

**1.2 149 HANSWORTH STREET, MULGRAVE  
AMENDMENT TO AN EXISTING PLANNING PERMIT WHICH ALLOWS THE  
DEVELOPMENT OF TWO RESIDENTIAL APARTMENT TOWERS UP TO 10 STOREYS  
IN HEIGHT AND 28 TOWNHOUSES  
(TPA/45451)**

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**EXECUTIVE SUMMARY:**

Planning Permit TPA/45451 was issued on 8 November 2017 for land at 149 Hansworth Street, Mulgrave for the development of residential apartments and townhouses.

The applicant has applied directly to VCAT to amend the Permit and plans pursuant to Section 87A of the Planning and Environment Act 1987. Whilst Council is not the decision maker in this instance, Council must form a position on the proposed application.

The proposed amendments seek to modify the endorsed plans in relation to the two residential apartment towers to provide for an increase in the overall number of apartments.

The application was advertised at the direction of the Tribunal. No submissions were received and no parties have joined the proceedings at VCAT.

Key issues to be considered relate to the massing and built form of the towers, carparking and provision of landscaping within the site.

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

**The reason for presenting this report is Council determined the initial application.**

**The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme, subject to conditions. It is recommended that Council resolve to support the application to amend the permit and plans.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Catherine Sherwin</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Anne Maree Roberts</b>
<b>WARD:</b>	<b>Mulgrave</b>

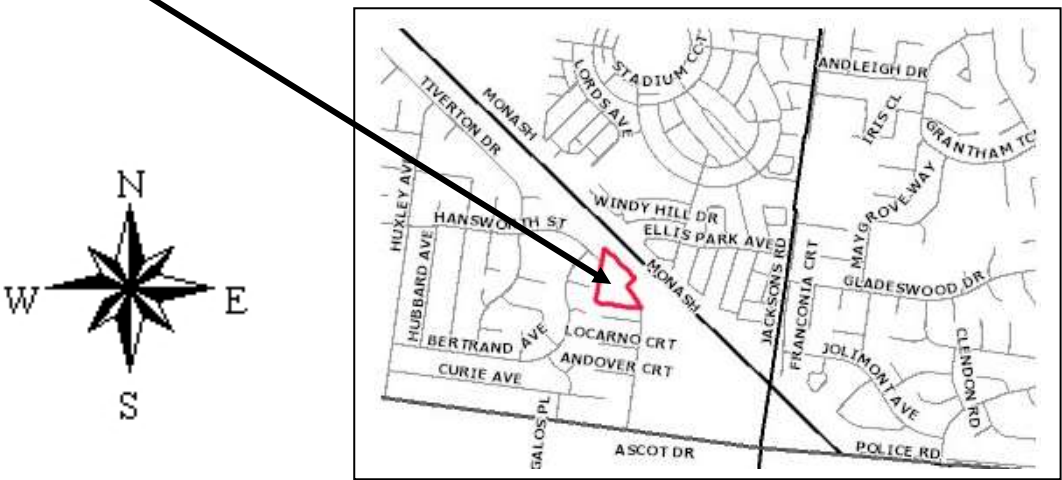
<b>PROPERTY ADDRESS:</b>	<b>149 Hansworth Street, Mulgrave</b>
<b>EXISTING LAND USE:</b>	<b>Vacant</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF SUBMISSIONS:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>General Residential Zone, Schedule 2</b>
<b>OVERLAY:</b>	<b>Nil</b>
<b>RELEVANT CLAUSES:</b> <u><b>Planning Policy Framework</b></u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16.01-1S &R- Housing supply Clause 16.01-2S- Housing affordability Clause 17.01-1S&R- Diversified Economy Clause 18.01-1S- Land Use and Transport Integration Clause 18.01-3S- Sustainable and Safe Transport Clause 18.02-1S - Walking Clause 18.02-2S– Cycling Clause 18.02-4S- Roads Clause 19.03-3S- Integrated Water Management	<u><b>Local Planning Policy Framework</b></u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy  <u><b>Particular Provisions</b></u> Clause 52.06- Car Parking Clause 52.34- Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development Clause 55- Two or more dwellings on a lot and residential buildings Clause 58 – Apartment Development Clause 65 – Decision Guidelines
<b>STATUTORY PROCESSING DATE:</b>	<b>N/A</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



149 Hansworth Street. Mulgrave - Amendment to an existing Planning Permit which allows the development of two residential apartment towers up to 10 storeys in height and 28 townhouses

**RECOMMENDATION:**

That Council:

**A**

1. Resolves to advise VCAT that support of the application for an amendment to Planning Permit (TPA/45451) under Section 87 of the Planning and Environment Act 1987 for land at 149 Hansworth Street, Mulgrave, subject to the changes and consequential renumbering contained in Attachment 3 (Tracked Change Permit) which includes:
  - Amending the Stage 3 reference of condition 2.
  - Delete condition 2 jj), 2 ll) and 2 mm)
  - Amended condition 2 oo)
  - New conditions 2 jj), 2 kk), 2 ll), 2 vv), 2 ww) and 2 xx).
  - Correction to condition 9
  - Amend condition 20(c)
  - Two new conditions at condition 21, and 22.

**B**

1. Notes that subject to the resolution above, VCAT and the permit applicant will be advised that in its view the matter can be settled by consent, without a merits hearing.
2. In the event that any other matters arise following Council's decision, authorises the Director City Development to consider and if appropriate consent or not to any further amendments to the permit conditions required provided that they do not substantially alter the development and Council's position on the relevant matter as resolved by Council.

**BACKGROUND:****History**

Planning Permit TPA/45451 was issued on 8 November 2017 for the land at 149 Hansworth Street, Mulgrave at the direction of VCAT, following Council's decision to refuse the application. The Permit was issued for the development of two residential apartment towers (including podium) of 9 and 10 storeys in height and associated landscaping works and for 30, two and three storey townhouses with associated landscaping and works.

The apartment towers are proposed on the northern side of the development, adjacent to the Monash Freeway and 181 Hansworth Street. The townhouses are proposed along the western and southern boundaries of the site, in addition to a triangular pocket through the centre of the site between the pedestrian and vehicle accessways.

An extension of the permit was issued by VCAT on 16 November 2020, which required the development to commence by 8 November 2021 and be completed by 8 November 2024. The applicant was in a position to commence works on the project but experienced delays with the Victorian construction industry being forced into a 2 week snap lockdown in late September 2021. Due to these circumstances, a further extension of time was granted under Delegation, which required commencement of the development by 8 May 2022.

The Permit was amended via a Section 87A amendment on 30 April 2021. The amendment sought a staging of the development and minor layout revisions to the approved townhouses. The amendments were approved by the Tribunal with the consent of Council after the amended application was considered at the Council meeting of 30 March 2021. Development, Landscaping, Waste Management and Construction Management Plans in relation Stage 1 and 2 for the construction of the townhouses have all been endorsed and works have commenced on the site.

The current application relates to Stage 3, with no change to the townhouses in Stage 1 and 2.

A copy of the endorsed plans and Planning Permit with tracked changes are provided within Attachment 2 and 3.

#### **VCAT – Compulsory Conference and Hearing**

The applicant has applied directly to VCAT to amend the Permit and plans pursuant to Section 87A of the Planning and Environment Act 1987. Whilst Council is not the decision maker in this instance, Council must form a position on the proposed application. Consideration of the matter is limited to the amendments sought.

On 1 February 2022, Officers attended a Compulsory Conference at VCAT. The Tribunal and applicant were advised that the matter was to be considered at a Council meeting on 22 February 2022 so that Council could form a position on the amendments sought which would then form the basis of its position at any VCAT proceeding.

The outcome of the Compulsory Conference was that the applicant agreed to make further changes to the submitted plans and proposed that these could be included as permit conditions if the amendment was supported. The conditions in essence provide additional landscaping opportunities so as to address concerns

raised by Officers. It is considered the changes proposed by the conditions achieve an improved outcome from the submitted plans and are worthy of support. If the current proposal for amendment is supported by Council, the matter could be settled by consent at VCAT without the need for a full merits hearing.

### **The Site and Surrounds**

The site is large in area (approximately 1.67 hectares), and is generally triangular in shape.

The eastern end of the northern boundary is indented, as it moves around the three storey building associated with the Blue Cross aged care facility which abuts the subject land on its north-eastern side.

There is a fall of approximately 8.2 metres diagonally across the site, down to the north-east corner.

The subject land lies in the middle of the unmade connection of Hansworth Street both to the east and the west. The Monash Freeway and a vacant linear parcel of land (owned by Melbourne Water) are located to the north east of the site.

The site abuts residential properties to the west and south, which are also located within the General Residential Zone, Schedule 2.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 4).

### **PROPOSAL:**

The proposed amendments relate to modifying the endorsed plans to provide an increase in apartment numbers from 93 to 123. This also includes an increase in car parking from 119 spaces to 157 car spaces and changes to the building envelopes and layouts, and some consequential changes to permit conditions. The mix of apartments are:

	<b>Number of Apartments</b>	<b>One bedroom</b>	<b>Two bedroom</b>	<b>Three bedroom</b>	<b>Four bedroom</b>	<b>Car spaces</b>
<b>Approved</b>	93 Apartments	35	57	1	0	119
<b>Proposed</b>	123 Apartments	27	86	6	4	157

The proposal retains the following features of the approved plans:

- The two towers are located at the northern side of the development adjacent to the Monash Freeway.
- The overall height of the development remains as approved.
- The towers provide separation and remain at a maximum of 9 and 10 storeys in height inclusive of a 2-3 storey podium.

- Car parking is provided across three levels and is accessed at the southeast corner of the building via Hansworth Street.
- An area of communal open space is provided at the podium level.
- A pedestrian link is maintained through the site.

Details of the changes are as follows:

Basement – 3 Podium Levels:

- Increase in building envelope and variation in building shape to reduce the number of angles and provide straighter building lines from the basement/lower ground level through to all levels of the podium. This varies the approved setbacks for both the eastern and western side of the building:
  - The minimum setback from the eastern side boundary adjoining the rear of Blue Cross Aged Care facility remains as approved at 5.27 metres. The change in the building shape will increase the length of the building from a curved wall with a length of 5 metres, to a straight wall with a length of 17 metres. This is discussed in further detail in the body of this report.
  - The setback of the western side of the building adjoining an internal driveway that provides access to a group of townhouses in the western corner of the site and has been reduced. The approved angled wall has a setback that varies from approximately 3 metres to 4.5 metres and is proposed to be reduced to 1.3 metres.
- Provision of 7 apartments in lower ground floor to replace the gymnasium and individual storage areas.
- Reconfiguration of the parking layout to provide 157 car spaces over three levels including 42 spaces within stackers. The approved plan provided 93 spaces over 3 levels without stackers.
- Reconfiguration of the vehicle access to the basement car park and provision for 9 visitor spaces at the entrance to the building resulting in an increase in hard surface area.
- Change in building materials to provide a darker base to the podium levels of the building.

Apartment Towers:

- Change in form and positioning of the towers to reduce the number of angled walls and provide tapering at the corners. The modified position is to allow for views out of the buildings and minimising overlooking between apartments.
- The towers remain separated however it is proposed to reduce the separation between the towers from 11.7 metres to 8.6 metres at the closest point.
- A minimum setback of 5.6 metres as approved is maintained to the eastern boundary and approximately 30 metres from the western boundary for the lower levels.

- Vertical breaks have been provided along the southern and northern elevations of the eastern tower facing the rear of the Blue Cross facility and the freeway.
- A vertical break has been provided along the western elevation facing the townhouses in the western corner of the site.
- Change in building materials to provide a lighter appearance and façade detailing.
- Provision for landscaping to balcony edges.
- Apartments designed to comply with the Clause 58 - Apartment Developments

A copy of the proposed plans is provided within Attachment 1.

### **PERMIT TRIGGERS:**

#### Zoning

The subject site is located within a General Residential Zone – Schedule 2 (Clause 32.08) under the provisions of the Monash Planning Scheme.

A Planning Permit is not required for use of a dwelling within the General Residential Zone.

Pursuant to the requirements of Clause 32.08-6 a permit is required to construct a building or carry out works for a use in Section 2 of Clause 32.08-1. Pursuant to the requirements of Clause 32.08-4 a permit is required to construct two or more dwellings.

Clause 32.08-15 states that the minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 (on 27 March 2017) do not apply to: “A Planning Permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110”. The proposal satisfies the minimum garden area requirement of 39% but does not satisfy the height limit.

The existing permit which was issued by VCAT on 8 November 2017 authorises the construction of a 10-storey building on the subject site. The approved height exceeds the maximum building height requirements which were introduced into the Monash Planning Scheme via Amendment VC110 on 27 March 2017.

This s87A application does not seek to further increase the approved maximum height and is not legally prohibited due to non-compliance with the current maximum building height requirements because:



- a. the existing permit creates a substantive right that is not affected by subsequent amendment or repeal of the planning scheme, unless a contrary intention expressly appears. Given there is no express contrary intention in clause 32.08 or elsewhere in the Monash Planning Scheme that affects the accrued right, the building height allowed by the existing permit is not affected by the introduction of the mandatory height requirements;
- b. VCAT has held on many occasions that where there is an accrued right in a permit to develop land, it may be possible to amend the permit even though the approved development is prohibited under the current planning scheme (see, eg, *Callea Property Developments Pty Ltd v Wyndham CC* [2014] VCAT 466, *Alkero Development Pty Ltd v Stonnington CC (Red Dot)* [2018] VCAT 1120, *Preveza Enterprises Pty Ltd v Monash CC* [2019] VCAT 1094, *Welreagh Pty Ltd v Melbourne CC* [2020] VCAT 1305); and
- c. this application is made under s 87A of the Planning and Environment Act 1987 which enlivens the Tribunal's broad power to cancel or amend a permit if it considers appropriate to do so. As the Tribunal commented in *Fosters Group Ltd v Mornington Peninsula SC (Red Dot)* [2010] VCAT 104, the Tribunal does not need to deal with a s 87A application in the same way as if it was a fresh application for a permit.

In light of the above, the s 87A application is not prohibited and can be considered on its planning merits.

#### Overlay

The site is not subject to any Overlays.

Attachment 5 details the zoning and overlays applicable to the subject site and surrounding land.

#### Particular & General Provisions

##### **Clause 52.06 (Car Parking)**

Both the original and amended Planning Permit issued did not grant a reduction of the standard parking requirements of the Planning Scheme. The proposed amendment is not seeking a reduction in the requirements and satisfies the statutory requirement.

##### **Clause 52.34 (Bicycle Parking)**

The application is subject to Clause 52.34 that specifies residents are provided with one bicycle space to each five dwellings and one bicycle space for visitors to each ten dwellings. The provision of spaces satisfies the requirements.

**CONSULTATION:****Public Notice**

The application was advertised to surrounding properties which was carried out by the Permit applicant at the direction of VCAT. All persons who previously objected to the initial application were also notified.

No statements of grounds were received by any party.

**Referrals****External Referral**

The application did not require any external referrals.

**Internal Referral****Traffic Engineer**

Councils' Traffic Engineers have assessed the revised layout to the basements and have recommended permit conditions. Overall, the proposal has been assessed as satisfactory. The predicted traffic generation is expected to have a negligible impact on the local network.

**Waste Services**

Council's Waste Services advised that the submitted Waste Management Plan requires revision to satisfy Council's requirements. A Waste Management Plan for Stage 3 is currently an outstanding requirement of the existing conditions of approval.

**DISCUSSION:****Planning Policy Framework (PPF)**

The proposal seeks to continue the use and development of the land for residential apartments and townhouses. The proposal is consistent with the state planning policy framework with respect to providing new housing in designated locations that offer good access to jobs, services and transport (Clause 16.01-2S), and to provide for a range of housing types to meet diverse needs (Clause 16.01-3S)

**Local Planning Policy Framework (LPPF)****Neighbourhood Character:**

Overall, the changes are consistent with the approved plans that have been assessed by VCAT as satisfying the provisions of the Monash Planning Scheme having regard to the "unique" and "rare" site context. The site is a large land holding with an area of 1.67 hectares, located within an accessible area, in close proximity to the Waverley Garden Shopping Centre and has limited sensitive interfaces.

VCAT's original determination noted the following with regard to neighbourhood character:

*80. "I accept that in many other parts of Monash, having a 9/10 storey podium/twin towers would be of an excessive height and hard to justify from a 'neighbourhood character' perspective. However here we have the rare combination of a very large site (1.67 hectares), with a very hard-edge interface with the Monash Freeway. This interface includes the exceptionally high noise-wall running alongside the edge of the freeway road reserve."*

Due to the scale of the site area and the positioning of the towers on the northern boundary adjacent to the freeway, the requested changes will have minimal impact outside of the site as the overall presentation of two towers above a podium has been maintained.

The proposed plans have an updated schedule of higher quality external finishes to improve the presentation. The approved building comprised of series of precast panels with the application of timber and metal cladding to be finished in a colour scheme of predominantly white, grey and black. The amendment is seeking to construct the podium levels in dark brickwork with the tower levels in lighter brick adding a textured appearance. The design provides articulation through vertical breaks in the elevations and tapered corners replacing the irregular shaped form of the towers as approved. The revised layout provides for a comprehensive landscaping treatment including landscaping along the balcony edges of the building at the tower levels to soften the presentation of the building.

### **Landscaping**

The main concern with the proposal is the reduction of the landscaping opportunities from the approved plans. This is due to the reduction of the landscaping setback adjoining the north western tower and the additional hard standing area associated with the revised vehicular access to the basement and the location of the visitor parking spaces.

It is proposed to reduce the setback of the northwest building adjoining the internal road serving three townhouses in the western corner of the property. The approved setback varies from 4.3 metres - 3 metres (due to the angled nature of the building) and is to be reduced to 1.3 metres. This space is inadequate to provide for screen planting along the western interface of the building. At the Compulsory Conference various options were pursued with the applicant being agreeable to increase the setback to 3 metres. It is considered this would provide the area required to achieve screen planting of up to 2-3 storeys in height and soften the presentation. A 3 metre setback is also more consistent with the approved layout.

A consequential change of the increase in landscaping would be shifting the entire building up to 1 metre toward the eastern tower. The impact of this change would be to reduce the internal separation between the two towers to approximately 7.4 metres at the closest point. There would be no change to the setback from the eastern boundary. (Refer to Image A)

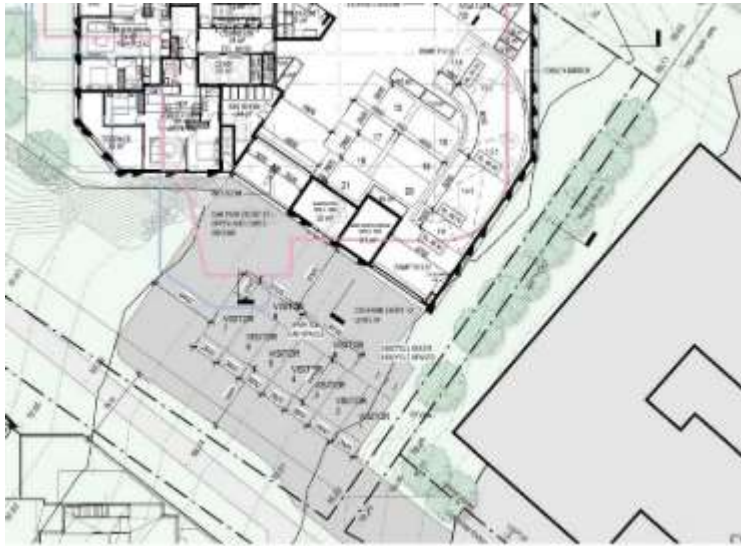
Image A



The minor reduction in the separation between the two towers will be of no consequence when viewed from outside the site. The external changes in materials and articulation with vertical breaks and recession will assist in reducing the overall bulk and provide visual interest when approaching the building and when viewed from within the site as the upper storeys are to be a lighter finish. It is considered the changes to presentation of the buildings are satisfactory subject to the increase in the landscaping setback.

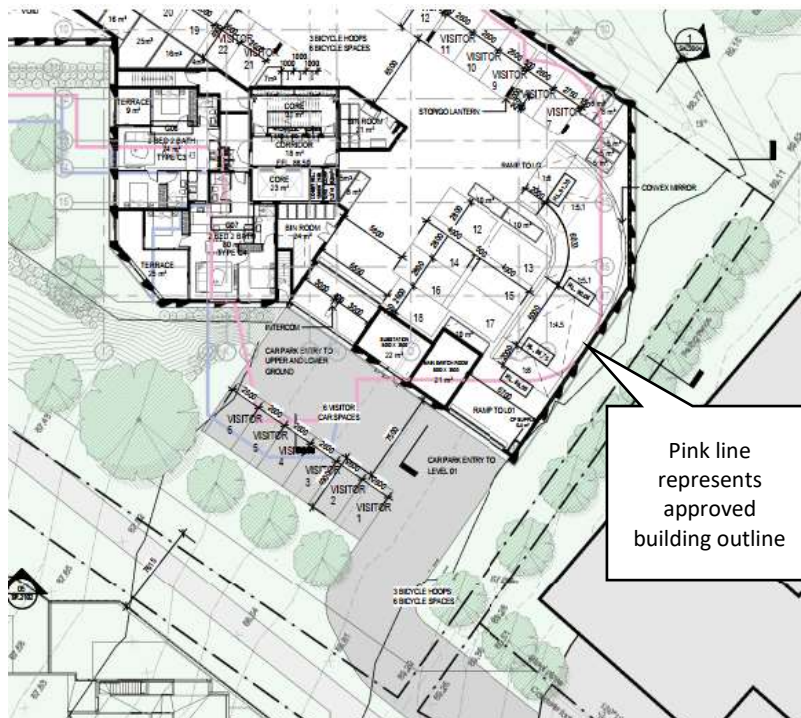
A further issue raised by Officers was the excessive hard standing area at the entrance to the basement carpark and the main entrance to the site. The proposal provides for up to 9 visitor spaces that would adjoin the pedestrian link through the site. The excessive hard surfacing results in a poor presentation when entering the site. (See below image B.)

Image B



In response to the concern regarding excessive paving, the applicant has provided a revised layout that could be included as a permit condition. It is proposed to relocate several visitor spaces to the basement and reconfigure the entrance to the basement car park. This provides a significant improvement by separating the visitor parking areas and the pedestrian pathway with a substantial area of landscaping. It also provides for further landscaping along the eastern boundary adjoining No 181 Hansworth Street and is an improvement on the approved layout. (See below image C).

Image C



**External Amenity Impacts**

The main property to be affected by the changes is the property to the east at 181 Hansworth Street being the Blue Cross Aged Care facility. When assessing the impact of the eastern tower on this property the Tribunal found:

*92. The proposed podium would sit about 14 horizontal metres from the Blue Cross land and the closest feature of the eastern tower would be about 18 horizontal metres away. I accept that:*

- *These are significant intervening distances.*
- *These substantial intervening distances will in themselves suitably minimise any ‘privacy’ and/or ‘visual bulk’ impacts on the occupants of the Blue Cross land. A way of a reference point, whilst ResCode/Clause 55 does not apply to these towers, it is still useful to note that ResCode sees the first nine metres of intervening land as the main area of privacy sensitivity – the closest tower would sit about twice this distance further to the west from the Blue Cross land.*

*93. This basic position is reinforced by the relevant common boundary featuring a tall masonry wall (around 2 metres high) and substantial perimeter landscaping on the Blue Cross side of it. The west-facing facade of the Blue Cross building sits about 4.5 metres stepped-in from this wall, together with substantial perimeter landscaping on the Blue Cross side of this wall.*

The proposed changes maintain the minimum approved setback but extend the length of the building at the podium levels due to the change in shape of the building. This change in building shape from a curved wall of 5m in length, is to be replaced with a straight wall of 17 metres. (Refer to above Image C.). It is considered that this change in the shape, presentation and volume of the podium level is satisfactory, as due to the significant fall of the land across the property, this section of the podium will be effectively read as two storey in form, with the lower level below ground at this point. (Refer to below Image D)

The podium level is opposite the rear wall of the existing, adjacent three storey building which has a setback 4.5 metres and is buffered with established landscaping along the common boundary interface.

The changes in the shape of the building will result in a minor increase in overshadowing after 2.00pm to the north western corner of the Blue Cross property from the approved development. This is not a significant increase and will have minimal impact to the rear of the property.

Image D



### **Internal Amenity**

The proposed changes to the apartments have been designed to satisfy the requirements of Clause 58 (Apartment Developments) to improve the layouts and standards for future occupants. This was not a consideration at the time of the original approval as the state wide controls were introduced into the Planning Scheme in July 2019. The revised layout provides for more traditional shaped rooms with access to natural light and ventilation and no reliance on borrowed light. The amended positioning and shape of the towers also reduces the need for screening of windows providing occupants with an outlook which is preferable to screening.

The suggested changes to shift the western tower up to 1 metre closer to the eastern tower will require some screening to be provided to sections of the balcony area of one apartment on each level of both towers. This is not an unreasonable impact the amenity of future occupants (given the balconies will still be provided an outlook) and can be addressed as a condition.

Each dwelling has been provided with secluded open space in the form of a balcony with access from the living room as required. The balconies range in area from a minimum of 8 square metres for the one bedroom apartments up to 25 square metres for the four bedroom apartments and satisfy the standard.

Each dwelling is provided with a storage cage/shed within the basement and will satisfy the requirements of the Planning Scheme.

The apartments have been provided with a larger communal space of 550 square metres provided as a landscaped terrace at the podium level in response to the additional number of dwellings and the removal of the approved gymnasium in the western tower. This exceeds the Standard that would require approximately 320m<sup>2</sup>. Occupants will also have access to several pocket parks across the site that are also available for the occupants of the townhouses.

The repositioning and shape of the eastern tower will increase shadowing of a pocket park located south of the apartment building between 10:00 - 11:00am.

The area will however remain free of shadow across afternoon hours and will achieve appropriate levels of amenity. When approving the development VCAT acknowledged that the area would be affected by some overshadowing but not enough to justify modifying the design. It is considered the additional shadow will not impact the use of the communal space and is satisfactory.

### **Car Parking, traffic and access**

The prescribed number of car parking spaces required under Clause 52.06 have been provided on the site as shown in the following table:

<b>Use</b>	<b>Number of Dwellings</b>	<b>Clause 52.06 Requirement</b>	<b>Car spaces required</b>	<b>Car spaces provided</b>
One & Two bedroom dwelling	113	1 space/1& 2 bedroom)	113	113
Three & Four bedroom dwelling	10	2 spaces/3 & 4 bedroom	20	20
Visitor Parking	123	1 space for every 5 dwellings	24	24
<b>Total</b>			<b>157</b>	<b>157</b>

Council's Traffic Engineers have not identified any significant concerns with the proposal and are satisfied that the basement complies with the standards required for ramp grades, access, parking space dimensions and headroom clearances.

The Traffic Study submitted with the report concludes that the additional 30 dwellings will result in an increase of 16 vehicle trips during the commuter peak hours and 163 over the course of the day, that can be accommodated within the nearby road network. Council's Traffic Engineers concur with this finding and consider the predicted traffic generation is expected to have a negligible impact on the local traffic network.

The suggested changes to the location of the visitor spaces to reduce the hard surface coverage will require a further re-configuration of the basement layout to accommodate three of the spaces internally. A condition will require that the car parking, including the provision of the visitor spaces, must be in accordance with Clause 52.06.

### **Bicycle Parking**

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for new developments. A development of 123 dwellings requires 37 spaces be provided. The proposal provides 25 spaces for residents within the building and 12 visitor spaces at ground level and is compliant.



### Explanation of Changes to Permit Conditions

As a result of the proposed amendments to plans, several existing permit conditions are now no longer applicable as they relate to the approved design. These conditions are recommended to be deleted from the permit, whilst other conditions are renumbered as a result.

In addition to the proposed new conditions to address setbacks and landscaping as discussed, it is also proposed to modify the wording of several existing conditions. This is to reflect the increase in parking spaces and the introduction of car parking stackers to ensure compliance with the car parking standards of the Planning Scheme.

The proposed changes to the existing permit are summarised as follows:

- Modify reference to the existing Stage 3 approved plans in the description of Condition 2 and refer to proposed amended development and landscaping plans.
- Modify existing condition 2jj) to delete reference to the earlier design and refer to the concept plan discussed at the Compulsory Conference with improved landscaping.
- Insert new condition 2kk) to reference increase in the setback of the north west interface as discussed at the Compulsory Conference.
- New Condition 2ll) to address any potential internal overlooking.
- Renumbering of existing condition of 2kk) to now 2mm) due to new conditions above.
- Delete existing condition 2mm) as this relates to the design of the previous basement.
- Modify existing 2oo) to require number of bicycle spaces provided in accordance with the Planning Scheme.
- Insert new conditions 2vv) and 2ww) to require carparking in stackers to be allocated to dwellings.
- Insert new condition 2xx) to allocate storage areas to individual apartments.
- Modify existing condition 20(c) to require that the relocated visitor car parking spaces are provided to satisfaction of Council.
- Insert new conditions 21 and 22 to address design standards of the stacker car parking system.
- Correction to Condition 9 to reference the correct related condition (Condition 7).

### **CONCLUSION:**

In summary the overall changes to the permit conditions and endorsed plans are consistent with the original decision of VCAT in providing an apartment building comprising of two towers above a podium. The changes are internal to the site

with limited impact to the streetscape and broader neighbourhood character. It is considered the changes discussed at the Compulsory Conference address the areas of concern and will provide an improved outcome from the plans as submitted.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Copy of endorsed Plans

Attachment 3 – Copy of current Planning Permit with tracked changes

Attachment 4 – Aerial Photograph (January 2021).

Attachment 5 – Zoning and Overlays Map.