
- d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
- e) Minimising disruption to train services and railway commuter access.
- f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.
- g) Public safety, amenity and site security.
- h) Operating hours, noise and vibration controls.
- i) Air and dust management.

49. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to the Head, Transport for Victoria, VicTrack and/or the Rail Operator.
50. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of the use, all roadworks as required by the Head, Transport for Victoria must be completed generally in accordance with the approved Functional Layout Plan and detailed design plans to the satisfaction of and at no cost to the Head, Transport for Victoria.
51. Prior to the commencement of the use, 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.
52. Unless otherwise agreed in writing by the Head, Transport for Victoria, within 6 months of the commencement of the use, a post-development Traffic Impact Assessment Report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Traffic Impact Assessment must include a route review of the relevant segment of Warrigal Road to assess the network performance and identify any mitigation measures required to improve the safety and efficiency of the network as a result of any movement pattern changes due to the development.
53. Unless otherwise agreed in writing by the Head, Transport for Victoria, within 12 months of the commencement of the use, any mitigation measures outlined in the post development Traffic Impact Assessment must be carried out to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.
54. Any damage to the Rail Operator's infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the permit holder.
55. No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.
56. The permit holder must pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.

57. The permit holder must take all reasonable steps to ensure that there is no disruption to train services, or it is kept to a minimum during the construction of the development. Foreseen disruption to the rail operation during the construction period and mitigation measures must be communicated to the rail operators prior to such works being undertaken.
58. The permit holder must ensure that all railway infrastructure (including overhead power and supporting infrastructure for trains) is not damaged during the construction period. Any damage to railway infrastructure as a consequence of the construction period must be rectified to the satisfaction of VicTrack and the Rail Operator, at the full cost of the permit holder.
59. No drainage or effluent must enter VicTrack land. Stormwater from the development must be discharged to the legal point of discharge.
60. No excavation, filling or construction other than shown on the permit plans must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Rail Operator.
61. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
62. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.

Traffic Movement, Car Parking and Accessways

63. Unless otherwise agreed in writing by the City of Monash, within 6 months from the commencement of the use, a post-development Traffic Impact Assessment Report must be submitted to and approved by Council. The Traffic Impact Assessment must include a route review of Power Avenue and Elliott Street to assess the network performance and identify any mitigation measures required to improve the safety and efficiency of the network as a result of any movement pattern changes due to the development.
64. Unless otherwise agreed in writing by the City of Monash, within 12 months from the commencement of the use, any mitigation measures outlined in the post development Traffic Impact Assessment must be carried out to the satisfaction of and at no cost to Council.
65. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed to the satisfaction of the Responsible Authority;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

66. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
67. Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
68. Visitor parking spaces within the development must be:
 - a) Clearly identified by appropriate signage having an area no greater than 0.3m²;
 - b) Line marked to indicate each car space; and
 - c) Available for visitor usage at all times.
69. All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
70. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Drainage and Stormwater

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

72. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.

73. The nominated point of stormwater connection for the site is to the west of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip to be constructed to Council standards.

Time for Starting and Completion

74. 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 has not started before 3 years from the date of issue.
- b) The development is not completed before 6 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 use or 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 approval must be obtained prior to the commencement of the above approved works.
- B. Residents of the approved development will not be entitled to car parking permits for on street car parking.
- C. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval
- D. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and

Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.

- E. Future residents are to be educated about wind conditions at high level balconies and terrace areas during high-wind events and tying down loose lightweight furniture.
- F. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- G. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council (telephone 9518 3690).
- H. The owner must accept all reinstatement costs in carrying out repairs to any buildings, works or landscaping over the easements should such buildings, works or landscaping be disturbed by any works undertaken by Council in the future.
- I. 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 300 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.
- J. 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.
- K. 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.
- L. 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.

- M. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- N. The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week. Therefore, the permit holder may wish to construct windows and built form that incorporate noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.
- O. Entry onto railway land during construction of the fence is at the discretion of the Rail Operator and VicTrack and is subject to any conditions imposed.

BACKGROUND:**History**

There are no recent planning applications related to this site.

As part of Amendment C122 to the Monash Planning Scheme (gazetted on 18 February 2016), the subject land was rezoned from Industrial to Mixed Use Zone in accordance with the recommendations of the Monash Industrial Land Use Strategy 2014. At this time, the Environmental Audit Overlay was also applied to the land.

Subject Site

The site is located on the eastern side of Warrigal Road, directly north of the Glen Waverley Rail Corridor. The site also abuts Elliott Street to the east.

The site is irregular in shape with a frontage to Warrigal Road of approximately 100 metres, and abuttal to Elliott Street for approximately 60 metres, with a total site area of approximately 14,500sqm.

The site has a gentle slope from the south-east to north-west of approximately 7.5 metres.

More specifically:

- The site is currently occupied by three large two-storey commercial / industrial buildings. Two buildings are located facing Warrigal Road, with the third located to the rear of the site. The buildings are separated by car parking and vegetation.
- Vehicle access to the site is via a single crossover on Warrigal Road.

- The existing buildings are set back approximately 15 metres from Warrigal Road. The setback is heavily vegetated.
- The site does not currently have any vehicle access from Elliott Street.
- Mesh chain wire fencing is currently located along the Elliott Street frontage of the site. No fencing is located along Warrigal Road.
- Seven (7) street trees about the site, including one on Warrigal Road, adjacent to the north-east corner of the site (Tree 1) and six (6) trees within Elliott Street (Trees 54-59).

Surrounds

The site is located north of the Holmesglen Neighbourhood Centre, which concludes south of the railway line. This centre includes the Homemaker Centre on the corner of Warrigal Road and Waverley Road, Holmesglen TAFE and a number of other commercial developments. The site is proximate to Holmesglen Station, which is approximately 100 metres south-west of the site.

Development varies significantly throughout the Holmesglen precinct and along Warrigal Road and into the local streets beyond.

More specifically:

North

North of the site are three residential buildings which range in height from four to seven storeys. No 4, 6 and 8 Power Avenue north of the site and 2-6 Elliott Street located east of the site. The Responsible Authority for this development was the Minister for Planning. The Planning Permit was issued on 15 July 2010 (2010/013766). The three buildings fronting Power Avenue have their pedestrian and vehicle access off the same. The building fronting Elliott Street has two access points along Elliott Street.

As part of this development, a 'pocket' park was developed on the corner of Elliott Street and Power Avenue to improve pedestrian safety and movement to and from Holmesglen Reserve and Gardiners Creek Trail located to the north of the site. Road works were also undertaken to Elliott Street including street planting, pedestrian friendly crossings using varied road materials and indented car parking and improved access to the pedestrian footpath adjacent to the railway line.

The development is contemporary in nature with the use of cement render, cladding and coloured glass with a flat roof form.

East

Elliott Street is located east of the site. Elliott Street concludes at the railway line south of the site. The subject site has a legal right to access Elliott Street which is identified as a public road.

As noted above, 2-6 Elliott Street is located east of the site which supports a five storey residential building with a café at the ground floor.

South

Immediately south of the site is the Glen Waverley Railway Corridor which includes a pedestrian pathway located on the land between the railway line and the subject site. This pathway (Waverley Rail Trail) provides a direct linkage from the Holmesglen Train Station to the subject site. Low wire fencing separates the pathway and the tracks. A pedestrian crossing is located south-east of the site.

On the southern side of the railway line are a number of commercial properties fronting Warrigal Road, which are predominantly single storey. East of this commercial area are residential dwellings, located within the General Residential Zone.

West

Warrigal Road is located west of the site which is identified as a Category 1 (Collector) road. Two lanes run south-bound plus a bus lane, and three lanes run north-bound adjacent to the site. Left in and left out slip lanes exist to and from the Power Avenue intersection. A right hand turning lane is also provided from Warrigal Road into Power Avenue. This intersection is not signalised.

An intersection also exists adjacent to the site with The Boulevard (on the west side of Warrigal Road), which is signalised.

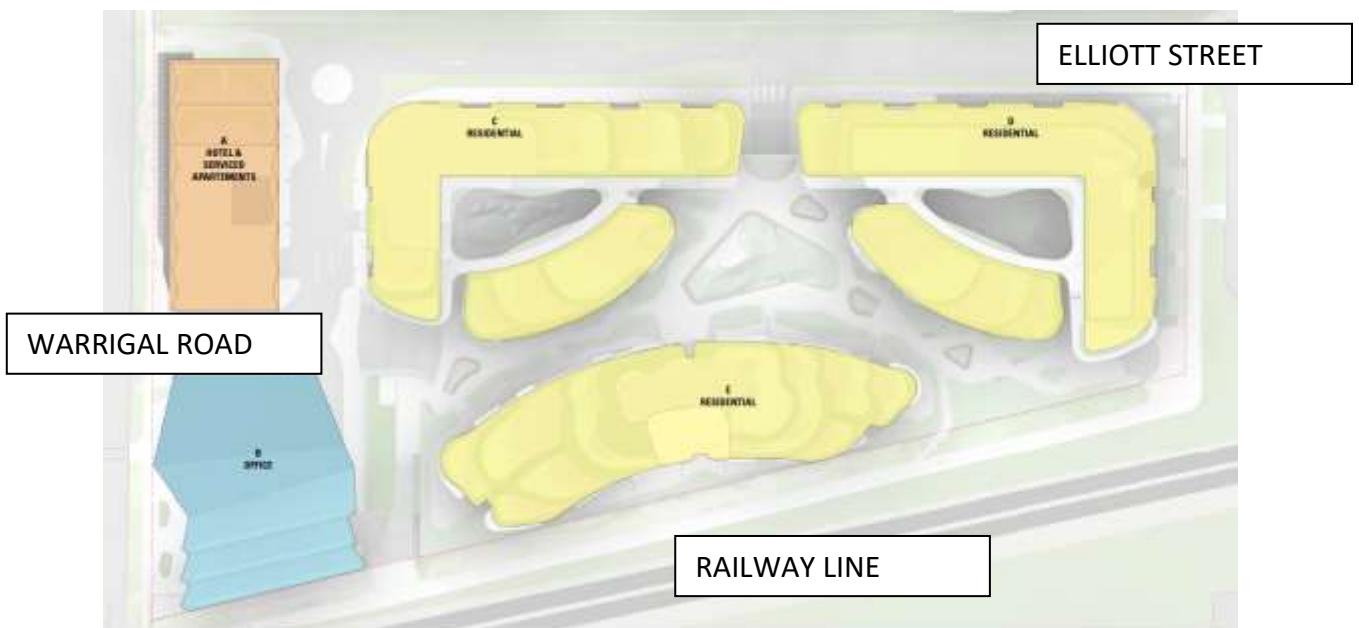
On the opposite side of Warrigal Road is the City of Boroondara (north of the creek) and City of Stonnington (south of the creek). A mix of uses exist opposite the site on the western side of Warrigal Road. North-west of the site is Gardiner's Creek / Markham Reserve and the Malvern Valley Golf Course, which is bordered to the south by one and two storey detached dwellings. Immediately south of the railway line is the Holmesglen Chadstone Campus. The campus includes a number of buildings including a seven (7) storey building fronting Warrigal Road.

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

PROPOSAL:

The proposal seeks the demolition of all buildings on the site, and the construction of five (5) buildings across the site. Proposed uses on the land include residential apartments, office, residential hotel, serviced apartments, café, restaurant and retail.

Figure 1 – Development Proposal Site Layout Plan



The proposed buildings have the following heights:

- Building A (orange) – 10 Storeys, 31.95 metres;
- Building B (blue) – 8 Storeys, 42.35 metres;
- Building C (yellow) – 10 Storeys, 31.97 metres;
- Building D (yellow) – 8 Storeys, 25.95 metres;
- Building E (yellow) – 9 Storeys, 30.95 meters.

The proposed uses and their sizes are detailed in the table below:

Use	Size / Number	Building No.
Residential Hotel	82 suites	Building A (levels 2-5)
Serviced Apartments	35 Apartments (30 x 1-bedroom, 5 x 2-bedroom)	Building A (levels 6-9)
Office	5,335sqm	Building B
Apartments	326 residential Apartments (44 x one-bedroom, 233 x two-bedroom, 48 x three-bedroom and 1 x four bedroom)	Buildings C, D & E.
Retail	Café – 286sqm Restaurant – 225.54sqm Retail – 492.2sqm	Building A, B and C (Ground & Basement / Lower level).

A total of 683 car parking spaces are proposed on the land. The development has been designed to provide two basement / semi-basement areas, being the ‘commercial’ car park to the front of the site and the ‘residential’ car park to the rear of the site. Short term car parking is also provided within the accessway at

the ground level. The basement and access arrangements have been designed to allow all vehicles to enter and exit the site via Warrigal Road, and all vehicles will be able to exit the site from Elliott Street. However, only vehicles entering the 'residential' basement will be permitted to enter via Elliott Street.

The proposal includes the signalisation of the Warrigal Road and Power Avenue intersection, at the request of the Department of Transport. This also includes the removal of the slip lane when exiting left out of Power Avenue into Warrigal Road and the addition of a zebra crossing and pedestrian crossing in this location.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Mixed Use Zone

Pursuant to Clause 32.04-2, a Permit is required for the use of the land for a residential hotel, an office in excess of 250sqm, and a food and drinks premises and shop in excess of 150sqm. The use of the land for a dwelling is a Section 1 Use (No Permit required).

Pursuant to Clause 32.04-6, a Permit is required to construct two or more dwellings on a lot and to construct a residential building. Pursuant to Clause 32.04-9, a Permit is required to construct a building or construct or carry out works associated with a Section 2 Use.

Pursuant to Clause 32.04-10, any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary. This applies to the land directly to the north of the site (4-8 Power Avenue) which is located within the Neighbourhood Residential Zone, Schedule 2.

The schedule to the Mixed Use Zone does not include a maximum building height requirement or any specific objectives. The schedule to the Mixed Use Zone identifies variations for Clause 55 relating to the provision of private open space and front fencing height.

Environmental Audit Overlay

Pursuant to Clause 45.03, before a sensitive use commences, or before the construction or carrying out of buildings and works in association with a sensitive use commences either a certificate of Environmental Audit must be issued or an environmental auditor must make a statement that the environmental conditions of the land are suitable for a sensitive use.

A detailed site investigation was undertaken by Alpha Environmental on 20 June 2018 which included a soil and groundwater assessment. It was found that there

was no evidence of soil or groundwater contamination onsite which would preclude the redevelopment of the site as proposed and that an Environmental Audit is not recommended for the site prior to development. However, the report did include recommendations for activities to be undertaken prior / during construction.

Whilst this has been provided, the applicant must still comply with Clause 45.03 of the Planning Scheme by providing a Certificate of Environmental Audit, or a statement must be provided by an appointed auditor under the Environment Protection Act 1970. A condition will require this to be provided.

Particular & General Provisions

Pursuant to Clause 52.06 (Car Parking) a Planning Permit is required to reduce or vary the required car parking requirement within Clause 52.06-5. The proposal does not seek to reduce the standard car parking requirement and therefore a Permit is not required.

Pursuant to Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road) a Planning Permit is required to create or alter access to a road in a Road Zone, Category 1.

Pursuant to Clause 52.34 (Bicycle Parking), a Permit is required to waive or vary the required bicycle parking spaces within Clause 52.3405. The proposal does not seek to reduce the standard car parking requirement and therefore a Permit is not required.

Pursuant to Clause 52.17-1, a Permit is required to remove, destroy or lop native vegetation, unless the table at Clause 52.17-7 specifically states that a Permit is not required. Council's aerial photograph indicates that the planting on the site occurred some time between 1982 and 1992. This indicates that the planting was grown as a result of direct seeding and therefore a Planning Permit is not required for its removal under this provision.

The site is located within an area of Aboriginal Cultural Heritage Sensitivity. Under the Aboriginal Heritage Regulations 2018, areas of cultural heritage sensitivity are part of a two part trigger which require the preparation of a Cultural Heritage Management Plan to be prepared where a listed high impact activity is proposed. A Cultural Heritage Assessment was prepared by Andrew Long and Associates which contends that a mandatory CHMP is not required prior to Council issuing a Planning Permit. It is noted that a preliminary environmental site investigation including geotechnical testing was prepared in 2016 by Stain & Berry. It is argued that as significant ground disturbance has occurred on the land, a CHMP is therefore not required. It is therefore considered that a CHMP is not required to be prepared.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 16 August 2018. In this letter, officers also raised the following preliminary concerns:

- Council is not supportive of vehicle access to the site via Elliott Street.
- Location and signalisation of Warrigal Road entry / exit.
- Tandem car parking for commercial uses and car parking rate provided for residential hotel.
- Scale / Height of the development.
- Minimal separation between buildings fronting Warrigal Road.
- Internal massing and separation of buildings internal to the site.
- Setbacks to Elliott Street and Warrigal Road.
- Lack of landscaping opportunities along the northern boundary and Elliott Street frontage of the site. Lack of retention of vegetation along Warrigal Road.
- Lack of housing diversity.

Formally amended plans were lodged on 20 December 2020, which sought to address the concerns of Council, VicRoads / Department of Transport and objectors.

Amended plans included the following changes:

- Deletion of the childcare centre.
- Reduction of office floor area from 7,773sqm to 5,335sqm.
- Reduction of number of residential apartments from 381 to 326.
- Reduction in residential hotel rooms (from 90 to 82) and increase in number of serviced apartments (from 34 to 35).
- Reduction in height of Building B (Office Building) from 12 storeys to 8 storeys.
- Vehicle access arrangements varied including location of Warrigal Road access and one-way road from Elliott Street.
- Deletion of previous vehicle access to the site modified traffic signals opposite The Boulevard.
- Proposed new traffic signals on corner of Warrigal Road and Power Avenue
- Reduction of overall number of car spaces.
- Variation of setbacks.

The Applicant was advised that this application was coming to the February Council meeting, in addition to a letter that was sent to the Applicant formally

informing them of the details of the Council meeting. The Applicant has been 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 initial 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 signs displayed on the Warrigal Road, Elliott Street frontages of the site and on the southern boundary, adjoining the railway line. Advertising commenced on 7 December 2018 and completed on 22 January 2019.

One Hundred and Thirty one (131) objections were received for the initial application.

Following the receipt of amended plans, the application was advertised again by way of letters to surrounding property owners and occupiers and signs on the land. Previous objectors of the application were also notified of the amended plans. More than 1,500 notices were mailed. As signs were reported to have been taken down and slashed on site, damaged signs were replaced and signs were erected for an additional 2 weeks.

A total of twenty-two (22) objections were received for the amended application. This includes 9 objectors who previously objected to the proposal. Therefore a total of 144 objections have been received.

Objections lodged included the following concerns:

- Impact of traffic volumes and safety to Warrigal Road and local roads including The Boulevard, Power Avenue and Elliott Street.
- Location of proposed access on Warrigal Road, opposite The Boulevard (noting that this has now been amended to be located further north).
- Seeking traffic lights at the Warrigal Road / Power Avenue intersection to allow right turn movements from Power Avenue (noting that the amended plans now seek traffic signals in this location).
- Overflow parking onto local roads.
- Height / Scale of the development, and inconsistent with neighbourhood character.
- Overdevelopment of the site.
- Lack of accessible / social / affordable housing provided within the development.
- Loss of vegetation on the site, and inadequate provision of landscaping to Warrigal Road.
- Overlooking into surrounding habitable room windows and secluded private open space.

- Noise impacts from future residents, uses and additional traffic.
- The development will impact the character of Power Avenue.
- Insufficient infrastructure and local facilities to support increased resident numbers.
- Overshadowing into communal and private open space.
- Potential sun reflection from buildings.
- Removal of trees along Warrigal Road frontage.
- Impact of development on flooding in the area, and further exacerbating flooding potential on Warrigal Road.
- Presence of the sale of liquor within the development causing unsocial behaviour.
- Amenity impacts during construction (street closures, traffic impacts, noise impacts).
- Overflow of seating from café onto Council footpath.
- Inappropriate location for a hotel use.

The application was advertised to VicTrack, being an adjoining property owner. VicTrack do not object to the application, however have recommended a number of conditions to be placed on the Permit if issued, relating to further approval and design detail with respect to the proposed works on VicTrack land.

It is requested that the following alterations also be made to the plans:

1. *Deletion of curtain wall glazing or set back to the south elevation of the office building at ground level to be replaced with a solid wall with no openings, to be constructed in accordance with the required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100.1;2017 – ‘Bridge Design, Scope and General Principals’. The internal layout of the development is to be adjusted accordingly.*
2. *Screens, guards or design features to prevent items from being thrown or falling onto railway land from any part of the building development.*
3. *Non-reflective external materials to the south elevation which must not impact on train driver visibility or recognition of signals through reflection, glare or of use of signal colours (red, green, yellow). This must be accompanied by a statement/report prepared by a suitably qualified engineering consultant in direct consultation with the Accredited Rail Operator (MTM) that verifies that the materials proposed to the south elevation of the podium adjacent rail will not interfere with train driver visibility or signal recognition.*

Public information session

Three community information sessions were held in person in December 2018 for the initial application. Approximately 35 people attended the sessions in total.

Following the receipt of amended plans, two on-line information sessions were held in December 2020 due to Covid restrictions. Approximately 15 residents attended the sessions in total.

Attachment 4 details the location of objector properties.

Referrals**External Referrals**

An application made pursuant to Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road) is required to be referred to the Road Authority (Department of Transport). A referral is also required to this body as a determining referral authority pursuant to Clause 66.02-11 for a residential development of 60 or more dwellings, a residential building with 60 or more lodging rooms and an office development with 10,000sqm or more of leasable floor area.

Department of Transport (ref: HTFV2018/0394)

No objection to the granting of a Planning Permit subject to conditions, including but not limited to the provision of a demolition and construction management plan, ensuring there is no damage to VicTrack land, and contact to be made to the rail operator prior to the commencement of works.

Internal Referrals**Strategic Planning**

- No concern with the overall height and presentation of the development to Warrigal Road.
- The buildings C and D are separated from the adjacent building to the north by around 20m, which is sufficient for solar penetration and limiting overlooking. The building separation internal to the site appears reasonable and in some cases quite generous.
- There should be two additional pedestrian crossings at the front of the site – one allowing north-south pedestrian connection along Warrigal Road; and then another between the offices and the commercial parking area.
- There appears to be “public” access through the site, with seating available. However, there are only stairs to access this space. The lifts don’t appear to be publicly accessible and are hidden from view.
- There is not a great level of dwelling diversity. 72% of the dwellings are 2 bedrooms, with less than 15% each for 1 and 3 bedroom dwellings. They should increase the number of 1 and 3+ bedroom dwellings to cater to single

/ couple households and families / larger group households. In Ashwood/Burwood, one person households are around 25% (6% higher than Monash overall) and couples without children are around 21% (4% lower than Monash overall). They should increase the number of 1 bedroom dwellings by at least 10% and the number of 3 bedroom dwellings by 5%.

- Affordable housing should be provided on all strategic redevelopment sites. There are 325 dwellings across buildings C, D and E. Ashwood/Burwood has the lowest SEIFA score in Monash – so it is quite important to provide affordable housing. The objectives of Planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987* now include - *to facilitate the provision of affordable housing in Victoria*. As planning authority, Council must consider how this proposal seeks to implement this and the other objectives of planning in Victoria.
- There is a lack of indigenous or native vegetation – most varieties appear to be from North America. Varieties with a taller mature height should be provided along the northern part of the site. The landscaping along the Warrigal Road frontage appears to be very minimal – particularly considering the development would result in the loss of significant landscaping that is already provided in the front setback.
- The spill over café seating area along Warrigal Road is not supported. The seating should be provided within the title boundary and the existing footpath and verge maintained for pedestrians and landscaping.

Urban Design Consultant

- Require a lift from the ground level street network to the elevated podium integrated with the public stair elements providing equitable access to the elevated communal open space to the satisfaction of the responsible authority.
- The eastern end of the development where the upper floor plan remains incomplete for Building D is an effective 7 levels in height versus the eastern and northern neighbours and neighbour at 3-5 levels and 4 levels, respectively. The common material palette amplifies this perceived scale. Whilst there is a case to mark the corner with taller form and potentially retain this scale along the northern wing there is a need to reduce the scale of the Elliot Street eastern wing with a more appropriate 6-level building. It is recommended that Level 8 east wing of building D south of the lift and stair core be deleted.
- In order to support the proposed uplift in development scale sought by the applicant meaningful community benefit needs to form part of the project. To that end and in accordance with the guidelines now provided in the Planning and Environment Act the development should provide an Affordable Housing Strategy via a 173 Agreement with Council whereby 5% of the residential housing or 17 units will be provided in a gifted or similar

form acceptable to Council to a Registered Community Housing agency or other approved and regulated entity for the supply of affordable housing agency.

- Generally satisfied that the setbacks between the perimeter neighbouring-built form and the subject site to the north and similarly of the view that the separation between the proposed hotel and office and hinterland residential form is adequate and that the northern boulevard is now appropriately proportioned.
- The western end of the project and parts of the remaining are up to three levels higher than neighbouring development reducing sky views and daylight from south facing adjoining affordable housing. Without an acceptable resolution of a public housing contribution there is insufficient benefit being provided for community versus private entities to warrant the increased height.
- Whilst pathways are needed at podium level and access to dwellings directly, the duplication of paths proposed have fragmented common area spaces leaving no zones for embankments and meeting and social zones. The South eastern approval zone and central zone are cases where alternative arrangements could have delivered a more generously scaled central recreation and soft-landscaped zone. Pathways within the podium level and to the street should be separated from habitable rooms of development by planter zones to the satisfaction of Council.
- The continued view that children's play is not necessary because a playground is simply down the lift, staircases and 60m away is clearly not a response that is seen through the lens of a child and their development and access to play or a parent with young children. The logistics of access to the two alternatives are dramatically different.
- To be effectively used for their intended social purposes the expansive communal roof terraces for each of the quadrants requires supportive toilet and kitchenette facilities. Only the NW residential building C is equipped with supporting space.
- The landscape proposal indicated that the area north of the Waverley bike path is to be excavated and landscaped. This is supported but would need to also be supported by Bonds lodged with Council and agreed with the land manager for the bike path zone and works undertaken to the approval of VicTrack and the land manager.
- Recommend amending the plans for the Hotel and serviced apartments to provide for natural light and ventilation to the north and south ends of the development at each of levels 2 to 9 inclusive to the satisfaction of the responsible authority.
- The raised landscaped podium with steep stair entrances fails to provide an effective permeable entrance to the site from Warrigal Road. These elements form an effective gating of the site. Recommendation for an

effective affordable housing strategy is not made lightly but to enable a reasonable sharing of development uplift with the reliance on the community of acceptance of diminished access to sunlight to open space and greater visual bulk and scale beyond established characteristics.

Traffic Engineering

No concerns subject to traffic calming measures on Power Avenue, and the provision of a safe pedestrian crossing on Power Avenue subject to further consideration. Council's Traffic engineers support the recommendations of the urban design consultant. Comments from Council's traffic engineers are further discussed in the assessment section of this report.

Drainage Engineering

No concerns subject to conditions. The site will be required to be drained to the satisfaction of the Responsible Authority. An on-site detention system will be required within the basement and the ground floor.

Waste Management

Further detail is required within the Waste Management Plan, and the inclusion of food waste recycling and allowance for future separated glass recycling. Waste collection locations are required to be revised to allow for easy access and collection from each of the buildings. Proposed conditions require such revisions.

DISCUSSION:

Planning Policy Framework

The Planning Policy Framework clearly seeks to provide for sufficient land to meet forecast demand for increased population in Victoria. More specifically, Clause 11.02-1S seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The Planning Policy Framework directs this growth within Activity Centres which are highly accessible to the community.

Whilst the subject site is not located within the Holmesglen Neighbourhood Activity Centre, it sits approximately 170m north of the northern boundary of this centre, and is within walking distance to the train station. It also is part of a continued non-residential zone fronting Warrigal Road. Whilst the commercial zone extends to the western side of Warrigal Road in part, this centre is not identified within the neighbouring Stonington Planning Scheme as a Neighbourhood Activity Centre.

Clause 17.02-1S seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. This includes providing new convenience shopping facilities in new residential areas and within, or immediately adjacent to existing commercial centres. Preference is

given for expansion of retail, commercial and recreational facilities in locations in or on the boarder of an activity centre.

The Planning Policy Framework also seeks to locate high density housing in designated locations that offer good access to jobs, services and transport. The site is identified as a 'housing opportunity area' as the site is located within an area for residential growth, has appropriate infrastructure and is proximate to a neighbourhood activity centre. Clause 16.01-3S also seeks to provide for a range of housing types to meet diverse needs.

The principal control for the site is the Mixed Use Zone which seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

The proposed uses being residential dwellings, residential hotel, food and drink premises, retail premises and offices are considered appropriate on the land given the location of the site within a Mixed Use Zone, on a Category 1 Road Zone, proximate to a Neighbourhood Activity Centre and serviced by public transport, an education facility and other services. The land uses will support the continuing commercial services role of the precinct.

Clause 16.01-2S seeks to deliver more affordable housing closer to jobs, transport and services. In doing this, it is encouraged to increase choice in housing type, tenure and cost to meet the needs of households. Clause 16.01-1S also seeks to facilitate diverse housing that offers choice and meets the changing household needs by widening housing diversity though a mix of housing types. The proposed development does not provide for a high diversity of dwellings. Less than 15% are 1 and 3 bedroom dwellings. It is considered that the number of 1 and 3 bedroom dwellings should be increased by 10% and 5% respectively. A conservative approach to this would be to require a minimum of 70 x one-bedroom apartments and 60 x three-bedroom apartments to be provided within the development.

Whilst Council's Strategic Department and Urban Design Consultant have recommended the provision of affordable housing within the development, the applicant has not included a component of affordable housing within the development proposal and given the lack of policy support at this time surrounding this aspect, this cannot be required as a condition of the Permit without the agreement of the applicant.

Mixed Use Zone

The site was rezoned from Industrial 1 Zone to Mixed Use as part of Amendment C122. As part of this amendment, the Design and Development Overlay, Schedule 1 was deleted from the land.

The site is identified as being located within Precinct P04 in the Monash Industrial Land Use Strategy 2014. The Strategy identifies that *'the site offers opportunity for a mixed use development that consolidates demand for higher density residential into a location which offers excellent access to a range of urban infrastructure and services. Office uses may be encouraged along the Warrigal Road frontage to leverage off its main road exposure as well as the precinct's location adjacent to an activity centre, railway station and Holmesglen'*.

Local Planning Policy Framework

This site is lacking in terms of local policy and guidance, being located within a Mixed Use Zone, with no applicable design overlay. Being in the Mixed Use Zone, policies such as Clause 22.01 (Residential Development and Character Policy) are not specifically applicable.

The Monash Housing Strategy 2014 identifies the site is within the Accessible Area for Holmesglen activity centre / train station (Category 2) and within the activity centre itself (Category 1). However, it is also adjacent to the Creek Environs (Category 7). In this context, substantial residential growth is achievable and encouraged.

A strategy has not been prepared for the Holmesglen Neighbourhood Activity Centre, and its boundaries have not been clearly defined. However, the zoning and proximity of the site allows it to be seen as an extension to this activity area. Clause 21.06 identifies the Holmesglen area as a centre which seeks to provide for weekly convenience shopping, which provides services proximate to public transport services.

Building Scale

Limited policy guidance is provided for the site with respect to scale and character, unlike the Design and Development Overlay, Schedule 9 which applies to the Activity Centre south of the site Neighbourhood Character Policies such as Clause 21.04 and 22.01 do not apply as the site is in a Mixed Use Zone.

Therefore we must turn to first principles with respect to determining the scale and height of the development in terms of the preferred character of the area, balancing with the Planning Policy Framework which seeks to increase densities and encourage growth in locations such as these. The scale of buildings will also be informed by the site size and amenity that can be achieved.

The Design and Development Overlay which applies to the Activity Centre to the south of the site, seeks to provide development of 17.5 metres (equivalent to 5 storeys) fronting Warrigal Road, with reduced height to the east of the precinct adjacent to residential zones. Warrigal Road slopes down from the Activity Centre, to the subject site, with the site sitting in somewhat of a crevice. Therefore, the building heights will sit at approximately the same height, as taken from a view line from the Activity Centre to the subject site.

The proposed building will be taller than existing buildings abutting. The proposal is 5 levels taller than the affordable housing development located to the north on Power Avenue. The proposed development will sit at 7 storeys adjacent to the eastern boundary of the site, adjacent to the development to the east being 3-5 storeys.

Whilst the taller building form is considered acceptable adjacent to the northern and western boundaries, building D fronting Elliott Street should reduce its scale further, within the eastern wing of the building. A proposed condition will therefore require level 8 of the eastern wing of Building D to be deleted south of the lift and stair core (requiring the removal of two apartments). This will allow for a more effective transition in building scale.

The separation of buildings within the site has improved, in addition to widening of the northern internal boulevard. This has improved the consequential impacts of the buildings internally such as daylight access to the communal open space at the ground floor, and improved daylight to apartments.

Interface to Warrigal Road

Two buildings are proposed to front Warrigal Road, separated by the primary vehicle access point to the site. The separation of the building will also allow views of the grand staircase leading up to the raised podium level.

Building A is proposed to be set back from the title boundary approximately 4.4 metres at the ground floor, whilst the first floor balcony is set back less than a metre from the street. Levels 2-8 are set back a minimum of 3.2 metres from the street with a repetitive angle pattern.

Building B is setback varying distances, from 2.2m-7.4m at the ground floor and 0m-6.6m at the upper levels. The building transitions back from the southern boundary at the upper levels and presents with a series of skillion parapets to Warrigal Road.

It is considered that the proposed setbacks are appropriate, given the mixed use zoning of the land and the role that the land will play to transition from the Commercial Zone to the south, to the Neighbourhood Residential Zone and existing buildings to the north, and its relationship to a main road.

Both buildings provide for an activated frontage to Warrigal Road, with the provision of a retail space, café and lobby for the office building. The ground floor café seating which is proposed to extend past the title boundary is not supported, and the existing footpath within Council land must be retained.

Three planter boxes are proposed within the frontage of Building B, which is not considered sufficient, and a proposed condition will require greater landscaping and provision of native canopy trees to this area. A proposed condition will also require cascading planting from the first floor balcony of Building A.

Elliott Street Interface

Building D, which fronts Elliott Street is proposed to be set back a minimum of 6 metres from the street. The ground floor apartments with their courtyards will sit just below the footpath level, with planter boxes providing a buffer from these areas to the street. Pedestrian access to the site via Elliott Street will be at both the northern and southern ends of this boundary.

Building D presents as more residential in nature than the buildings fronting Warrigal Road, reflecting the varied character of this interface.

As mentioned earlier in this report, it is recommended that the scale of this building be tempered further to provide an acceptable transition in building scale. A proposed condition will therefore require level 8 of the eastern wing of Building D to be deleted south of the lift and stair core (requiring the removal of two apartments).

Pedestrian movement and Access

The proposal has a large ceremonial staircase linking the central elevated podium and the adjoining elevated communal space with the perimeter street networks.

These links are not invested with lifts providing residents with disabilities or visitors with the same equity of access and dignity afforded to able bodied visitors. Typically, a short distance lift should be provided addressing this expectation of the disability act and good practice. A proposed condition will require a lift from the ground level street network on Warrigal Road to the elevated podium integrated with the public stair elements providing equitable access. Alternatively, the existing lifts to the east of Building B could be made more visible and available for public use from Warrigal Road, providing access to the podium level.

Whilst walks are needed at the podium level and access to dwellings directly, a number of paths are duplicated, separated by a small area of landscaping. This also results in a fragmented common area, allowing for less substantial areas of planting. A proposed condition will require a revised central and south-eastern

zone highlighted in the image below, allowing for a more generously scaled central recreation and soft-landscaped zone.

Figure 2 – Recommended changes to communal podium area



Vegetation Removal & Landscaping

An Arborist Report was prepared for the site, prepared by TreeMap Arboriculture. It was assessed that there are seven (7) trees on the site which have a moderate retention value and could be considered for retention – being Trees 2, 3, 9, 13, 31, 35 and 48. In contrast, the proposal seeks to remove all trees from the site and provide for a new landscaping response.

Trees 3 and 13 have poor structure, Tree 31 is located central to the site and Tree 48 is located adjacent to the Elliott Street frontage. Tree 9 is a Lemon Scented Gum Tree located within the Warrigal Road frontage of the site, however the tree only has fair health and structure with some asymmetry. The remainder of trees within the front setback of the site have a low retention value.

The Arborist Report identifies Trees 2 (Rough-barked apple) and 35 (Red Ironbark) as having moderate retention value and Tree 34 (Red Ironbark) as having low retention value, due to some minor asymmetry. The applicant has advised that these trees can be retained with the current design. Therefore a condition will require their retention.

A proposed condition will require the planting of five (5) native canopy trees within the front setback of the site to Warrigal Road which can reach a minimum of 10 metres at maturity, in addition to further detail regarding proposed planting throughout the site.

Although the plans have not provided detail of the street trees in relation to the proposed crossover to Elliott Street, it does not appear that any street trees will

be impacted by the proposed development. The applicant has advised that all street trees are proposed to be retained.

External Amenity

Building bulk

The development will present as three building modules to the north, being Buildings A (Hotel), C and D (residential).

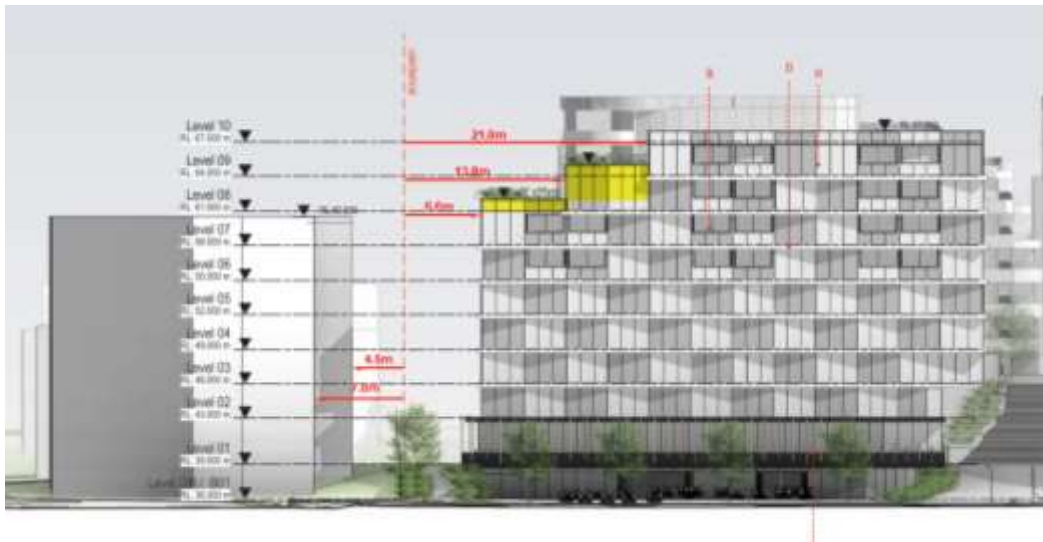
Building D is six (6) storeys in height, with a recessed seventh, plus rooftop space, as it presents to Elliott Street. Given the slope of the land, the western end of the building is taller and has more storeys. Building C has a maximum of ten (10) storeys. However, both buildings provide a tiered approach at the upper levels which increases the separation between the two buildings and lessening the bulk of the building. Building C at its eastern end is six (6) storeys in height. The width of the upper level of the building spans approximately 30 metres.

The existing residential buildings are set back approximately 20 metres from proposed balconies and windows. This setback distance includes the internal accessway, and an area of landscaping approximately 2.8 metres in width which will allow for deep root planting adjacent to the northern boundary of the site. A landscape strip is also proposed on the southern side of the accessway, to create a 'boulevard' effect. The Landscape Plan suggests that a double row of 'Locust' trees are proposed, being the same tree as those planted within Elliott Street.

The Hotel, Building A is a total of ten (10) storeys in height. The building steps down to the north, with a height of eight (8) storeys at its northernmost point. The height of the building on the northern side is 1.5 metres taller than the existing building at 4 Power Avenue. The overall height of Building A is a maximum of 7.4 metres taller than the adjoining building, being equivalent to 2 storeys.

To lessen bulk impacts to the adjoining property to the north, a proposed condition will require the two northernmost apartments on Level 07, Building A to be deleted to increase setbacks to the northern boundary of the site. Any balcony areas on the level above are to be reconfigured to be set back at least the setback provided on Level 07. This will bring the building height at the northern end, comparative to the height of the existing building, and will increase the set back of the level above from approximately 13.8 metres, to 21 metres. This will in turn also improve daylight access to these existing south facing windows.

The proposed condition is illustrated in the figure below. The plan is showing Building A as presented to Warrigal Road.

Figure 3 – Proposed conditional changes to Building A massing

Overshadowing

Given there are no sensitive interfaces to the west and south of the site, the proposal results in limited overshadowing to adjoining residential properties.

Shadows taken on 22 September (Equinox) do not extend past the rail corridor to the south, or Elliott Street to the east at any point between 9am-3pm (as assessed in the Planning Scheme).

Daylight to Habitable Room Windows

Building A is set back from the existing building (and associated habitable room windows) at 4 Power Avenue by approximately 11 m -14 m (given the stepped setback of the existing building). It is noted that only a small section of the proposed building is located adjacent to the existing building which has a setback of 11 metres.

The height of the proposed building (Building A) varies as it presents to the northern boundary, given the slope of the land. The wall height varies from 23 metres to 26 metres, where the building is set back 6.6 metres up to Level 7. It is considered that the setbacks proposed are acceptable, given the setbacks of the existing building, the location and width of the proposed building in addition to the separation of Building A from the adjoining building to the east (Building C).

Buildings C and D are set back approximately 18 metres from the adjoining buildings to the north at No. 4, 6 and 8 Power Avenue which will provide for sufficient opportunities for daylight to these south facing windows.

Overlooking

The apartment buildings and hotel building proposed, are greater than 9 metres from the adjoining buildings to the north, and residential building to the east on

the opposite side of Elliott Street. Therefore no screening is required to balconies or windows.

There is an area of communal garden space located on the southern side of the buildings to the north, abutting the subject site. However, this space is not considered secluded private open space, and is also greater than 9 metres from proposed balconies and windows.

Internal Amenity

Apartments

Apartments are generally provided with high levels of amenity.

The apartment buildings have been designed to have limited long corridors, and where required have been provided with light and ventilation. Ventilation through dwellings is also high, due to the configuration of the apartment towers. The arrangement of multiple separate buildings on the site also allows for buildings being narrow in width, allowing greater access to daylight.

All balcony areas for apartments should be in keeping with the size and dimension requirements of Standard D19 of Clause 58.05-3. This must be provided within a single balcony space, located directly off the living area. It is noted that apartments at the podium level require a larger area of SPOS than apartments above, being 15 square metres. It appears that some areas are less than this requirement).

A proposed condition will also require further clarification that the balcony space at Level 03 (podium level) on the southern side of the lift and stairwell is for communal purposes.

Rooms are generally acceptable in size and daylight access, however there are a number of 'snorkel' bedrooms which rely on a corridor to the external window, which is then covered by the balcony above. A proposed condition will require compliance with Standard D26 of Clause 58.07-3, which limits the length of the corridor which is provided, and requires the window to be clear to the sky.

The separation of building modules have increased, therefore reducing the need for screening within the development between apartment towers. Some balconies are closer than 9 metres, and propose screening on part of the balconies which is considered acceptable. No apartments are required to screen their balcony spaces in its entirety.

Storage cages are provided within the basement levels for apartments, however these are not numbered / allocated and their sizes is unknown. A proposed condition will require storage to be provided in accordance with Standard D20 of Clause 58.05-4.

Hotel / Serviced Apartments

The internal corridors running north-south within Building A, within the lower levels are close to 40 metres in length. This corridor is provided without daylight or ventilation. A proposed condition will require the northern and southern interfaces of this corridor to provide for daylight and ventilation.

Given the scale of Building A, it is considered that a communal lounge and outdoor space should be provided for customers. One room located on level 9 is provided with a large outdoor terrace which exceeds 60sqm in area. A proposed condition will require this suite to be converted to a communal lounge with outdoor communal space.

Car Parking, traffic and access

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Land Use	Size	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Residential Apartments	Total of 329 apartments (227 one and two bedroom dwellings, and 49 x three or more bedroom dwellings)	1 space per 1 or 2 bedroom dwelling and 2 spaces per 3-bedroom dwelling for residents	375 spaces	375 spaces plus 11 surplus car parking spaces for residential use.
		0 spaces for visitors	0 spaces	26 shared retail visitor spaces utilised outside of operating hours.
Residential Hotel	82 Hotel Rooms	To the satisfaction of the Responsible Authority	To the satisfaction of the Responsible Authority	66 spaces (plus 7 short term spaces at ground level utilised for hotel drop off and pick up)
	35 Serviced Apartments			28 spaces
Office	5,335sqm	3 spaces per 100sqm	160 spaces	160 spaces
Retail	1,052sqm	3.5 spaces per 100sqm	36 spaces	10 staff spaces and 26 visitor spaces
Total			665 spaces	683 spaces (including 7 spaces used for short term parking)

The proposal provides for sufficient car parking, in accordance with Clause 52.06. Car parking is conveniently accessible for all staff, residents and patrons on the site.

The proposed car park has been split into two areas, being the residential car park and the commercial car park, allowing limited vehicle movement into the site via Elliott Avenue.

As recommended by the Urban Design Consultant and traffic engineers, further allocation of disability parking which is conveniently located, and short term scooter and visitor bicycle spaces are required to be provided near the Warrigal Road entry to Buildings A and B.

An internal loop road is proposed to provide access to the off-street parking areas, loading bays and on-street parking spaces. The link within the internal road between the hotel / roundabout and the residential car park is proposed to be one-way only (eastbound) requiring vehicles to the commercial car park to access the site via Warrigal Road. These vehicles will be able to exit towards Elliott Street and Power Avenue to utilise the signalised intersection if required.

According to the traffic report, VicRoads / Department of Transport recommended a traffic peak hour generation rate of 0.4 movements/dwelling and the same rate (0.4 movements/space) for the hotel/serviced apartments. It is estimated that a total of 146 peak hour movements will be generated by the development towards Elliott Street. The report also indicates that daily traffic volumes are expected to increase along Elliott Street towards 800 vehicles per day, increasing the existing daily volume from 200. The additional traffic along Elliott Street will see the street continue to operate within its respective threshold limits outlined in the Planning Scheme, i.e. 1,000 – 2,000 vehicles per day for Elliott Street (Access Street Level 1). The proposed division of the basement to reduce the commercial traffic demand to Elliott Street, and the estimated peak hour movements into Elliott Street are considered acceptable.

It is suggested that conditions be required to ensure that further measures can be put in place if required as follows (in addition to the requirements from the Department of Transport):

- Unless otherwise agreed in writing by the City of Monash, within 6 months from the commencement of the use, a post-development Traffic Impact Assessment Report must be submitted to and approved by Council. The Traffic Impact Assessment must include a route review of Power Avenue and Elliott Street to assess the network performance and identify any mitigation measures required to improve the safety and efficiency of the network as a result of any movement pattern changes due to the development.

- Within 12 months from the commencement of the use, any mitigation measures outlined in the post development Traffic Impact Assessment must be carried out to the satisfaction of and at no cost to Council.

A roundabout is provided to allow for internal U-turns for hotel pick up and drop off.

A signalised intersection to Power Avenue and Warrigal Road is proposed, following recommendations from the Department of Transport. In doing this, the existing slip lane from Power Avenue into Warrigal Road is proposed to be deleted, requiring vehicles turning left to enter into the signalised intersection. A new pedestrian crossing and linkage to existing footpaths on Warrigal Road / Power Avenue is also proposed.

Figure 4 – Functional Layout Plan for intersection of Power Avenue and Warrigal Road



Given the development on the site, which will result in additional vehicle movements along Power Avenue and an increase in residents in the area, it is considered that a safe pedestrian crossing is required on Power Avenue, located adjacent to the children's playground. A proposed condition will require further investigation into this, given the need for further consultation with the Department of Transport to ensure that the design of the crossing provides a safe connection.

Elliott Street contains existing contrasting pavement treatments which is required to be retained. The existing pavement treatments are considered appropriate in the low speed environment along the street and no modifications are required as part of the development. However, it is noted that a recommendation from the Road Safety Audit which was undertaken was that the existing brick paved threshold treatment in Elliott Street at the intersection with Power Avenue is required to be upgraded to comply with the current accessibility guidelines. A condition will require this to be undertaken.

The traffic report prepared indicates that “...consideration can be made to the implementation of traffic management measures on Power Avenue / Elliott Street, including the provision of a roundabout at the intersection of Elliott Street / Power Avenue. The removal of the slip lane for the east to south movement on Power Avenue / Warrigal Road is expected to also detour any potential rat-running movements.” A roundabout is not practicable due to the poor horizontal & vertical alignment. Therefore an alternative concept has been developed by Council officers for a series of traffic islands (refer to figure below). A condition will require these works to be further documented and undertaken prior to the commencement of the use.

Figure 5 – Proposed connect for traffic islands on Power Avenue



Bicycle Parking

Land Use	Size	Statutory Rate	Bicycle spaces Required
Residential	326 dwellings	1 to each 5 dwellings for residents and 1 to each 10 dwellings for visitors	66 spaces for residents 33 spaces for visitors
Hotel	82 rooms and 35 serviced apartments	To the satisfaction of the Responsible Authority	To the satisfaction of the Responsible Authority
Retail	1,052sqm	1 to each 300sqm of leasable floor area for staff and 1 to each 500sqm of leasable floor area for customers	3 spaces for staff 2 spaces for visitors
Office	5,335sqm	1 to each 300sqm of net floor area for staff and 1 to each 1000sqm of net floor area for visitors	18 spaces for staff 6 spaces for visitors
Total			128 bicycle spaces

The application proposes a total of 113 bicycle spaces in the following locations:

- 35 bicycle spaces within Level 01 of the ‘commercial’ car park.
- 17 bicycle spaces on Level 02 of the ‘commercial’ car park.
- 30 bicycle spaces at Level 01- to the east of the office building.
- 20 bicycle spaces within Level 01 of the ‘residential’ car park.
- 11 bicycle spaces adjacent to the vehicle access to the residential car park.

Bicycle spaces are also proposed within 196 of the residential apartments, within the external areas of the apartments (Apartment Type 1, 4, 5, 6, 8, 9, 11, 12, 13 and 35). End of trip facilities are located within the ground floor of the office building.

The provision of bicycle parking on the site is considered acceptable.

Waste Management

Private waste collection is proposed, however the Waste Management Plan and Development Plans are lacking in detail with respect to the provision of waste storage allowance and collection. More specifically,

- The proposed development fails to allow for food waste recycling and separated glass recycling.
- The present retail and office facility are devoid of easy access to waste facilities at ground level or nearby undercover. The consultant report is devoid of commentary arrangements for the office tower merely stating that waste management and loading is within the hotel. The report suggests more than 5800 l/week of waste will be generated by the office and retail building.
- Having to move all goods from a loading dock in what could be a separately owned and managed building for an office and retail building is impractical.

Presently, goods would have to be moved either via the roller door loading entry and across roadways without kerb outstands or crossovers to a mezzanine lobby where no access is indicated or via steeply graded footpaths to the lower Warrigal Road entry.

- A proposed condition will require the loading dock area and Ground level retail to indicate structure and access arrangements from loading to lift core and exits and demonstrate sizing for designated in locations.
- A proposed condition will require a loading bay and waste management within the Office Building level 1 area.

Proposed conditions of the Permit will require a revised waste management plan and provision of adequate waste storage for each building proposed. A condition will also require that waste collection vehicles enter and exit the site via Warrigal Road, to limit noise impacts to residents on Elliott Street.

Construction Management

A condition is proposed which will require the preparation and endorsement of a Construction Management Plan prior to the commencement of works on the site. This will require detail surrounding the movement of construction vehicles. The proposed condition will limit the access of construction vehicles to the site via Warrigal Road. Measures to control dust, noise and other potential amenity concerns will be required to be detailed within this report.

Objections not previously addressed

- Noise impacts from future residents, uses and additional traffic – As the use of the land for residential dwellings does not require a Planning Permit, potential noise from future dwellings cannot be considered. An Acoustic Report will be required as a condition of the Permit, which will assess the potential impact of the commercial uses on adjoining residential properties, and provide recommendations for any acoustic treatment required.
- Insufficient infrastructure and local facilities to support increased resident numbers – There is nothing to suggest that existing infrastructure and facilities are at capacity, and will be exceeded by this development.
- Potential sun reflection from buildings – The development does not propose any reflective material. Window glazing is proposed to be ‘tinted vision glazing’ which is not of a mirror / reflective nature.
- Impact of development on flooding in the area, and further exacerbating flooding potential on Warrigal Road – The application was referred to Council’s drainage team who raised no concerns regarding the proposal with respect to drainage provisions. Further approval will be required by Council’s engineering department prior to the commencement of the development.
- Presence of the sale of liquor within the development causing unsocial behaviour – This application does not seek permission for a liquor licence.

The potential impacts of the sale and consumption will be assessed when an application is received. The proposed hotel use is a residential hotel.

- Amenity impacts during construction (street closures, traffic impacts, noise impacts) – A proposed condition will require a Construction Management Plan to be submitted and endorsed by Council which provides detail of construction vehicle routes, and mitigation of dust etc. from the site. The condition will require that all construction vehicles enter and exit the site via Warrigal Road.

CONCLUSION:

The proposal will provide for a high quality development on a site which is suitable for intensification given its size, location and Mixed Use zoning. The development will provide for additional vibrancy of the area and will provide for an appropriate transition from the Holmesglen Activity Centre to the adjoining residential area.

The development provides for sufficient car parking and loading within the site. A number of changes have been made to the application with respect to parking and traffic generation, and with the addition of conditions of the Permit will result in an acceptable outcome for the site and the surrounding road network.

The proposal, subject to conditions proposed will allow for a sufficient response to adjoining residential properties and the local residential character of Elliott Street.

The proposal will provide for a good level of internal amenity for residents, and allow for pedestrian connections for residents walking through and around the site.

Overall, the proposal is considered appropriate in both its concept and design and it is recommended that a Notice of Decision to grant a Permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.