



PLANNING &
PROPERTY | **PARTNERS**

PLANNING REPORT

35-39 Regent Street, Mount Waverley

August 2016

Prepared for: Japara Property Holdings Pty Ltd

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1 Introduction

1.1 Project Overview

This report accompanies a planning permit application for the development of the land at 35-39 Regent Street, Mount Waverley for the purposes of a residential aged care facility, encompassing 126 aged care suites, with planning permission also sought for the removal of some existing vegetation on-site. Planning & Property Partners Pty Ltd are engaged as town planning consultants on behalf of Japara Property Holdings Pty Ltd ('Japara') for the proposed development of the subject land.

The subject site comprises the consolidation of two (2) allotments which are located on the western side of Regent Street, approximately 240 metres north of its intersection with Waverley Road and approximately 750 metres, as the crow flies, south-east of the Mount Waverley Major Activity Centre. Each of the two (2) allotments are currently developed by a double storey dwelling of differing form and architectural style, with each site containing associated outbuildings and a swimming pool. The land referred to as 35-37 Regent Street also has a tennis court at its rear.

The proposal seeks planning approval for the construction of a three (3) storey residential aged care facility which has appropriately considered and accounted for the significant north-south and east-west slope of the land, providing an under-croft ground floor carpark at its frontage to Regent Street. The facility comprises of 126 aged care suites with a range of communal services scattered throughout the facility including shared living and dining areas as well as various staff amenity offerings which will aid to their assistance in caring for future elderly residents.

Associated car parking is provided within two (2) separate locations being in this sunken ground floor, and at grade on the buildings first floor, with vehicle access acquired from either the sites north-east or south-east corner to Regent Street for the provision of thirty-eight (38) on-site car parking spaces. As detailed in the 'Traffic Management Plan' prepared by *OneMileGrid Pty Ltd* accompanying this application for permit, it is not anticipated that the traffic generated by the proposal will unreasonably impact upon Regent Street or the local road network. The basis of this planning permit application is generally in accordance with the architectural plans prepared by *Spowers Architects* (Project No. 201507, dated 15 August 2016).

The proposed design response will result in a highly resolved architectural and urban design outcome which seeks to take advantage of the consolidated land size, appreciating its existing neighbourhood context and location, while appropriately accounting for the recognised opportunities and constraints of the land. Further details of the proposed design response are provided in this report and the accompanying *Spowers Architects* architectural package.

The subject site is located in the General Residential Zone – Schedule 2 and is affected by the Vegetation Protection Overlay – Schedule 1 in accordance with the provisions of the Monash Planning Scheme ('the Planning Scheme'). It is recognised that a planning permit is required for the development of the subject land as proposed and removal of some of the existing vegetation on-site, as discussed in Section 4 of this report. Additionally, it is noted that the subject land is contained within an area of Aboriginal Cultural Heritage Sensitivity due to the presence of the Valley Reserve and its associated Valley Creek, which directly abuts the rear of the two (2) properties.

The provisions of *Clause 55 – Two or More Dwellings on a Lot and Residential Buildings* are applicable to the assessment of the proposal. The requirements of clause 55 are discussed at Section 6 and **Appendix C** of this report.

The State Planning Policy Framework ('SPPF'), Municipal Strategic Statement ('MSS') and Local Planning Policy Framework ('LPPF') set out strategic directions relevant to the subject site. The relevant policy provisions of the Planning Scheme are discussed in further detail at Section 5 of this report.

The proposal generally meets the requirements and policy direction of the Planning Scheme. The development will provide a positive contribution to this area of Mount Waverley and particularly along the Valley Reserve corridor and appreciates the 'Garden City Character' established throughout the City of Monash. The contemporary design, internal planning of the development and its associated service offerings, encourages and promotes the ageing demographic of Monash to remain within this highly desired locality, in a facility which offers an extremely high level of internal amenity and lifestyle choice for future occupants in their elder years.

This submission and the architectural plans prepared by *Spowers Architects Pty Ltd* are informed by the following expert reports which accompany and form part of this application:

- 'Cultural Heritage Due Diligence Advice' prepared by *Pragmatic Cultural Heritage Services*;
- 'Transport Impact Assessment' prepared by *OneMileGrid Pty Ltd*;
- 'Waste Management Plan' prepared by *OneMileGrid Pty Ltd*;
- 'Landscape Plan' prepared by *Site Image (Vic) Pty Ltd*;
- 'Arboricultural Assessment' prepared by *Tree Logic Pty Ltd*; and
- 'Sustainable Management Plan' prepared by *Lucid Consulting Pty Ltd*.

2 Site Analysis

2.1 The Subject Land

The subject site is generally referred to as 35-39 Regent Street, Mount Waverley and comprises all land within Plan of Consolidation 104150 and Lot 7 of Lot Plan 58432 ('the Site'). A full copy of title for each of the two (2) allotments is provided at **Appendix A** of this report.



Figure 1 - Subject Site

Source: nearmap.com (Image captured 19 April 2016)

The Site is situated on the western side of Regent Street on the opposite side of its intersection with Oxford Street and approximately 240 metres north of its intersection with Waverley Road. The consolidated land parcel forms an irregular shape; is oriented in an east-west direction; and is approximately 5,457 square metres in land size, defining its significant redevelopment potential. The Site contains a significant north-south slope across its entire area, with a maximum fall of approximately 5.5 metres near-to its centre. The Site also has a substantial east-west fall up to six (6) metres down toward the Valley Creek corridor. This overall defines an undulated topography for the Site and surrounding area, with this steady decline continuing beyond both the Site's southern and western boundaries.

The Site maintains a street frontage to Regent Street on its eastern boundary of approximately sixty-four (64) metres; a shared northern boundary of approximately 104 metres; a shared southern boundary of approximately fifty-two (52) metres; and an irregular western boundary which totals approximately eighty-eight (88) metres and maintains direct abuttal to the Valley Creek. An existing 2.4 metre wide drainage and sewerage easement is located at the rear of the land generally referred to as 35-37 Regent Street, with another 1.81 metre wide drainage and sewerage easement also located near-to the rear of the Site.

Of the allotments that form the subject site, number 35-37 Regent Street is developed by a double storey grey render dwelling, however is enclosed from the streetscape due to the two (2) metre grey rendered front fence which complements the material use and finish of the existing dwelling. The land at 39 Regent Street, similarly also currently contains a double storey dwelling of terracotta rendering with the material also used in its

dominating front fence to Regent Street. Both existing dwellings on each of the two (2) allotments contain associated outbuildings and a swimming pool at their rear, with 37-39 Regent Street also having a private tennis court.

Vegetation is typically found around the perimeter of each of the allotments boundaries or otherwise scattered in the centre of each lot in clustered groups. Significant trees which are proposed to be retaining in the design response are located along the Regent Street frontage where mature, canopy trees are evident notably the striking native Yellow Box Gum which maintains a height of approximately twenty-seven (27) metres. The Valley Creek reserve at the Site's rear, contains a highly dense vegetated setting although is well setback from the subject site.

The Site provides an excellent opportunity for the consolidation of the two (2) allotments to create a highly resolved and desired aged care facility by virtue of their combined size, location and excellent service offerings. The physical characteristics of the Site dictate that it is capable of accommodating an appropriately scaled development, within a considered landscaped setting, without compromising the amenity of future occupants or adjoining residential properties.

2.2 Surrounding Context

The subject site is located approximately 22km south-east of the Melbourne CBD. The Site is approximately 750 metres, as the crow flies, south-east of the Mount Waverley Major Activity Centre ('MAC'), which offers a range of local convenience needs including full-line supermarkets, specialist retail stores, a range of commercial office uses as well as the Mount Waverley Railway Station.

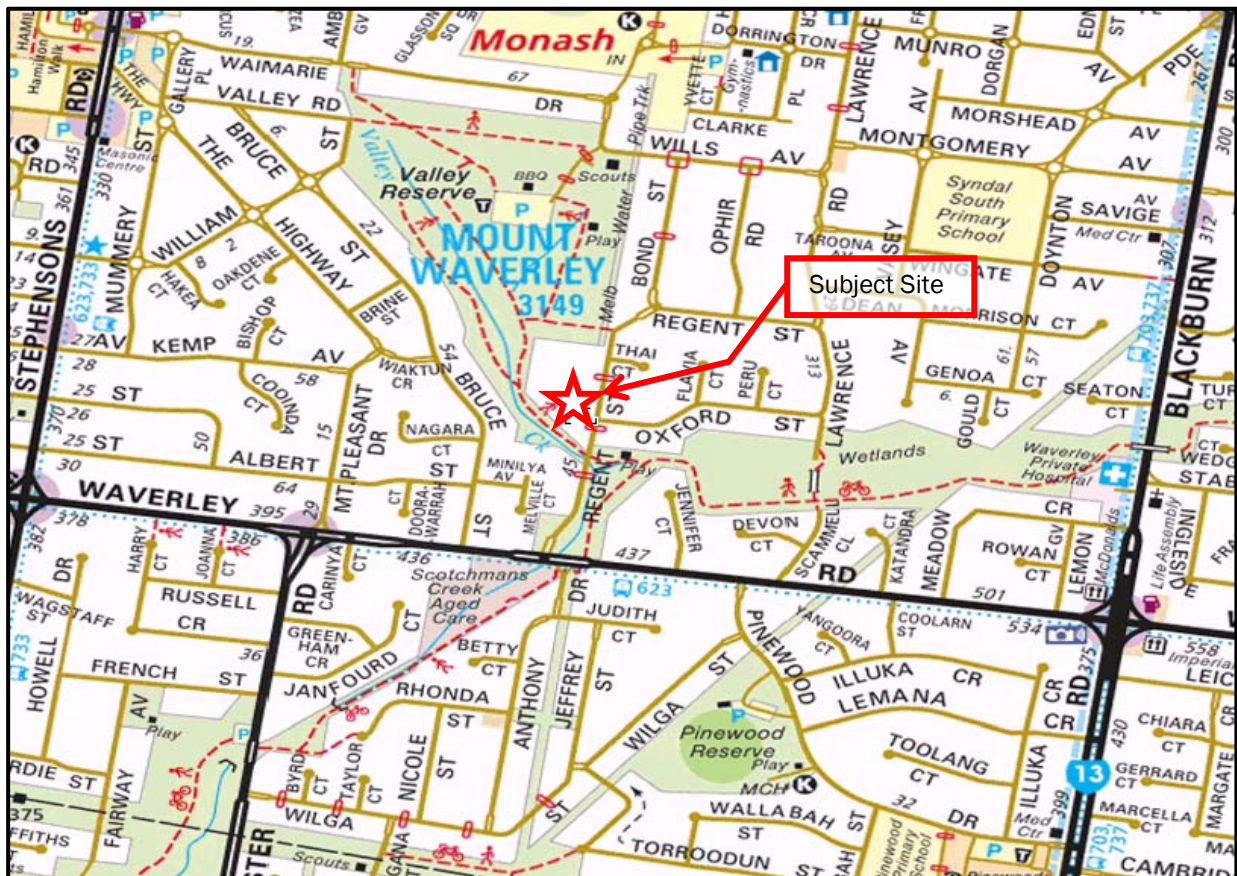


Figure 2 – Site Context

Source: www.street-directory.com.au

The broader context of the Site's surrounds is typically characterised by residential land uses, which displays a range of housing stock of differing densities and architectural styles, which generally take advantage of the larger allotments found in this location of Mount Waverley. The scale and intensity of development is typically of one (1) and two (2) storeys in height and caters for the undulating topography of the land. It is noted that recent and contemporary developments continue to be constructed in the area, notably the land opposite the

Site at 34 Regent Street currently under construction for a three (3) storey single-dwelling which dominates the streetscape, given its lack of significant landscaping which is considered to not respond to the envisaged preferred garden city character of the immediate area and the greater Monash City.

Land immediately north of the Site, contains a double storey brick dwelling which incorporates a pitched roof form that presents the building as three (3) storeys in height when viewed from the Regent Street public realm. Directly south of the Site, is a single storey, weatherboard house further evidencing the differing architectural forms and scales in the immediate area. It is of note that all of the surrounding allotments typically contain large frontages to Regent Street.

To the rear of the Site is the Valley Creek which is located in the greater Valley Reserve which contains a number of recreational walking trails amongst dense vegetation and mature canopy trees. This contributes in providing a pleasant outlook and feel to the area, as well as various amenity offerings to the immediate and greater neighbourhood along many of the creeks trails.

The Site is well located to nearby public transport notably bus route 623 which operates along the nearby Waverley Road to the south of the Site. This service connects with the broader metropolitan network and provides convenient access to the Mount Waverley MAC and the larger Glen Waverley Principal Activity Centre ('PAC'), which both contain associated railway stations that operate along the Glen Waverley line.

It is also significant to note the proximity of the Site to numerous medical practitioners located within the two (2) aforementioned activity centres in addition to the Waverley Private Hospital located approximately 800 metres to the east of the Site, along Blackburn Road. Other aged care facilities are also in close proximity to the Site taking advantage of the locational attributes along the Scotchman's Creek corridor, notably the '*BlueCross Scotchmans Creek*' aged care facility approximately 350 metres south of the Site which gained approval from the VCAT following the consent of the applicant and Council.

The proximity of the Site to the aforementioned amenities is considered appropriate for encouraging the use of the land for an aged care facility, encompassing an innovative design approach which contains various service offerings for future residents, and takes full advantage of the Site's opportunities and constraints while remaining respectful to the existing and evolving character of the area. The provision of an aged care building is entirely consistent with the intent of the Planning Scheme in providing a residential facility that allows for the recognised elder demographic of Monash to remain in the municipality for the duration of their life, all within a pleasant landscaped environment.

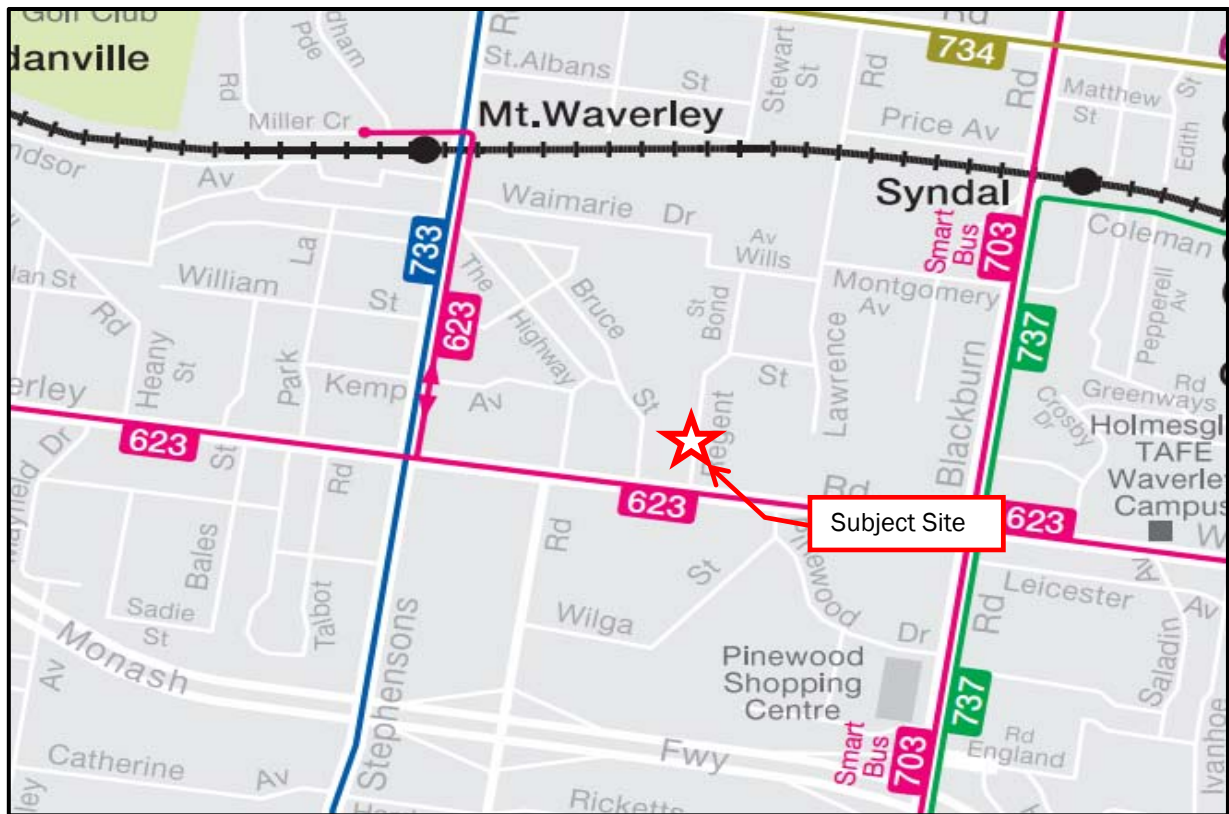


Figure 3 - Public Transport Connections

Source: www.ptv.vic.gov.au

3 Proposal

3.1 Proposal Overview

The application anticipated demolition of the existing two (2) dwellings on each of the respective allotments and their associated outbuildings, to enable the consolidation of the land parcels for the development of a three (3) storey residential building for the purposes of an aged care facility, generally in accordance with the application plans prepared by *Spowers Architects* (Job No. 2015017, dated 15 August 2016).

A total of 126 aged care suites are proposed within the facility and thirty-eight (38) car parking spaces are provided at two (2) different locations, being at-grade to the north of the Site at first floor and at ground floor level, beneath the natural ground level accounting for the significant 4.37 metre, north-south slope of the land, near-to the Site's frontage. Access to this under-croft car parking area is provided via a new crossover in the Site's south-eastern corner, while the at-grade car-park is afforded access via a new crossover in the north-eastern corner of the Site. The existing two (2) crossovers to Regent Street are to be reinstated to kerb, channel and nature strip.

The principal pedestrian entrance to the facility is via the shared south-eastern crossover, and offers a clearly defined location and entrance to the building and convenient, universal access to the internal lobby area and reception of the facility. The internal circulation throughout the building on all of its levels is generous in size, with a minimum width of 2.2 metres allowing for disabled use, while further offering convenient access to the various services and the central core of the building and associated lift and stair facilities.

At the front of the proposal and within the sunken ground floor (along with the car park), staff facilities including a kitchen area, laundry facilities and staff break-out room are provided as well as services locations including an access dock for deliveries and a waste storage room.

A range of communal spaces are also provided at this ground floor level for the added convenience of residents, including the provision of shared lounge and dining facilities, activity areas, a theatre and a chapel room. The first of the aged care suites are also provided at ground floor level, with the thirty-three (33) suites on this level containing an outlook and direct access to private open space areas which either border the built form of the facility or the shared courtyard in the centre of the building.

On the first floor, additional communal areas including dining and lounge rooms are provided as well as fifty-nine (59) aged care suites of various sizes and layouts, with generous use of windows providing natural light and ventilation as well as a pleasant outlook to the communal courtyard or terrace areas. For the westernmost suites, private balconies are provided offering highly desired views to the adjoining Valley Creek.

The second floor of the building, is similar to the first although the built form is recessed further from the boundaries and caters for the remaining thirty-four (34) aged care suites. Communal dining and lounge rooms are also provided on this level, with the combined spaces of these on-site offerings on all levels, enabling enough privacy, yet encouraging interaction between both residents and staff members.

Each of the aged care suites are of generous size for their intended needs, ranging between nineteen (19) and thirty-seven (37) square metres and providing a high level of amenity for future occupants, including convenient access to the private open space areas of the facility and all within a highly sought after locality. The design and layout of the building has undergone a thorough analysis of the opportunities and constraints of the Site to provide a highly considered internal amenity for future residents while minimising the off-site impacts to adjoining properties and the public realm.

3.2 Detailed Description of Layout

A detailed description of the proposal is outlined below and should be read in conjunction with the submitted application plans prepared by *Spowers Architects* (Job No. 2015017, dated 15 August 2016).

Drawing	Description
TP.04 – Ground Floor Plan	<ul style="list-style-type: none"> ▪ Vehicular access ramp from Regent Street to sunken principal entrance dropoff and under-croft Ground Floor Level car park; ▪ Eighteen (18) car parking spaces, including one (1) DDA compliant space; ▪ Twenty-six (26) bicycle parking spaces; ▪ Staff room and amenities room; ▪ Laundry room and kitchen facility; ▪ Waste storage room; ▪ Aged care facility entrance foyer and lobby containing associated reception; staff offices; clinical care rooms; and ancillary café; ▪ Various resident shared service rooms including a chapel; beauty salon; theatre; activities room; and wellness centre; ▪ Thirty-three (33) residential aged care suites; ▪ Shared walkway around the rear perimeter of the Site; ▪ Various dining, lounge and courtyard areas scattered across the Ground Floor; ▪ Circulation, stair and lift access to the upper levels of the facility; and ▪ Building services.
TP.05 – First Floor Plan	<ul style="list-style-type: none"> ▪ Twenty (20) car parking spaces acquired from a new crossover in the north-east corner; ▪ Fifty-nine (59) residential aged care suites; ▪ Nurses station, drug treatment room and kitchen servery; ▪ Various dining, lounge and terrace areas scattered across the First Floor; and ▪ Circulation, stair and lift access to the upper and lower level of the facility.
TP.06 – Second Floor Plan	<ul style="list-style-type: none"> ▪ Thirty-four (34) residential aged care suites; ▪ Nurses station, drug treatment room and kitchen servery; ▪ Various dining, lounge and terrace areas scattered across the Second Floor; and ▪ Circulation, stair and lift access to the lower levels of the facility.
TP.07 – Roof Plan	<ul style="list-style-type: none"> ▪ Lift overrun; ▪ Plant enclosure room; and ▪ Solar PV Array.

3.3 Built Form

The design of the proposed aged care facility is based on a thorough understanding of the existing and preferred character of Regent Street and the relationship the Site has with the built form and natural environment context in which it is located. In this regard, it is recognised that Regent Street displays an array of building heights and forms, which vary from one (1) to three (3) storeys in height, as reflected in the maximum height of the proposal at three (3) levels.

In this regard, it is highlighted that the proposal has responded to the natural north-south and east-west slopes of the land, confining the maximum scale of building near-to the centre of the Site where the slope of the land is the greatest. The incorporation of the building into the slope of the natural ground, allows for it to present as a two (2) storey building to the adjoining Regent Street streetscape, proving an appropriate response to the surrounding context.

The proposal provides well-articulated and visually interesting elevations to all of its boundaries in order to reduce the perception of massing and complement the varying architectural styles and scales which define the immediate area. The principal façade of the proposal contains three (3) distinct sections, all of which are located behind the generous front setback which allows for retained and additional landscaping as well as in-between each of these protrusions to capture the 'Garden City Character' seen throughout Monash. This design response offers a visual interest when viewed from the adjoining public realm and the natural angles created through the natural rise and fall of the land, without detracting from the landscaping features which define this section of Regent Street as shown in the accompanying photo montages.

The proposed building envelope has been designed to appreciate the Site's noted undulating topography and the sheer size of the consolidated land parcel, which has been effectively levelled through the incorporation of a retaining wall around the perimeter of the proposed building. The proposed setbacks to the sides and rear of the proposal have further been designed to fully comply with Standard B17 ensuring additional landscaping opportunities can occur within these areas while ensuring the amenity of adjoining neighbours is maintained.

Materials along these façades include masonry blockwork with varying finishes; concrete shale grey renders; and extensive glazing which all serve to add visual interest and reduce the appearance of mass. Additionally, the angled façade to each of the aged cares suites further serves to reduce the scale and appearance of the upper levels in concert with the added setbacks on the uppermost level.

In addition to the assessment included as part of this town planning submission, the proposal relies upon the detailed urban design and architectural package prepared by *Spowers Architects*.

3.4 Planning Permit Requirements

The subject site is located in the General Residential Zone – Schedule 2 (GRZ2) and is affected by the Vegetation Protection Overlay – Schedule 1 ('VPO1') in accordance with the provisions of the Planning Scheme.

Under these planning controls a planning permit is required for the development of the land as proposed and removal of six (6) existing trees on-site as identified in the accompanying 'Arboricultural Assessment' prepared by *Tree Logic Pty Ltd*. A permit is also required for the removal of the existing drainage and sewerage easement on the subject site, pursuant to clause 52.05 of the Planning Scheme.

The relevant planning permit triggers are discussed further in the following section and a copy of the DELWP Planning Report for the Site is included at **Attachment B** to this report.

4 Planning Scheme Controls

4.1 Zoning

The subject site is situated within the GRZ pursuant to clause 32.08 of the Planning Scheme. The purpose of the GRZ is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Although the use of the land for the purposes of a 'residential aged care facility' is a 'Section 1 – No permit required' use under the GRZ a planning permit is required for the construction of a residential building pursuant to clause 32.08-4 of the Planning Scheme.

The decision guidelines, in addition to those specified at clause 65 of the Planning Scheme are located at clause 32.08-10 and include the following:

General

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone. The interface with adjoining zones, especially the relationship with residential areas.*

Dwellings and Residential Buildings

- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.*

It is submitted that the proposed development of the Site for an 'aged care facility' is consistent with the purpose of the zone on the basis that the application seeks planning approval for a residential accommodation option that responds to the needs of Monash and greater community. The design response remains utterly respectful of the existing and preferred neighbourhood character of the area, and the overarching Garden City movement seen and desired across the municipality.

The development format proposed ensures that the proposed aged care facility is able to provide a high level of amenity for future occupants in their elder years, while maintaining the residential amenity of adjoining properties as demonstrated through the proposal's general compliance with the built form Objectives and Standards of clause 55 – ResCode.

4.2 Overlays

The subject site is affected by the VP01 pursuant to clause 45.02 of the Planning Scheme. The purpose of the VPO is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas of significant vegetation.*

- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna. To encourage the regeneration of native vegetation.*

Schedule 1 of the VPO maintains a local objective which is '[t]o conserve significant treed environments and ensure that new development complements the Garden City Character of the neighbourhood'. In this regard a planning permit is required to remove or destroy any vegetation that:

- *Has a trunk circumference greater than 500mm (160mm diameter) at 1200mm above ground level and*
- *Is higher than 10 metres.*

As identified in the accompanying 'Arboricultural Assessment' prepared by *Tree Logic Pty Ltd*, fifty (50) trees and four (4) tree groups have been identified on-site or on the Site's immediate boundaries. Based on the 'Arboricultural Assessment' it is noted that fifteen (15) trees and two (2) tree groups would require planning permission if they were to be removed, lopped or destroyed. Based on the design response prepared by *Spowers Architects*, it is recognised that planning permission is required for six (6) of these trees to be removed from the Site and four (4) to be relocated. It is noted that each of the trees proposed for either removal or relocation contain an arborist rating of either 'moderate' or 'low', while the two (2) trees classified as 'high' have been retained on-site and appropriately incorporated in the design response.

Appendix A of the 'Arboricultural Assessment' provides a detailed assessment of each of the trees on the Site. Based on this synopsis it is highlighted that along with all of these trees being of 'low' or 'moderate' arboriculture rating, they are all exotic species aside from Tree 40 being the Yellow Box located in the south-east corner of the Site. Its removal provides for the proposed new crossover in this location, which appropriately accounts for the slope of the land, with the associated retaining wall appropriately appreciating the Tree Protection Zone's of the two (2) trees with a 'high' arboricultural rating.

Additionally, the distribution of native species as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects* further justifies that these exotic trees can appropriately be replaced along with Tree 40.

4.3 Strategic Planning Provisions

The State Planning Policy Framework (SPPF) and local planning provisions are required to be considered. Encompassing these visions in the City of Monash is the Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF). These documents must be considered in the assessment of any application for development.

A comprehensive policy assessment follows this section and highlights the strategic directions relevant to this proposal.

4.4 Clause 65

Clause 65 sets out Decision Guidelines and Clause 65.01 sets out issues that the Responsible Authority must consider when making a decision. Those relevant to this application include:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate*

The requirements of clause 65 have been covered throughout this report and further analysis of key considerations is detailed in the following sections.

5 Policy Assessment

5.1 State Planning Policy Framework

The general provisions of the SPPF are relevant to this proposal. In this regard the following general clauses are identified as being applicable:

- **Clause 11 – Settlement**
 - Clause 11.02 – Urban Growth
 - Clause 11.02-1 – Supply of Urban Land
 - Clause 11.04 – Metropolitan Melbourne
 - Clause 11.04-2 – Housing Choice and Affordability
 - Clause 11.04-4 – Liveable Communities and Neighbourhoods
- **Clause 12 – Environmental and Landscape Values**
 - Clause 12.01 – Biodiversity
 - Clause 12.01-2 – Native Vegetation Management
- **Clause 15 – Built Environment and Heritage**
 - Clause 15.01 – Urban Environment
 - Clause 15.01-1 – Urban Design
 - Clause 15.01-2 – Urban Design Principles
 - Clause 15.01-4 – Design for Safety
 - Clause 15.01-5 – Cultural Identity and Neighbourhood Character
 - Clause 15.02 – Sustainable Development
 - Clause 15.02-1 – Energy and Resource Efficiency
- **Clause 16 – Housing**
 - Clause 16.01 – Residential Development
 - Clause 16.01-1 – Integrated Housing
 - Clause 16.01-2 – Location of Residential Development
 - Clause 16.01-3 – Strategic Redevelopment Sites
 - Clause 16.01-4 – Housing Diversity
 - Clause 16.01-5 – Housing Affordability
 - Clause 16.02 – Housing Form
 - Clause 16.02-3 – Residential Aged Care Facilities
 - Clause 16.02-4 – Design and Location of Residential Aged Care Facilities
- **Clause 18 – Transport**
 - Clause 18.01 – Integrated Transport
 - Clause 18.01-1 – Land Use and Transport Planning
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1 – Sustainable Personal Transport
 - Clause 18.02-5 – Car Parking
- **Clause 19 – Infrastructure**

The abovementioned policies relate to the general State-wide provisions of the Planning Scheme and are relevant to the proposal in a general sense. The principles of land use and development have been adhered to and the proposed development meets the strategic direction of the State Planning Policy Framework.

Clause 16 – Housing

Clause 16 contains the following general purposes which are relevant to the assessment of the proposal:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

Clause 16.02-3 – *Residential aged care facilities* contains the following objectives which are relevant to the assessment of the proposal:

- *To facilitate the timely development of residential aged care facilities to meet existing and future needs.*

The following strategies are outlined to implement this objective:

- *Encourage planning for housing that:*
 - *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
 - *Enables older people to live in appropriate housing in their local community.*

Further to this, clause 16.02-4 – *Design and location of residential aged care facilities* provides the following objective which is relevant to the assessment of the proposal:

- *To encourage well-designed and appropriately located residential aged care facilities.*

The following strategies are outlined to implement this objective (emphasis added):

- **Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.**
- *Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).*
- *Provide for a mix of housing for older people with appropriate access to care and support services.*
- **Ensure that residential aged care facilities are located in residential areas,** *activity centres and strategic redevelopment areas, close to services and public transport.*
- *Ensure that:*
 - *Proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.*
 - *Residential aged care facilities are designed to respond to the site and its context.*
 - *Residential aged care facilities aspire to high urban design and architectural standards.*

Clause 16 of the Planning Scheme provides a strong strategic policy basis which supports the provision of residential aged care facilities within an existing residential area such as this location which has exclusively been chosen by Japara for this proposal. The design response directly responds to strategic principles of the SPPF in providing a diversity in accommodation which serves to cater for the elder demographic of the Monash locality.

Furthermore, the high level of architectural detail afforded by this proposal responds to the existing and preferred character of the area, appropriately appreciating and retaining recognised significant native vegetation on-site, while providing additional locations for appropriate landscaping opportunities. This design response allows for the built environment of the proposal to appropriately be able to blend with the natural environment and not detract from its significance, particularly its presentation to the adjoining Regent Street streetscape.

5.2 Aboriginal Cultural Heritage

Clause 15.03-2 of the State Planning Policy Framework requires the consideration of matters pertaining to Aboriginal Cultural Heritage including the requirements of the *Aboriginal Heritage Act* (2006).

Pursuant to Regulation 6 of the *Aboriginal Heritage Regulations* (2007) a Cultural Heritage Management Plan (CHMP) is required for an activity if –

- a) *all or part of the activity area for the activity is an area of cultural heritage sensitivity; and*
- b) *all or part of the activity is a high impact activity.*

It is noted that the subject land is located within an area of Cultural Heritage Sensitivity pursuant to Regulation 23(1) of the *Aboriginal Heritage Regulations* (2007) as the Site is within 200 metres of a waterway, identified as the nearby Valley Creek.

However, Regulation 23(2) specifies (emphasis added):

“if part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.”

Pursuant to Section 4 of the *Aboriginal Heritage Regulations* (2007) significant ground disturbance means disturbance of:

1. *the topsoil or surface rock layer of the ground; or*
2. *a waterway- by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping;*

Whilst the proposal seeks the use and development of the land for the purposes of a ‘residential aged care facility’ it is noted that this specified use is not listed in Regulation 43 of the *Aboriginal Heritage Regulations* (2007) and therefore considered to be exempt from the need to provide a CHMP.

Notwithstanding the above, the ‘Cultural Heritage Due Diligence Advice’ which accompanies this application and which has been prepared by *Pragmatic Cultural Heritage Services* concludes the following for the Site in their report:

*“In summary, preparation of a Cultural Heritage Management Plan **is not** mandatory for the proposed activity under the provisions of The Aboriginal Heritage Act 2006, as the study area has undergone significant levels of ground disturbance in the past that have removed the potential for it to contain undisturbed deposits of Aboriginal Cultural Heritage material.*

Additional investigation with regards to the historical archaeological potential is not necessary due to the lack of places having been recorded within the boundaries of the study area, the lack of observed features during the inspection, and the prior levels of disturbance the property has undergone.”

Accordingly, it is submitted that no CHMP is required for the proposed use and development of the land. Further detail in regard to the methodology and justification regarding the proposal’s exemption from requiring a CHMP is included in the provided ‘Cultural Heritage Due Diligence Advice’ prepared by *Pragmatic Cultural Heritage Services*.

5.3 Municipal Strategic Statement

The Monash MSS includes policy direction that reflects the diverse land use and development intensity of the City. The policies are general in nature and rely on the application of the LPPF policies to achieve the broad strategic direction of the MSS.

Clause 21.01 contains the *Municipal Profile* for the municipality and recognises that the predominant land use is for residential purposes and that the City is one of Melbourne's most populous. It also recognises that this population is noticeably ageing with over 20% of the population now over 60 years old, whilst noting that current residents are wanting to remain within the locality as they grow older.

It further recognises that the municipality is characterised by leafy suburbs, comprising of both front and rear private gardens and treed streetscapes which define the overarching Garden City Character, predominantly within established residential areas and the importance of maintaining this is emphasised in clause 21.02 – *Key Influences*.

Clause 21.03 – *A Vision for Monash* provides the strategic direction for the municipality, in particular clause 21.03-3 – *A Strategy for the Future* outlines the following themes and their respective goals that are considered to be of relevance to the proposal:

Community

Improve the social, cultural and physical lifestyles of our residents

Cultural Diversity

Provide support to enable our culturally and linguistically diverse communities to become active and equal members of the Monash community.

Aged Services

Provide quality aged care services, with the financial assistance of the Federal and State government.

The Environment

Apply the principles of sustainability in all of Council's operations to continually improve the natural environment within the City.

Urban Development

Plan for attractive and environmentally sound use of land that allows for diversity while remaining sympathetic to existing neighbourhood character

It is considered that the proposal directly responds to the desired provision of additional and quality aged care services and facilities within a highly sought after locality with the design response fully appreciating the existing neighbourhood character and appreciating the surrounding, identified environmental qualities of the area.

The minimum front setback of 9.3 metres from the Regent Street frontage appropriately allows for the retention of existing established canopy trees in this location while allowing for additional landscaping opportunities, within not only this setback area but also the generous side and rear setbacks of the proposal.

The principal entrance to the aged care facility is clearly recognisable from this frontage, while the overall built form of the proposal encapsulates a high architectural integrity recognising the benefits of the area, while responding to and appreciating the scale of the proposal. The proposal remains sympathetic to the natural environment, with the architectural built form presence appropriately removed from the adjacent public realm through the design treatments which include breaking the principal elevation into three (3) distinct components and through the use of various architectural treatments and differing materials and finishes, assists in creating a striking urban design outcome when viewed from the adjoining streetscape.

Clause 21.04 – Residential Development identifies the increasing demand for a variety of different housing styles to cater for changing household sizes and structures, emphasising the need to provide accommodation options which are viable for the recognised ageing demographic of Monash. Council's goal is for residential development in the City to be balanced in providing a variety of housing styles which appropriately responds to the existing and desired neighbourhood character.

Objectives contained at clause 21.04-3 include to (emphasis added):

- *To encourage the provisions of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.*
- **To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.**
- **To recognise and provide for housing needs of an ageing population.**
- *To encourage high standards of architectural design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.*
- *To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporate landscape design and use of construction materials that minimise environmental impacts.*
- *To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.*
- *To ensure that development is appropriate having regard to the residential environment of the area, in particular the neighbourhood character and amenity.*

With it strategy to (*inter-alia*, emphasis added):

- *Ensure that new residential development enhances the character of the neighbourhood, having regard to the preferred character statements contained within Clause 22.01.*
- *Ensure that development enhances the Garden City and landscaped streetscape character of the neighbourhood, responds to the features of the site and surrounding area and promotes good streetscape design.*
- *Ensure that new residential development provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.*
- *Ensure that new residential development achieves high quality architectural and urban design outcomes that positively contribute to neighbourhood character.*
- **Encourage the provision of single storey and purpose built housing to cater for Monash's ageing population.**
- **Encourage site consolidation to facilitate better design solutions, maintain existing canopy trees and achieve high design standards.**
- *Minimise the environmental impact on waterways within the catchment through adoption of best practice water sensitive urban design techniques and practices which result in improved stormwater management, water conservation and waste minimisation.*

It is submitted that the proposal provides an appropriate response to clause 21.04 through the consolidation of the two (2) allotments which allows for a considered design response, that maintains and enhances the 'Garden City Character' of Monash and directly responds to the objective in providing a purpose built aged care facility for the municipalities ageing demographic.

The proposed design response has logically responded to the opportunities and constraints presented by this strategic land parcel, notably the prevailing slope of the land and the existing vegetation on the Site including established canopy trees. Where appropriate and practical, recognised significant trees have been retained in the design response, with the built form of the proposal clearly separated from these trees, assisting in blending with the landscaped setting and softening its presentation to the Regent Street streetscape.

The scale and form of development is considered appropriate in minimising the appearance of the built form to the public realm, through effectively incorporating the design into the natural slope of the land. This design response reduces the visual massing of the proposal making it appear as a two (2) storey building when it is viewed from the Regent Street streetscape and the natural varied angles created through the natural undulating topography. The recession of the upper levels of the facility further reduce the perception of bulk through their compliance with Standard B17 of ResCode, ensuring that no unreasonable off-site amenity impacts will arise to adjoining residential properties.

A comprehensive assessment of the proposals response to the existing and desired neighbourhood character as outlined in clause 22.01 of the Planning Scheme is provided in the below Section.

5.4 Local Planning Policy Framework (LPPF)

In assessing the local planning policies at clause 22 of the Planning Scheme, it is submitted that clause 22.01 – *Residential Development and Character Policy*, clause 22.04 – *Stormwater Management Policy* and clause 22.05 – *Tree Conservation Policy* are of relevance to the proposed development of the subject land.

Clause 22.01 – Residential Development and Character Policy applies to all residential land within the municipality except for that within a Heritage Overlay and seeks (*inter-alia*):

- *To build upon the important contribution that landscaping makes to the Garden City Character of Monash.*
- *To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the desired future character statement for the applicable residential Character Type.*
- *To encourage the provision of a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable.*
- *To encourage building practices and housing preferences that are energy efficient and sustainable.*
- *In other areas new residential development will generally be low rise. The exceptions will be where there is an approved Structure Plan or other planning mechanism in place or where individual circumstances support an alternate height.*

The subject land is situated within Residential Character Precinct C, which contains the following desired future character statement:

“The neighbourhood character of this area will develop within a pleasant leafy framework of well-planted front gardens and large canopy trees.

Architecture, including new buildings and extensions, will, in the majority of cases, be secondary in visual significance to the landscape of the Character Type from the street. However, in neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.

Setbacks will be generous and consistent within individual streets.

Building heights will vary between neighbourhoods. Those neighbourhoods where the diverse topography and well developed mature tree canopy provide a framework within which redevelopment can occur will have a larger proportion of two storey houses. In the lower, less wooded areas, buildings

will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrasts between buildings.

The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting. Neighbourhoods that are influenced by the naturalistic landscape of the creek valleys or on highpoints and ridges will have a predominance of native trees in both the public and private realm. Trees within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character.

Streets which have a majority of gardens currently lacking fences will continue to do so. Walls and fences in other streets will be low to allow plants in the front garden to be visible from the street. Colours and materials will be sympathetic to the architecture of the house.

The soft quality of streets derived from the nature strips will be protected by ensuring that each lot frontage has only one single crossover. Landscape elements such as remnant indigenous vegetation and the large old coniferous wind-rows will be retained until horticulturally unstable.

The character of existing public open spaces within the Character Type, particularly those naturalistic corridors such as Damper Creek and Valley Reserve, will be protected by ensuring that buildings directly adjacent to such areas are set back and buffered with planting that complements that within the public open space.”

It is submitted that the proposed design response has appropriately responded to the desired future character statement for ‘Residential Character Precinct C’ and the overarching local planning policy which recognises the ‘Garden City Character’ of the Monash municipality. The predominant height of existing buildings in the immediate area differs from one (1) to three (3) storeys in height, with the undulating topography of the area further creating variation to the buildings scale and their presentation to the adjoining streetscape.

The proposal has appropriately responded to the significant vegetation identified on site by designing the built form with consideration of the noted tree protections zones and retaining this where possible and practical. This is particularly evident along the Regent Street frontage and the provided 9.3 metre setback the architectural built form of the proposal has from the street frontage and the provision of no front fence allows for greater appreciation of these canopy trees and the additional planting proposed, unlike the existing conditions on the subject site. This allows for the built and natural environment to effectively blend together and soften the proposal appearance when it is viewed as a whole from the natural angles of the streetscape.

This generous front setback is also reflected in the side and rear setbacks of the proposal and their full compliance with Standard B17 of ResCode which in turn continues to allow for appropriate landscaping opportunities as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects*. As detailed in the planter schedule, the landscape plan incorporates a vast amount of trees, shrubs and canopy plantings which is considered to appropriately respond to the existing natural environment and the Site’s abuttal to the Valley Creek Reserve.

Accordingly, it is considered the proposed aged care facility appropriately responds to the desired future character of ‘Residential Character Precinct C’. The proposal will provide a meaningful contribution to the streetscape unlike other recent developments along Regent Street and their overreliance of hard surfaced landscaped areas which do not provide for a meaningful contribution to this desired character.

Clause 22.04 - Stormwater Management Policy applies to all land within the municipality and seeks:

- *To minimise the risk to personal injury and property from stormwater flows.*
- *To protect waterways, floodplains, wetlands and receiving bodies from the impacts of inappropriate development and a consequent decline in their water quality.*
- *To minimise the introduction of polluted stormwater to the drainage and waterway system.*
- *To promote and enhance the contribution the drainage system can make to environmental, social and economic benefits to the region*

- *To ensure that development of land which is the subject of any overland flow is subject to floodplain management requirements.*
- *To manage nuisance flows from urban redevelopment.*
- *To encourage the provision of on-site retention systems so that stormwater discharge is maintained at pre-development levels.*

It is not anticipated that the proposed development will have any unreasonable impact upon the future management of stormwater within the immediate or broader area. Moreover, the proposed development will be engineered in accordance with all relevant standards and be subject to Council approval. As detailed in the accompanying 'Sustainability Management Plan' prepared by *Lucid Consulting Australia* the proposal incorporates the following key stormwater management initiatives:

- *90.0kL of rainwater storage to capture 100% of roof and terrace water*
- *Rainwater is the Council's number 1 Alternative Water Source and as such rainwater tanks are to be plumbed to for re-use to 140 toilets.*
- *Minimizing the overall impervious area.*
- *Water saving fittings and appliance (WELS).*

Clause 22.05 – *Tree Conservation Policy* applies to all land within the municipality and contains the following objectives:

- *To maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.*
- *To promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.*

As detailed in the accompanying 'Arboricultural Assessment' and the landscape plan the proposed design response has appropriately retained the two (2) trees at the front of the Site which are identified as having a 'high' arboricultural rating, continuing to provide a positive contribution to the adjoining streetscape. The incorporation of no front fence to Regent Street further allows for greater appreciation of these two (2) trees whilst the other landscaping as detailed in the landscape plan is considered to complement the architecture of the built form, while appreciating the Site's location alongside the Valley Creek Corridor.

5.5 Monash Housing Strategy 2014

The Monash Housing Strategy highlights on the recognised ageing population of the municipality and contains the objective '*[t]o recognise and provide for housing needs of an ageing population*' and the need to provide specialised accommodation options. It is further noted that the subject land is contained within the "Creek Environs" neighbourhood which maintains the following objective:

'Provision of opportunities for modest housing growth and diversification with emphasis on preserving and enhancing Monash's Garden City Character. Design emphasis is to be placed on the protection of neighbourhood character and native vegetation, and responsiveness to the landscape setting of the creek environment.'

Residential outcomes and the future character for the "Creek Environs" area emphasise on the importance of protecting the creek environs through appropriate design responses. It further states that '*[o]n larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of substantial landscaped setbacks to the adjacent creek boundary*'. It is submitted that the consolidated allotments and their sheer combined land size of 5,487 square metres, classifies the Site as a larger site where increased density is recognised as being appropriate. Moreover, the design response is appropriately setback from the adjoining creek corridor to recognise its importance through additional landscaping, while offering a pleasant environment and on-site amenity for future residents.

5.6 Particular Provisions

5.6.1 Clause 52.02 – Easements, Restrictions and Reserves

The purpose of Clause 52.02 is to *'enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered'*.

The parcel of land generally referred to as 35-37 Regent Street contains a 1.81 metre drainage and sewerage easement near-to the rear and angled from the splay through to the northern property. This easement is proposed to be expunged due to the levelling of the land for the building with the architectural plans indicating a new 1.8 metre drainage and sewerage easement along the northern boundary of the Site, to connect with the northern property, onto the existing easement at the rear of 35-37 Regent Street and through to the easement within the Valley Creek Corridor, south-west of the Site.

Accordingly, a permit is required for this easement to be extinguished and it is considered this is able to be appropriately dealt with during the formal consolidation of the Site and reflected on title.

5.6.2 Clause 52.06 – Car Parking

Clause 52.06 requires that prior to a new use commencing, the car parking provision required under clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

Pursuant to Table 1 to clause 52.06-5 of the Planning Scheme, where the use is a 'residential aged care facility', 0.3 car parking spaces must be provided to each lodging room of the facility. Accordingly, the 126 lodging rooms proposed by this application, generates a statutory car parking requirement of 37.8 (38) on-site car parking spaces.

The proposed aged care facility fully complies with the statutory car parking rate in providing a total of thirty-eight (38) car parking spaces in two (2) locations, being at-grade in the Site's north and beneath this in the sunken ground floor. Access to each of these spaces is provided via two (2) new separate crossovers, in the Site's north-eastern and south-eastern locations. This is considered consistent with the existing conditions of the allotments, which both currently contain a single crossover to Regent Street.

With regard to the adequacy of both these car parking locations and access to the individual car parking spaces, the accompanying 'Transport Impact Assessment' prepared by *OneMileGrid Pty Ltd* states the following:

- *The car parking layouts and accesses have been designed generally in accordance with the requirements of the Planning Scheme and are considered appropriate for the use;*
- *The proposed provision of staff and visitor bicycle parking exceeds the requirements of the Planning Scheme, and is therefore considered appropriate;*
- *The proposed supply of car parking is appropriate for the proposed development and satisfied the Planning Scheme and Building Code requirements;*
- *The proposed development is expected to have a negligible impact on the surrounding road network; and*
- *There are no traffic engineering reasons which should preclude a permit from being issued.*

Further detail in regard to the adequacy and location of car parking for the proposal is provided in the 'Transport Impact Assessment' provided by *OneMileGrid Pty Ltd*.

5.6.3 Clause 52.17 – Native Vegetation

Clause 52.17 requires planning permission to remove, destroy or lop native vegetation, including dead native vegetation. Clause 52.17-7 contains a number permit triggers which states *inter-alia* under 'site area' that *'[t]he native vegetation is on land which, together with all contiguous land in one ownership, has an area of less than 0.4 hectare.'* The consolidation of the two (2) land parcels, creates a total land size area of

approximately 5,457 square metres and accordingly a planning permit is required for the removal of any native vegetation.

The proposed design response has appropriately considered the two (2) trees which are classified as containing a ‘high’ arboricultural rating in the accompanying ‘Arboricultural Assessment’. It is however recognised that a planning permit is required for the removal of ‘Tree 28’ being a Variegated Port Jackson Fig and located near-to the Site’s northern central boundary and for ‘Tree 40’ being a Yellow Box in the Site’s south-eastern corner. The removal of each of these two (2) trees is considered appropriate given the ‘low’ arboricultural rating of ‘Tree 28’ and the comments within the ‘Arboricultural Assessment’ which states that this is a *‘[v]ariegated variety, branches lopped over adjacent out building, lost approx. 1/3 of canopy’*.

Additionally, the removal of ‘Tree 40’ is also considered appropriate given the design response and the location of the proposed new crossover in this location, which provides for a shared pedestrian and vehicle access to the ‘aged care facility’. This tree contains a ‘moderate’ arboricultural rating as opposed to the two (2) trees in the Site’s frontage (including Tree 4 being another Yellow Box) which are classified as ‘high’. The incorporation of a retaining wall in appreciation of the nominated Tree Protection Zones of these trees further signify how the design response has appropriately considered their retention.

Based on the above and the proposed design response, it is considered appropriate to remove these two (2) trees.

5.6.4 Clause 52.34 – Bicycle Facilities

Clause 52.34 requires the provision of bicycle facilities before any new use can commence with Table 1 to clause 52.34-3 specifying rates for bicycle parking. It is noted that a ‘residential aged care facility’ is not listed within Table 1 so the proposal has conservatively considered the requirements which would otherwise apply to a ‘nursing home’ which is nested under a ‘residential aged care facility’ pursuant to clause 75 of the Planning Scheme. The requirements of a ‘nursing home’ state that one (1) bicycle must be provided for each seven (7) beds, and one (1) visitor’s space must be provided for every sixty (60) beds. Noting that all of the proposed aged care suites contain one (1) bed, the below table details the statutory requirement for bicycle spaces for the proposed development:

Proposed Land Use	Statutory Requirement		Total Required Bicycle Provision
	Resident	Visitor	
Nursing Home	1 space to each 7 beds (126 beds = 18)	1 space to each 60 beds (126 beds = 2.1 (2))	(20)
TOTAL – 20			

As is shown on the accompanying application plans, twenty-six (26) bicycle parking spaces are proposed within the sunken Ground Floor Level, near-to the car park area. Accordingly, the provided twenty-six (26) bicycle spaces satisfies the requirements of clause 52.34 of the Planning Scheme and is further detailed in the accompanying ‘Traffic Impact Assessment’ prepared by *OneMileGrid Pty Ltd*.

5.6.5 Clause 52.36 – Integrated Public Transport Planning

Clause 52.36 requires that an application to construct a building or carry out works for a residential development comprising sixty (60) or more lodging rooms must be referred to the Director of Public Transport, in accordance with Section 55 of the Act. This referral should be facilitated by Council in accordance with the relevant requirements.

5.7 Plan Melbourne

Plan Melbourne is referenced at clause 9 of the Planning Scheme and is relevant to the consideration of this proposal. The updated policy basis generally supports the key strategic policies formerly established in

Melbourne 2030 and Melbourne @ 5 Million with regard to the provision of housing in Melbourne's established urban areas.

The strategic directions outlined in Plan Melbourne are required to be considered as a part of Council's decision-making process. Within the metropolitan strategy it recognises that '*...Melbourne's population is ageing, the city will also need to become more age-friendly*'. With the changing needs and demand for alternative housing types, (which includes aged-care living), *Plan Melbourne* recognises the challenge '*...will be to provide housing to accommodate these changes in demand for new dwellings, locally, so family connections can be maintained*'.

Furthermore, Direction 2.2 of Plan Melbourne identifies to '*Reduce the cost of living by increasing housing supply near services and public transport*'.

It is submitted that the proposal provides an appropriate response to the recognised need to accommodate Melbourne's increasing housing demand and diversity (inclusive of aged care living) through an innovative design response, which appropriately responds to the existing and preferred character of the area. The established urban area is afforded a high level of amenity through nearby existing services, facilities and infrastructure. As such, it is considered that the proposed use and development in this area allows for the elder demographic of Monash to remain in close proximity to where they have established their lives, accessible for family members, appropriately responding to the initiatives within *Plan Melbourne*.

6 ResCode Assessment Summary

6.1 Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

As highlighted earlier in this submission, the development of the Site for the purpose of a residential building is required to meet the requirements of clause 55 – ResCode.

Although the Standards of ResCode provide a suitable assessment framework for new development, it is acknowledged that compliance is not a mandatory requirement given that the operation of ResCode detailed at clause 55 states:

“...A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered...”

It is noted that Schedule 2 of the GRZ varies the Standard requirements of ResCode pertaining to matters of minimum street setback; private open space; and front fence heights. Following our assessment of the application plans, it is acknowledged that the following variations to the standards of ResCode are sought as part of this proposal:

Standard B8 – Site Coverage

Standard B22 – Overlooking

It is noted that the above variations are minor in nature and assessed individually below. An assessment of all Objectives and Standards of clause 55 is provided at **Appendix C** of this report.

Standard B8 – Site Coverage

Clause 55.03-3 of the Planning Scheme outlines the site coverage objective of ResCode which seeks:

‘To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.’

Subsequently, Standard B8 requires that the site area covered by buildings should not exceed:

- *The maximum site coverage specified in a schedule to the zone; or*
- *If no maximum site coverage is specified in a schedule to the zone, 60 per cent.*

It is noted that no maximum site coverage is specified in the Schedule 2 to the GRZ and accordingly, Standard B8 contemplates a maximum site coverage of 60% in this instance.

The proposed residential aged care facility incorporates a site coverage of approximately 61.4%, generally commensurate with other nearby developments which incorporate a higher residential density and typically on lots which are much smaller than the consolidated subject site. Many of the single dwelling allotments (notably across the road) in the near context also appear to have a high site coverage, although given the planning controls applying to them, these are not subject to planning approval.

It is submitted that the minor variation sought is justified. This is considered in the context of the character of the immediate environs, and the undulating topography of the land which has required the general flattening of the buildings ground floor to accommodate for the proposed building. This high site coverage is generally confined within the centre of the Site where its abuttal to the rear Valley Reserve corridor and its presentation to the streetscape is significantly reduced through the design response and generous setbacks proposed. The extensive amount of landscaping as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects*; the proposals compliance with Standard B9 in regard to site permeability; and the positive response to the streetscape and minimal off-site amenity impacts further justify this variation is appropriate.

Standard B22 - Overlooking

Clause 55.04-6 of the Planning Scheme applies to overlooking requirements of new development and seeks:

'To limit views into existing secluded private open space and habitable room windows.'

Standard B22 contains a number of guidelines which can be implemented into a design response to restrict direct views into private open space and habitable room windows of neighbouring properties. Aspects of Standard B22 have been incorporated into the design response where appropriate and detailed in the accompanying study sections contained at Drawing Numbers TP 19 – TP 21. Full compliance with Standard B22 is indicated in Section 7 and 8 of these study sections with indicated windows either located 1.7 metres above finished floor heights or are confined behind screening blades in accordance with the Standard.

It is noted that variations to the Standard are however sought along the northern and southern boundaries with no screening provided and the elevations indicating full material glazing. In this regard it is noted that along these two (2) boundaries a new 2.1 and 2.4 metre high paling fence is proposed respectively. It is further noted on the first floor of the building that the heights of these paling fences above the natural ground level, restricts direct views into the secluded private open space areas when measurements are taken at 1.7 metres above the finished floor level and a 45 degree vertical angle is taken from this height at a nine (9) metre distance at ground floor level.

This is a similar design response on the uppermost level of the proposal, where the added recession of this level from the first floor, minimises direct views when this 45 degree vertical angle is again taken from this level at a height of 1.7 metres above finished floor height at this level on a nine (9) metre distance. Whilst not appreciated in Standard B22, this is a commonly used design technique with the decision guidelines at clause 55.04-6 of the Planning Scheme states for the Responsible Authority to consider (*inter-alia*):

- *The design response.*
- *The impact on the amenity of the secluded private open space or habitable room windows.*

Accordingly, it is submitted that no unreasonable overlooking is anticipated to arise from these northern and southern window and balcony locations, as indicated in the detailed study sections. As such, it is considered that the design response appropriately satisfies the objective of clause 55.04-6 and no screening treatments are required in these locations.

7 Key Considerations

7.1 Policy Setting

The Planning Scheme recognises the ageing demographic within the Monash municipality and highlights the various amenity attributes and service offerings of the City, making it a highly sought after locality for people of all ages, with an aim to retain and provide accommodation for existing elderly residents.

The proposed development meets the strategic intent of the Planning Scheme and takes advantage of the existing large land holdings and the consolidation of the two (2) allotments, within a desired residential setting. The sheer scale, size and locational attributes of the Site provide an opportunity for a diversity in accommodation and lifestyle choice for existing residents of the municipality. The generous open space areas, theatre room, chapel room and activities areas offer an excellent internal amenity for future elderly residents, while the shared lounge and dining areas also provide an enhanced opportunity for residents and staff members to integrate with one another, not too dissimilar to an everyday family home.

The proposal provides an appropriate opportunity for the City of Monash to recognise how a development can appropriately respond to the purposes of the GRZ, and the intent of both State and local planning policy directions. There is clear policy guidance which seeks to encourage a diversity in housing choice and form (including the need for aged care facilities), that remains respectful to the existing and preferred neighbourhood character of the area, without compromising the amenity of adjoining properties as contemplated in the highly resolved design response.

7.2 Neighbourhood Character and Streetscape

As noted, the subject land is situated within 'Residential Character Type C' pursuant to the residential character and design policy at clause 22.01 of the Planning Scheme. It is considered that the proposed design response has appropriately considered the existing and desired character as contained within this policy and logically responded to the opportunities and constraints of this significant, consolidated land parcel.

The proposed development takes full advantage of the Site's Regent Street frontage, with the consolidation of the two (2) allotments providing a sixty-four (64) metre site frontage and an opportunity to significantly enhance the Site's presentation to the adjoining streetscape and road reserve. The minimum 9.3 metre front setback achieves full compliance with the varied B6 setback requirements of the GRZ2, which enables retention of identified significant trees and allows appropriate landscaping opportunities to remain consistent with the 'Garden City Character' of Monash as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects*. The provision of no front fence further allows greater appreciation of the retained mature trees in this front setback area, which are currently confined behind the high, front fences of the existing two (2) dwellings on each of the current allotments.

The above is a clear response to the preferred character contained at clause 22.01, allowing for the visual massing of the proposal to appropriately be located behind the existing and proposed landscaping and overall blend with the natural environment, identifying this as the dominant feature of the Site.

The three (3) storey form of the proposal has appropriately responded to its immediate surrounds and the scale of existing development varying between one (1) and three (3) storeys. The natural undulation of the Site and immediate context further allows for existing buildings to appear taller, so the design response has appropriately responded in developing within the slope and removing the presence of building services and car parking to the streetscape. The first floor car parking area is also considered appropriate with the pergola feature; the natural material use; and landscaping proposed which further appreciates the Site's environmental setting.

The primary principal pedestrian entrance is also recessed in its southern location with its access shared with the proposed new crossover. This assists in defining its entrance to the streetscape while providing convenience for users entering and exiting the Site and the provided vehicle drop-off points, while creating a sense of address and identity to the public realm.

On this basis, it is considered that the proposal has appropriately responded to the recognised opportunities and constraints presented by the Site, notably through the retention of significant vegetation and accounting for the natural north-south and east-west slopes. In doing so, the proposal resolves in a highly resolved architectural expression, which successfully integrates with the immediate and surrounding residential neighbourhood, while also catering for elderly residents through a contribution in housing diversity to the Monash municipality.

7.3 Built Form

The proposal offers a high standard of architecture and urban design which is reflective of the diverse built form characteristics of the immediately surrounding environment. The high level design response has been formulated with a keen understanding of the opportunities and constraints of the Site, notably accounting for the significant north-south and east-west slope of the land. This considered approach results in an outcome befitting of the Site's context.

The proposed scale of the aged care facility at three (3) storeys is consistent with other nearby constructed developments in the near vicinity of the Site, although given the abovementioned slope the building appears and presents itself as a two (2) storey development, when viewed from the public realm, which is the prevalent scale of development in the near environs. As such, it is considered that the proposed development responds favourably to the existing character along Regent Street, ensuring that the proposal maintains pedestrian scale and does not dominate the adjoining streetscape.

The building adopts a varied appearance to Regent Street, the ground floor is primarily located beneath the natural surface level, with the first and second level effectively containing three (3) distinct "fingers" which contain a minimum front setback to Regent Street of approximately 9.3 metres in the middle of this elevation. Each of these protrusions contain their own architectural features, which includes varied/stagnated front setbacks; differing heights through the incorporation of the slope in the design; and a range of materials and finishes which all assist in breaking up this façade into its differing levels and components in its overall presentation to the streetscape.

The cut-outs between each of the three (3) protrusions further soften the built-form of this elevation through the use of timber pergolas, with the material reflective of the retained significant trees in the stagnated front setback, while allowing for additional landscaping in each of these spaces. Landscaping is further able to be achieved within the generous side and rear setback of the proposal, with further opportunities provided throughout the buildings core. The generous use of feature glazing, particularly on the Regent Street elevation, also allows for this landscaping to be reflected onto the built form of the proposal. This is a clear example of design achieving a considered and balanced relationship between the built and natural environment.

Surrounding the buildings perimeter, the design proposes a retaining wall which has been included to effectively level-out the building behind its street frontage, accounting for the significant natural slope of the land. The recession of the upper levels above this retaining wall, further complies with Standard B17 of ResCode on all of the Site's side and rear boundaries when measured from the adjoining natural ground levels.

At the buildings rear, a similar design response to the front is used effectively breaking the building up into three (3) differing components, which along with the varied side and rear setbacks; the fenestration of windows; the landscaping, differing materials and finishes on each of the three (3) levels appropriately articulates and details each of the northern, southern and western elevations. This overall reduces the perception of visual bulk and mass when the development is viewed from the differing angles on adjoining residential properties and the pedestrian trails located within the Valley Creek corridor.

Accordingly, it is submitted that the overall built form response is well-conceived and ensures that the development will not unreasonably impact upon the amenity of neighbouring residential properties. The elevations and photo montages provided as part of the architectural package, demonstrate a site responsive design which can comfortably sit within this setting.

7.4 Off-Site Amenity

It is submitted that nearby residential uses will not be unreasonably impacted upon by the proposed development of the subject site as sought by this application.

The residential amenity of existing dwellings directly north and south of the Site have been key considerations in the design response, particularly the locations of their secluded private open space areas and existing habitable room windows. In this regard, as previously outlined, the proposed side and rear building elevations have been designed to comply with the setback requirements of Standard B17 on the Site's two (2) sensitive interfaces, including the considered retaining wall on the northern boundary and the Site's relationship to the adjoin Valley Creek corridor. The varying materials and finishes; the balcony cut-outs; and recession of the upper levels assist in breaking up the visual massing when the proposal is viewed from these adjoining locations.

Moreover, the generous setbacks on each of the levels allows for considered landscaping opportunities as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects*, further softening its appearance when viewed from neighbouring properties and the natural varied angles, created through the continued fall and rise of the surrounding land.

The architectural package prepared by *Spowers Architects* includes detailed shadow diagrams which demonstrate the extent of shadowing proposed by the aged care facility. Given the natural orientation of the consolidated land parcel, it is submitted that the only property which has the potential to be unreasonably overshadowed is to the south at 41 Regent Street. As indicated in these shadow diagrams, on the September 22 equinox, the shadow cast will not unreasonably impact upon the useability of the significantly sized private open space area associated with this neighbouring dwelling and as such fully complies with Standard B21.

Moreover, it is not anticipated that any unreasonable overlooking will result as a consequence of the proposed development. While a variation to Standard B22 is sought as part of this application, the architectural package has provided detailed overlooking section diagrams which highlight features of the design response and the overlooking considerations which have been accounted for throughout the proposal. This includes the provision of a 2.1 and 2.4 metre high paling fences at ground floor on the northern and southern boundaries respectively. This design response restricts direct views at ground floor as well as at first floor when a 45 degree vertical angle is taken at eye-level as indicated in these detailed sections.

This overlooking restriction continues on the upper level, where the added recession restricts overlooking when a 45 degree vertical angle is again drawn from the eye-level of windows/balconies on this uppermost level. In each scenario, while a variation to the Standard is required the considered design response continues to meet the objective of clause 55.04-6 being '*[t]o limit views into existing secluded private open space and habitable room windows*'.

Accordingly, it is submitted that no unreasonable off-site amenity impacts will occur to existing adjoining dwellings and their private open space areas.

7.5 On-Site Amenity

Japara has an ambition to provide high quality accommodation which caters for the social needs of the elder demographic, within highly sought after localities which Japara have specifically chosen the subject site for this new facility. In offering such contemporary and innovative facilities, the layout and provision of services has been tailored to the specific needs of residents in their later years.

In this regard, the proposed aged care facility is designed in a manner which offers aged care suites that are easily accessible to occupants with the provided communal spaces further allowing residents to maintain a level of integration with other members of the community and within the facility, whilst also providing an appropriate level of privacy and integrity as required.

All aged care suites are afforded direct access to natural light and ventilation which offers a pleasant outlook to either landscaped areas within the Site and in some instances beyond to the adjoining Valley Creek corridor. Each of the suites are generous in size for their intended residents and occupants, whom require the everyday

care of dedicated staff members. State planning policy objectives highlights at clause 16.02-4 that (emphasis added) *'residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass)'*.

Given the recognised difference within the Planning Scheme, and the intended use of the Site, the proposal is considered to appropriately respond to the everyday requirements, purpose and needs and wants of the recognised existing elder demographic of Monash.

All communal dining and lounge areas of the facility are easily accessible through generous internal circulation, with the areas further positioned within a landscaped setting to offer an experience and appreciation to the broader environment including distinct views toward the greater Valley Creek corridor. Given the above mentioned, it is considered that the development allows a high level of amenity for future occupants in their elder years, with the excellent standards of the proposal meeting the provisions of the Planning Scheme.

7.6 Removal of Vegetation

As earlier recognised, the proposal seeks removal of existing vegetation on the Site requiring planning permission for the removal of six (6) trees pursuant to the provisions of VPO1 with all of these noted as being exotic species aside from two (2) native trees which further require planning permission in accordance with the triggers of clause 52.17 of the Planning Scheme.

As contained in the accompanying 'Arboricultural Assessment' prepared by *Tree Logic Pty Ltd*, each of these trees to be removed is nominated as having either a 'low' or 'medium' arboricultural rating with the proposal appropriately incorporating the two (2) trees in the Site's frontage into the design response, both of which are nominated as having a 'high' arboricultural rating and provide the greatest contribution to the Regent Street streetscape.

As submitted throughout this report, the proposal has appropriately accounted for the significant slope of the land and the provision of the new crossover in the Site's south-east corner and the ramped access to the under-croft car park and entrance to the aged-care facility. This design response further allows for the retention of the two (2) 'high' rated trees in the Site's frontage however requires removal of trees (namely 'Tree 40') for this to be facilitated. It is considered that a trade-off for additional landscaping within this front setback area and throughout the facility as detailed in the 'Landscape Plan' prepared by *Site Image Landscape Architects* is an appropriate outcome for the removal of the six (6) trees and the Site's proposed redevelopment.

7.7 Traffic and Car Parking

As acknowledged earlier in this submission, the proposal satisfies the statutory requirement at clause 52.06 of the Planning Scheme associated with an 'aged care facility', with the proposed 126 aged care suites triggering the need to provide thirty-eight (38) on-site residential car parking spaces.

This application is accompanied by a detailed 'Traffic Impact Assessment' prepared by *OneMileGrid Pty Ltd*. The report concludes the provision of car parking proposed by this application is appropriate as are the two (2) car parking locations. The basis for this position is detailed at the conclusion of the report which states that:

'Considering the analysis presented above, it is concluded that:

- *The car parking layouts and accesses have been designed generally in accordance with the requirements of the Planning Scheme and are considered appropriate for the use;*
- *The proposed provision of staff and visitor bicycle parking exceeds the requirements of the Planning Scheme, and is therefore considered appropriate;*
- *The proposed supply of car parking is appropriate for the proposed development and satisfied the Planning Scheme and Building Code requirements;*

- *The proposed development is expected to have a negligible impact on the surrounding road network; and*
- *There are no traffic engineering reasons which should preclude a permit from being issued.*

Accordingly, it is considered that the location and design of the proposed car parking area is appropriate and will provide safe and convenient access to all car spaces. The provision of two (2) car parking locations and the associated design features, ensures that the location of such facilities does not impact upon the general amenity of the streetscape, while providing a high level of amenity and convenience for future staff and visitors. Moreover, the 'Traffic Impact Assessment' prepared by *OneMileGrid Pty Ltd* contains swept-path diagrams within its appendix which highlights all car spaces are able to be conveniently accessed as well as indicating that a bariatric ambulance can appropriately access/egress the under-croft car park in a forward direction.

A detailed assessment of matters pertaining to car parking and traffic are provided within the accompanying 'Traffic Impact Assessment' prepared by *OneMileGrid Pty Ltd*, which accompanies this report.

7.8 Environmentally Sustainable Design (ESD)

With regards to the ESD performance of the proposed development, we rely upon the 'Sustainable Management Plan' prepared by *Lucid Consulting Australia Pty Ltd* who provide the following comments in their executive summary (inter-alia):

'The initiatives proposed provide a holistic approach to sustainability within the aged care facility; however, a focus on indoor environment quality, energy efficiency (electrical and gas), water efficiency and stormwater management has been applied. This report references various sustainability frameworks, checklists and benchmarks, all of which were used to qualify and develop the initiatives. As a result, the initiatives proposed for 35-39 Regent St, Mount Waverley, have been specifically tailored to the development, yet appropriately benchmarked against similar developments to help assess the levels of sustainability proposed.'

We note that the façade design and internal room layouts will promote natural ventilation and maximise natural daylight to living areas within the facility. This passive solar design is intended to limit reliance on mechanical heating and cooling throughout the year. High performance glazing to windows and external solar shading ensure suitable ratios of glazing fenestration to façade areas on the exterior of the building and sufficiently sized window/door openings promote natural ventilation throughout the facility.

Energy efficiency will also be promoted through rainwater storage for re-use within the development for toilet flushing and also irrigation to the various landscaping areas proposed, minimising the proposals reliance upon mains water as compared with typical residential dwellings of similar use. Renewable energy sources such as solar PV on the facilities roof combined with high efficiency central thermal plant further minimises the facilities carbon footprint. Further detail in regard to matters concerning ESD initiatives of the facility are contained in the accompanying 'Sustainable Management Plan' prepared by *Lucid Consulting Australia Pty Ltd*.

7.9 Waste Management

With regard to residential waste management at the Site, the applicant relies upon the 'Waste Management Plan' prepared by *OneMileGrid Pty Ltd*, which accompanies and forms part of this application.

The architectural plans forming the basis of this application include the provision of a waste storage room adjacent to the under-croft car park and service access dock. It is proposed that a private waste contractor will be responsible for collecting waste on-site, with staff responsible for transferring and disposing of waste from within the facility to this waste storage room. Waste collection vehicles will further be able to conveniently access/egress the Site in a forward direction.

It is considered that the location of the proposed waste storage area significantly reduces the impact upon the streetscape and provides for a greater functionality for both future staff and private waste collectors. The size of the waste storage areas are considered appropriate on the basis that it satisfies the requirements of an

'aged care facility' following experience with similar facilities as detailed in the 'Waste Management Plan' prepared by *OneMileGrid Pty Ltd*.

8 Conclusion

As outlined in this submission the proposed development of the land at 35-39 Regent Street, Mount Waverley is consistent with the requirements and strategic direction of the Planning Scheme. It is considered that the provision of a 'residential aged care facility' provides for a meaningful response to the noted ageing demographic of Monash and the need to provide additional elder living accommodation within the municipality.

The design response has logically addressed the opportunities and constraints presented by this strategic, consolidated land parcel, namely the significant slope and existing on-site vegetation, to provide a highly resolved architectural and urban design outcome which is befitting of the existing neighbourhood character and entirely respectful of the 'Garden City Character' seen throughout the Monash City. Accordingly, the proposal is considered to sit comfortably within the residential context of Regent Street, through its general compliance with the built form requirements of ResCode.

The contemporary design of the facility has appropriately considered its relationship to neighbouring dwellings directly north and south of the Site, and is complimented by a modern internal layout which offers various, communal spaces to enhance resident's wellbeing and actively encourages their integration within the facility.

This report has identified the issues relevant to considering and approving the proposed development and has logically addressed the requirements of the Planning Scheme. On this basis, we respectfully request that Council recommend this development for approval.

Appendix A

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

VOLUME 09098 FOLIO 136

Security no : 124061238384S

Produced 11/07/2016 03:59 pm

LAND DESCRIPTION

Land in Plan of Consolidation 104150.

PARENT TITLES :

Volume 08462 Folio 162 to Volume 08462 Folio 163

Created by instrument CP104150 11/08/1975

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JAPARA PROPERTY HOLDINGS PTY LTD of LEVEL 4 1 SOUTHBANK BOULEVARD SOUTHBANK
VIC 3006

AM616079Y 08/03/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM626057D 11/03/2016

NATIONAL AUSTRALIA BANK LTD

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DIAGRAM LOCATION

SEE CP104150 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AM626057D	MORTGAGE	Registered	11/03/2016

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

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

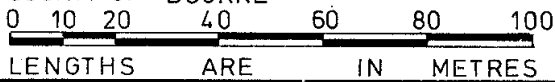
Street Address: 35-37 REGENT STREET MOUNT WAVERLEY VIC 3149

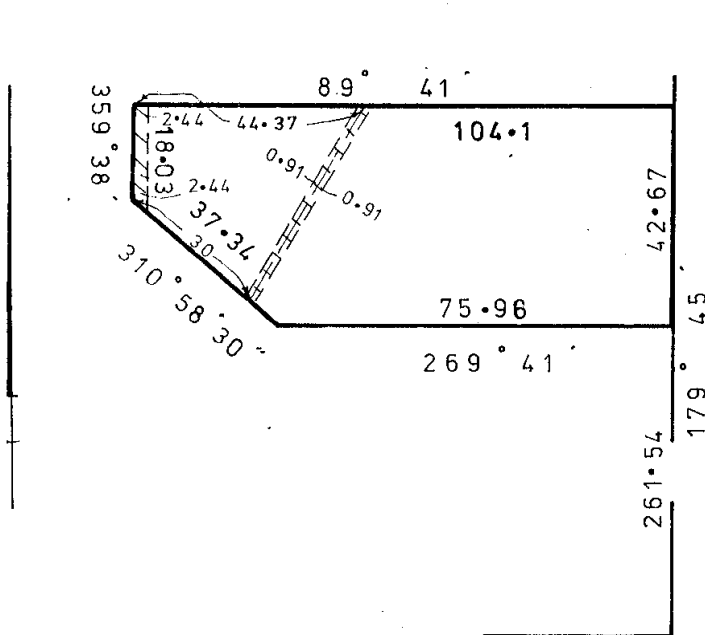
DOCUMENT END

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CP 104150

<p>PLAN OF CONSOLIDATION PART OF CROWN PORTION 61 PARISH OF MULGRAVE COUNTY OF BOURKE</p>  <p>LENGTHS ARE IN METRES</p>	<p>ENCUMBRANCES & NOTATIONS</p> <p>Land hatched encumbered vide L.P. 58 432 for drainage and sewerage purposes.</p> <p>THE EASEMENTS (IF ANY) EXISTING OVER THE SAME BY VIRTUE OF SECTION 98 OF THE TRANSFER OF LAND ACT</p>
---	--



CITY OF WAVERLEY
 CONSOLID. No. 873/1

REGENT STREET

M
1001 07
\$12
2054
21/11

APPROVED

WAVERLEY ROAD

5.8.1975 *B.S.S.*

9098 136

<p>CONSENT OF COUNCIL</p> <p>APPROVED</p> <p>EIGHTH JULY 1975</p> <p><i>Walter</i> <i>Walter</i></p>	<p>SURVEYORS CERTIFICATION</p> <p>I Certify that this plan has been made by me and accords with title and is mathematically correct and <input checked="" type="checkbox"/> based on survey.</p> <p><i>J. Walters</i> Licensed Surveyor.</p> <p>Date 17-6-75</p> <p>F. J. WALTERS & LEA PTY. LTD. CONSULTING ENGINEERS AND SURVEYORS 20 QUEEN STREET MELBOURNE, 3000</p> <p>75 025</p>
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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08462 FOLIO 164

Security no : 124061238385R

Produced 11/07/2016 03:59 pm

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 058432.
PARENT TITLE Volume 08255 Folio 435
Created by instrument B434653 12/02/1964

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JAPARA PROPERTY HOLDINGS PTY LTD of LEVEL 4 1 SOUTHBANK BOULEVARD SOUTHBANK
VIC 3006

AM845359N 09/06/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM923046C 08/07/2016

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DIAGRAM LOCATION

SEE LP058432 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	CAVEAT	STATUS	DATE
AM720633S	CAVEAT	Registered	21/04/2016
AM845359N	TRANSFER	Registered	09/06/2016
AM923046C	MORTGAGE	Registered	08/07/2016

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

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<p>EDITION 3 LP 58432</p>					
<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH : MULGRAVE (3212) TOWNSHIP : SECTION : CROWN ALLOTMENT : CROWN PORTION : 61</p> <p>LTO BASE RECORD : LAST PLAN REFERENCE : TITLE REFERENCE : V.8255 F.435</p> <p>DEPTH LIMITATION : NIL</p>	<p style="text-align: center;">NOTATIONS</p> <p style="text-align: center;">PLAN APPROVED: 22 / 11 / 63</p>				
<p>EASEMENT INFORMATION</p>					
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / in favour of	<p>THIS PLAN HAS BEEN PREPARED BY THE VICTORIAN LAND TITLES OFFICE FOR TITLE DIAGRAM PURPOSES</p> <p>Checked by Date 2 / 2 / 15</p> <p>Assistant Registrar of Titles</p>
E-1	DRAINAGE AND SEWERAGE	244	LP 58432	LOTS ON LP 58432	
R1	WAY	SEE PLAN	LP 58432	LOTS ON LP 58432	
R1	CARRIAGEWAY	SEE PLAN	AP 52999	VOL. 8255 FOL. 436	
<p>Legend : A - Appurtenant E : Encumbering Easement R : Encumbering Easement (Road)</p>					
					<p>WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.</p>
<p>WAVERLEY ROAD</p>					<p>Sheet 1 of 1 sheets</p>
<p>Measurements are in Feet & Inches Conversion Factor FEET X 0.3048 = METRES</p>			<p>SHEET SIZE A3</p>	<p>ORIGINATING DEALING :</p>	

Appendix B

DELWP Planning Report

Planning Property Report

from www.dtpli.vic.gov.au/planning on 15 August 2016 08:18 AM

Address: 35-37 REGENT STREET MOUNT WAVERLEY 3149

Lot and Plan Number: Plan CP104150

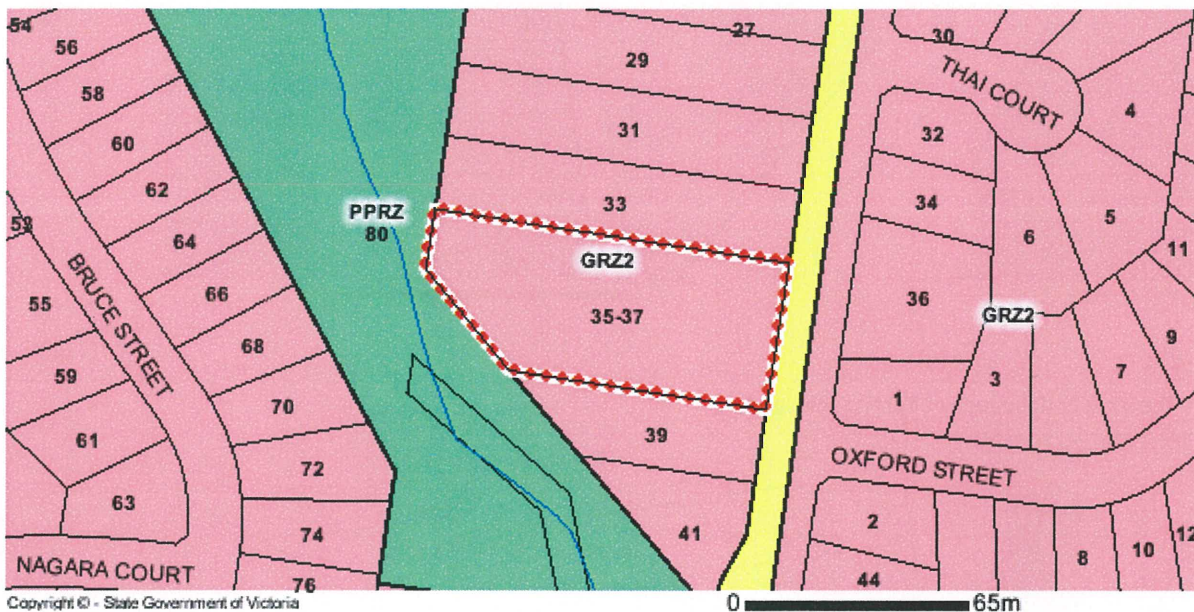
Local Government (Council): MONASH **Council Property Number:** 195633

Directory Reference: Melway 70 G3

Planning Zone

GENERAL RESIDENTIAL ZONE - SCHEDULE 2 (GRZ2)

SCHEDULE TO THE GENERAL RESIDENTIAL ZONE - SCHEDULE 2



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

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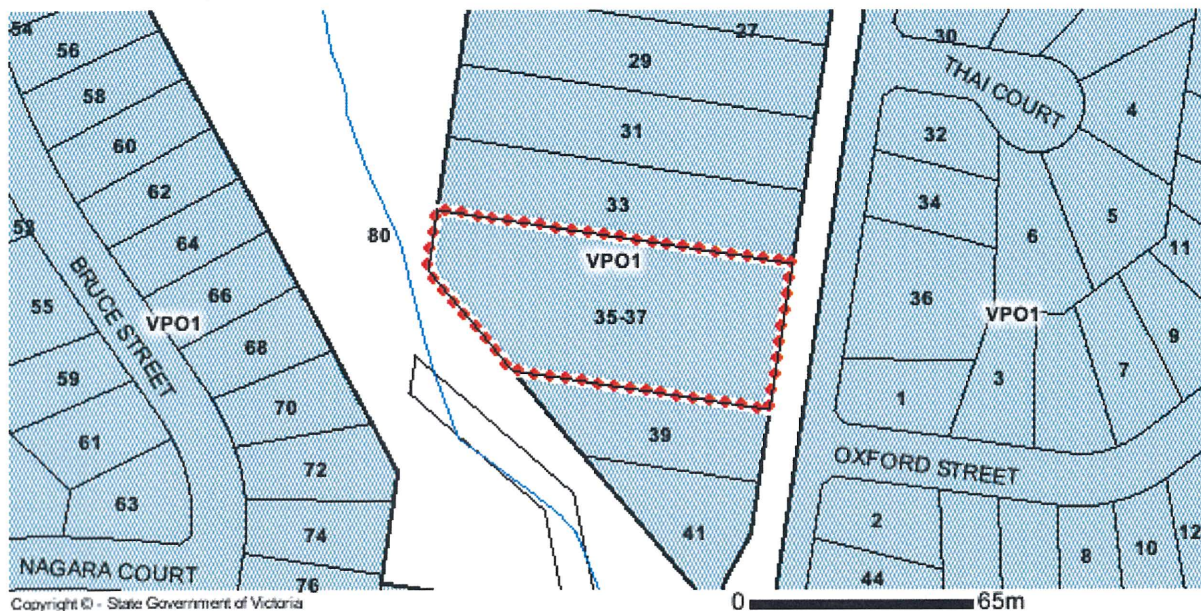


Environment,
Land, Water
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Planning Overlay

VEGETATION PROTECTION OVERLAY (VPO)

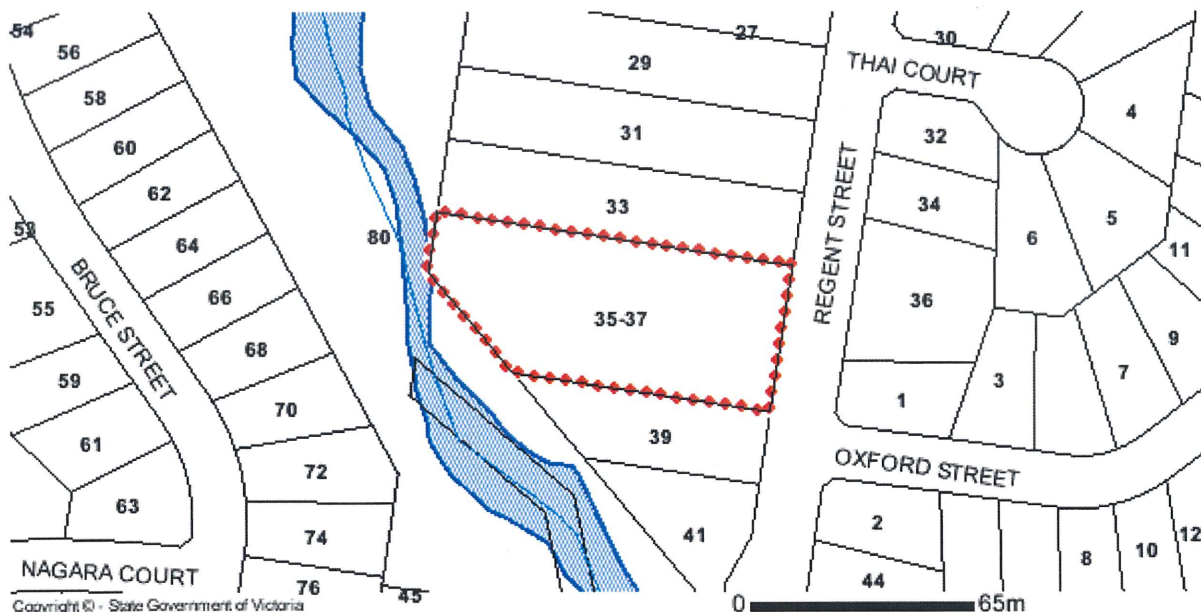
VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)



OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

SPECIAL BUILDING OVERLAY (SBO)



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Planning Overlays Legend

Overlays Legend

 AEO - Airport Environs	 LSIO - Land Subject to Inundation
 BMD - Bushfire Management (also WMO)	 MAEO1 - Melbourne Airport Environs 1
 CLPO - City Link Project	 MAEO2 - Melbourne Airport Environs 2
 DCPO - Development Contributions Plan	 NCO - Neighbourhood Character
 DDO - Design & Development	 PO - Parking
 DDOPT - Design & Development Part	 PAO - Public Acquisition
 DPO - Development Plan	 RO - Restructure
 EAO - Environmental Audit	 RCO - Road Closure
 EMO - Erosion Management	 SBO - Special Building
 ESO - Environmental Significance	 SLO - Significant Landscape
 FO - Floodway	 SMO - Salinity Management
 HO - Heritage	 SRD - State Resource
 IPO - Incorporated Plan	 VPO - Vegetation Protection

Note: due to overlaps some colours on the maps may not match those in the legend.

Areas of Aboriginal Cultural Heritage Sensitivity

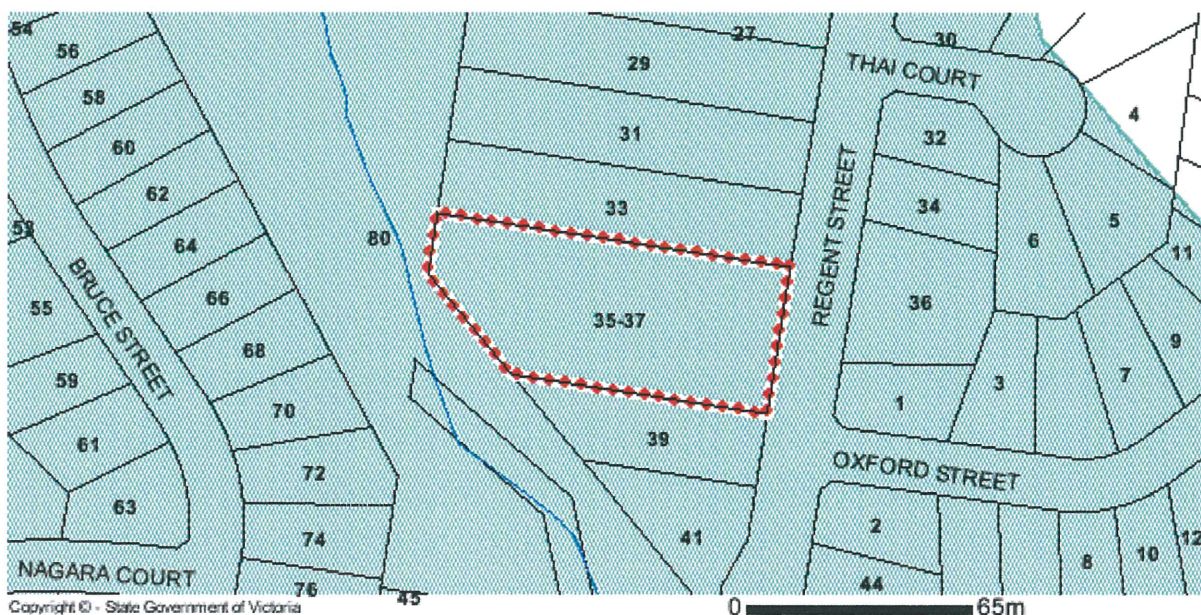
This property is within, or is affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The data provides indicative information about the location and extent of areas of Aboriginal cultural heritage sensitivity and is provided to assist with the decisions about the potential need to prepare a Cultural Heritage Management Plan in relation to proposed activities on this property.

For further information about whether a Cultural Heritage Management Plan is required go to [Aboriginal Heritage Planning Tool](#)

To find out if your property has any recorded Aboriginal cultural heritage places, such as scarred trees, occupation sites or places of burial, you can request information from the Victorian Aboriginal Heritage Register.

Find out more about the [Victorian Aboriginal Heritage Register](#)



Aboriginal Cultural Heritage Sensitivity  Aboriginal Cultural Heritage Sensitivity  Selected Land

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Further Planning Information

Planning scheme data last updated on 11 August 2016.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may abut the land. To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.delwp.vic.gov.au/planning

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Appendix C

Clause 55 Assessment

Clause 55 – ResCode Assessment

35-39 Regent Street, Mount Waverley

Objectives and summary of standards	Applicant's Assessment
<ul style="list-style-type: none">• A development <u>must</u> meet all objectives▪ A development <u>should</u> meet all standards	
<p>Clause 55.01:</p> <p>Neighbourhood and Site Description and Design Response</p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none">▪ A Neighbourhood and site description.▪ A Design Response	
<p>Clause 55.01:</p> <p>Neighbourhood and site description</p> <p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none">▪ In relation to the neighbourhood:<ul style="list-style-type: none">▫ The built form, scale and character of surrounding development including front fencing.▫ Architectural and roof styles.▫ Any other notable features or characteristics of the neighbourhood.▪ In relation to the site:<ul style="list-style-type: none">▫ Site shape, size, orientation and easements.▫ Levels of the site and the difference in levels between the site and surrounding properties.▫ Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.▫ The use of surrounding buildings.▫ The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.▫ Solar access to the site and to surrounding properties.▫ Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.▫ Any contaminated soils and filled areas, where known.▫ Views to and from the site.▫ Street frontage features such as poles, street trees and kerb crossings.▫ Any other notable features or characteristics of the site.	<p>Complies</p> <p>With regard to the neighbourhood, the following aspects are described by this report and the accompanying application plans:</p> <ul style="list-style-type: none">▪ The built form, scale and character of development on surrounding properties; and▪ The architecture of surrounding buildings. <p>With regard to the site, the following descriptions are provided by this report or are illustrated by the submitted plans:</p> <ul style="list-style-type: none">▪ Site shape, size, orientation and easements;▪ Levels of the site and surrounding properties;▪ Location of existing buildings on the site and on surrounding properties and their uses;▪ The location of private open space;▪ Solar access; and▪ Vegetation at the site. <p>An analysis of the above site and surrounding area characteristics demonstrates that the proposed development is well suited and is of a scale and form that is compatible with the existing character and streetscape of the area.</p>
<p>Clause 55.01-2: Design Response</p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none">▪ Derives from and responds to the neighbourhood and site description.▪ Meets the objectives of Clause 55.▪ Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.	<p>Complies</p> <p>The architectural material clearly articulates how the proposed development derives from, and responds to, the existing and desired character of the area as identified at clause 22.01 of the Planning Scheme.</p>

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

It is noted that the subject site is contained within 'Residential Character Precinct C' of these precinct profiles.

It is submitted that the contemporary design of the development appropriately responds to the design guidelines and the surrounding built form of the immediate area which ranges from one (1) to three (3) storeys in height.

The design response has further responded to the existing and significant vegetation found on site and on its abutting boundaries. Specifically, the front setback of the architectural built form at 9.3 metres, is consistent with the varied 7.6 metre requirements of the GRZ1 and allows for the retention of the mature trees in this frontage and additional feature planting.

The generous setbacks to the side and rear boundaries further allow for landscaping to be maximised around the building perimeter, as indicated in the accompanying landscape plan prepared by *Site Image Landscape Architects*.

The architecture and scaling of the building has appropriately responded to the natural slope of the land incorporating this in its design and assisting in the built form blending in with the natural environment through the adequate amount of landscaping and detailed architectural design.

Clause 55.02-1 – Neighbourhood Character Objectives

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;
- To ensure the development responds to the features of the site and surrounding area

Standard B1 (cannot be varied)

- The design response must be appropriate to the neighbourhood and the site.
- The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Complies

As detailed in the body of this report, the design and siting of the proposal is considered appropriate in the context of the site and surrounding area in its response to the desired neighbourhood character of the area. The architectural material that accompanies the application includes a detailed study of surrounding development, including the varied architectural style, locations, scale and intensity.

The existing and preferred character of the area includes a variety of dwelling types and building forms, within a landscaped setting. The contemporary design response of the aged care facility has its visual dominance appropriately removed from the adjoining streetscape through the retained significant trees and vegetation, while incorporating additional setbacks on all of its boundaries to further contributing toward and maintaining the Garden City Character of Monash.

Accordingly, the proposal is considered to appropriately respond to the desired future character of 'Residential Character Precinct C' as defined at clause 22.01 of the Planning Scheme and the overarching Garden City Character identity of the Monash municipality.

Clause 55.02-2 – Residential Policy Objectives

- To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies;
- To support medium densities in areas where development can take advantage of public transport and community infrastructure and services

Standard B2 (cannot be varied)

Complies

The proposal envisages an appropriate residential development which clearly responds to the demographic profile of the Monash municipality and the ageing population. The consolidated land parcels provides an opportunity for a higher density development than what is generally found in the area, which appreciates the landscaped environment and abutting creek corridor.

This response is entirely consistent with the State and Local Planning Policy Framework of the Monash Planning

<p>An application <u>must</u> be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies (<i>i.e. Clause 22.09 - Housing</i>). <p>Decision Guidelines</p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.</i> • <i>The design response.</i> 	<p>Scheme on the basis that the proposal is within an existing residential area and remains entirely respectful to the existing and desired character of the area, and provides a desired housing options for the ageing population.</p>
<p>Clause 55.02-3 – Dwelling Diversity Objective</p> <ul style="list-style-type: none"> • To encourage a range of dwelling sizes and types in development of ten or more dwellings <p>Standard B3 (can be varied)</p> <p>Developments of 10 or more dwellings <u>should</u> provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. <p><i>There are no decision guidelines for this objective and standard</i></p>	<p>N/A</p> <p>The proposal constitutes an aged care facility which provides for a diversity in housing to the area, however does not contain any dwellings and therefore this Standard therefore does not apply.</p>
<p>Clause 55.02-4 – Infrastructure Objectives</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure; • To ensure development does not unreasonably overload the capacity of utility services and infrastructure <p>Standard B4 (can be varied)</p> <ul style="list-style-type: none"> • Development <u>should</u> be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. • Developments <u>should</u> not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. • In areas where utility services or infrastructure have little or no space capacity, developments <u>should</u> provide for the upgrading or mitigation of the impact on services or infrastructure. <p>Decision Guidelines</p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The capacity of the existing infrastructure.</i> • <i>In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.</i> • <i>If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.</i> 	<p>Complies</p> <p>The proposed development is able to be connected to all services required for residential use.</p> <p>The proposal will not result in unsustainable demands upon existing infrastructure.</p>
<p>Clause 55.02-5 – Integration with the Street Objective</p> <ul style="list-style-type: none"> • To integrate the layout of development with the street. <p>Standard B5</p>	<p>Complies</p> <p>The design response has appropriately responded to its 9.3 metre frontage to Regent Street and the noted natural slope of the land and existing vegetation onsite.</p>

- Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.
- Development should be orientated to front existing and proposed streets.
- High fencing in front of dwellings should be avoided if practicable.
- Development next to existing public open space should be laid out to complement the open space.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

The proposal retains the noted significant vegetation along this frontage and does not provide for a front fence allowing for the landscaping and built form of the proposal to be viewed as whole in its presentation to Regent Street. The two (2) crossover locations are considered appropriate and are considered an existing situation, with each current allotment containing separate, individual crossovers.

The rear of the Site has also appropriately responded to the public open space and the Valley Creek network, with the proposed vegetation at the Site's rear complementing that within the reserve.

The breaking-up of the principal façade into three (3) differing components; the projections of the balconies; and the varying materials and finishes also provide visual interest from the adjoining streetscape and assist in the development blending in with the natural environment.

Clause 55.03-1 – Street Setback Objective

- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site

Standard B6 (Can be varied)

Walls of buildings should be setback from streets the distance specified in Table B1 as follows:

- Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser.
- Where there is an existing building on one abutting lot facing the same street, and no existing building on the other abutting lot facing the same street and the site is not on a corner, the same distance as the front wall of the existing adjacent building or 9m, whichever is lesser.
- Where there are no existing buildings on either abutting lot facing the same street and the site is not on a corner, 6m for streets in a Road Zone Category 1, and 4m for other streets.
- Where the site is on a corner, and there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the existing abutting building facing the front street, or 9m whichever is lesser.
- Where the site is on a corner and there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, and 4m for other streets.
- Front walls of new development fronting a side street of a corner lot should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 3m, whichever is the lesser.
- Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.

Complies

Schedule 2 to the General Residential Zone varies Standard B6, requiring a 7.6 metre setback from the sites frontage.

The design response appropriately responds to this variation, with the closest wall of the building being setback approximately 9.3 metres from the frontage, near-to the centre of the Site. The sunken ground floor has appropriately considered the retained vegetation along this frontage and the tree protection zones of these noted significant trees. This allows for additional landscaping opportunities within this front setback area to appropriately respond to the existing and preferred neighbourhood character as detailed in the accompanying landscape plan prepared by *Site Image Landscape Architects*.

Accordingly, the design proposal satisfies the objective of clause 55.03-1 and the varied Standard B6 within Schedule 2 of the General Residential Zone.

- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

Clause 55.03-2 – Building Height Objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7 (Can be varied)

- The maximum building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m.
- Change of building height between existing buildings and new buildings should be graduated.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Complies

The slope of the natural ground level exceeds 2.5 degrees and accordingly the maximum building height applying to the subject site is ten (10) metres.

Accordingly, the maximum height of the building above natural ground level complies with the requirements of Standard B7.

Clause 55.03-3 – Site Coverage Objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8 (Can be varied)

The site area covered by buildings should not exceed 60%.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing developments or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual impact of the building and whether this is acceptable in the neighbourhood.

Variation

Refer to Section 6 of this Planning Report.

Clause 55.03-4 – Permeability Objectives

- To reduce the impact of increased stormwater run-off on the drainage system;
- To facilitate on-site stormwater infiltration

Standard B9 (Can be varied)

At least 20% of the site should not be covered by impervious surfaces.

Decision Guidelines

Complies

The proposal contemplates a site permeability of 20.8%, therefore complying with the requirements of Standard B9.

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing developments.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving at least 20 per cent site coverage of pervious surfaces, particularly on lots of less than 300 sq metres

Clause 55.03-5 – Energy Efficiency Objectives

- To achieve and protect energy efficient dwellings and residential buildings;
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy

Standard B10 (Can be varied)

Buildings should be:

- Orientated to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access north-facing windows on the site.

Complies

The natural orientation of the land and design response provides sufficient solar access to the living areas of each of the proposed living areas and residential aged care suites.

Furthermore, the sustainable management plan prepared by *Lucid Consulting Pty Ltd* details the key environmental design measures to be incorporated as part of the detailed design of the proposal

Clause 55.03-6 – Open Space Objective

- To integrate the layout of the development with any public or communal open space provided in or adjacent to the development

Standard B11 (Can be varied)

Any public or communal open space should:

- be substantially fronted by dwellings, where appropriate;
- provide outlook for as many dwellings as practicable
- be designed to protect any natural features on the site; and
- be accessible and useable.

Complies

The proposal has appropriately appreciated the existing Valley Creek Reserve, directly west of the Site which provides a pleasant outlook and environment for future residents of the aged care facility from either living room areas or aged care suites oriented toward this creek corridor.

Clause 55.03-7 – Safety Objective

- To ensure the layout of development provides for the safety and security of residents and property

Standard B12 (Can be varied)

Complies

Pedestrian and vehicle access to the Site are clearly recognisable to ensure the safety of pedestrians.

The pedestrian frontage to Regent Street is appropriately located behind the landscaped front setback however is easily identifiable and provides an appropriate entrance to the facilities internal lobby and reception area.

- Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.
- Planting which creates unsafe spaces along streets and accessways should be avoided.
- Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.
- Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision Guideline

- Before deciding on an application, the responsible authority must consider the design response.

The two (2) vehicle entrances provides convenience for residential vehicles from the Regent Street frontage, into the sunken ground floor car park and at-grade. The vehicle drop-off points from the southern crossover further provide convenience for residents.

The residential entry and lobby will be adequately it at night to provide an appropriate level of safety and sense of address for future residents.

Clause 55.03-8 – Landscaping Objectives

- To encourage development that respects the landscape character of the neighbourhood;
- To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;
- To provide appropriate landscaping;
- To encourage the retention of mature vegetation on the site

Standard B13 (Can be varied)

Landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Developments should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The design response.
- The location and design of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

Complies

The design response has appropriately retained the recognised mature vegetation on the Site and the indicated landscaping treatments as prepared by *Site Image Landscape Architects* are appropriate in the context of the site and surrounding area and will complement the architecture of the development, allowing it to effectively blend

Existing trees on the site include established canopy trees within the natural soil, which the proposed building has appropriately responded to and allows for a high level of amenity to the open space areas and the proposals overall presentation to the streetscape.

Clause 55.03-9 – Access Objectives

Complies

- To ensure vehicle access to and from a development is safe, manageable and convenient;
- To ensure the number and design of vehicle crossovers respects the neighbourhood character

Standard B14 (Can be varied)

Accessways should:

- Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.
- Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.
- Be at least 3m wide.
- Have an internal radius of at least 4m at changes of direction.
- Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.

The width of accessways or car spaces should not exceed:

- 33% of the street frontage if the width of the street frontage is more than 20m; or
- 40% of the street frontage if the width of the street frontage is less than 20m.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

The design response.

- *The impact on the neighbourhood character*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *The reduction of on-street car parking spaces.*
- *Traffic flows in the street and the safety of motorists and pedestrians.*
- *The effect on any significant vegetation on the site and footpath.*
- *The efficient use of the site.*
- *For developments with accessways longer than 60 metres or serving more than 40 dwellings, the relevant standards of Clause 56.*

The proposal provides appropriate and convenient vehicle access through the provision of two (2) secure vehicle entrance points into differing car park locations.

Each of the car parking locations are provided at-grade to two (2) differing internal areas of the facility, allowing for appropriate universal use for staff, future residents and their visitors.

The existing two (2) crossovers over the consolidated allotments will be reinstated to kerb and channel, while the two (2) new crossovers are consistent with the same number along this consolidated frontage, combining for a total 10% frontage along Regent Street in accordance with the Standard.

Further, the entrance to the lowered ground floor is located behind the retained and proposed landscaping removing its presence from the streetscape while the northernmost car parking location incorporates pergolas and natural materials to assist in it blending with the architecture and vegetated setting and providing for added convenience to future visitors of the proposal.

The proposal is therefore consistent with the requirements of Standard B14.

Clause 55.03-10 – Parking Location Objectives

- To provide for convenient parking for residents and visitor vehicles;
- To avoid parking and traffic difficulties in the development and the neighbourhood;
- To protect residents from vehicular noise within developments.

Standard B15 (Can be varied)

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings;
- Be secure;
- Be designed to allow safe and efficient movements within the development.
- Be well ventilated if enclosed.

Complies

The staff car parking area is located in an under-croft car park at ground floor level, which provides direct access to the staff facilities of the proposal, while further allowing for emergency vehicles, waste vehicles and a convenient drop-off point for future residents of the aged care facility with limited mobility.

The northern car park is intended to be used for visitors of the proposal and allows for an at-grade car park to Regent Street, which provides direct access to the internal areas of the facility.

Further detail in regard to the location of car parking and the adequacy of these spaces is provided in the accompanying 'Transport Impact Assessment' prepared by OneMileGrid Pty Ltd.

Large parking areas should be broken up with trees, buildings or different surface treatments.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.

Decision Guidelines

Before deciding on an application, the responsible authority must consider the design response.

Accordingly, the proposal satisfies the requirements of Standard B15.

Clause 55.04-1 – Side and Rear Setbacks Objective

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings

Standard B17 (Can be varied)

New building not on, or within 200mm of boundary should be setback from side or rear boundaries:

- 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

Complies

The proposed development has been designed to fully comply with the side and rear setback requirements of Standard B17 as depicted in the elevations, section drawings and detailed study diagrams provided as part of the architectural material prepared by *Spowers Architects Pty Ltd*. These drawings have considered the significant slope of the land, with measurements taken from natural ground level.

Clause 55.04-2 – Walls on Boundaries Objective

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings

Standard B18 (can be varied)

New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:

- 10m plus 25% of the remaining length of the boundary of an adjoining lot; or
- the length of an existing or simultaneously constructed wall or carport, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.

A building on a boundary includes a building up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

N/A

No new walls on boundaries are proposed as part of the development.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

Clause 55.04-3 – Daylight to Existing Windows Objective

- To allow adequate daylight into existing habitable room windows

Standard B19 (Can be varied)

- Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot.
- Walls or carports more than 3m height opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

Clause 55.04-4 – North-facing Windows Objective

- To allow adequate solar access to existing north-facing habitable room windows

Standard B20 (can be varied)

If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback:

- 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window.

Note: A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.

Complies

All new buildings have been designed and sighted to comply with Standard B19.

Complies

The ground floor north facing windows of the existing dwelling at 41 Regent Street have appropriately been accounted for in the design response, which achieve compliance with the Standard.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Clause 55.04-5 – Overshadowing Open Space Objective

- To ensure buildings do not significantly overshadow existing secluded private open space

Standard B21 (can be varied)

- Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, or the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.
- If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

Clause 55.04-6 – Overlooking Objective

- To limit views into existing secluded private open space and habitable room windows

Standard B22 (Can be varied)

Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.

The window, balcony etc may:

- Be offset at least 1.5m from the edge of one window to the edge of the other; or
- Have sill heights, obscure glazing or permanent screens of at least 1.7m above floor level.
- Obscure glazing may be openable provided it does not allow direct views.

Note: This standard does not apply to a new habitable room window, balcony, terrace etc which faces a property boundary where there is a visual barrier at least 1.8m high and the floor level of the habitable room, balcony, terrace etc is less than 0.8m above ground level at the boundary.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

Complies

The proposal will not result in any unreasonable overshadowing of adjoining private open space as depicted in the shadow diagrams provided by Spowers Architects Pty Ltd which fully comply with Standard B21.

Variation

Refer to Section 6 of this Planning Report.

<ul style="list-style-type: none"> • The design response. • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling or residential building. 	
<p>Clause 55.04-7 – Internal Views Objective</p> <ul style="list-style-type: none"> • To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development <p>Standard B23 (can be varied)</p> <p>Windows and balconies <u>should</u> be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p> <p>Decision Guidelines</p> <ul style="list-style-type: none"> • Before deciding on an application, the responsible authority must consider the design response. 	<p>Complies</p> <p>The building is designed are designed so that there is no unreasonable overlooking into private open space or habitable windows associated with the proposed development.</p>
<p>Clause 55.04-8 – Noise Impacts Objectives</p> <ul style="list-style-type: none"> • To contain noise sources in developments that may affect existing dwellings; • To protect residents from external noise <p>Standard B24 (can be varied)</p> <ul style="list-style-type: none"> • Noise sources such as mechanical plant, <u>should</u> not be located near bedrooms or immediately adjacent existing dwellings. • Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings <u>should</u> take account of noise sources on immediately adjacent properties. • Dwellings and residential buildings close to busy roads, railway lines or industry <u>should</u> be designed to limit noise levels in habitable rooms. <p>Decision Guidelines</p> <ul style="list-style-type: none"> • Before deciding on an application, the responsible authority must consider the design response. 	<p>Complies</p> <p>No adverse noise impacts are anticipated as part of the development.</p>
<p>55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> • To encourage the consideration of the needs of people with limited mobility in the design of developments. <p>Standard B25</p> <ul style="list-style-type: none"> • The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility. <p><i>There are no decision guidelines for this objective and standard</i></p>	<p>Complies</p> <p>The pedestrian entrance to Regent Street has been designed for universal access to provide a suitable level of accessibility for future residents and their visitors.</p> <p>Additionally, the lift and generous internal corridor spaces offers convenient access for people with limited mobility to all levels of the facility.</p> <p>Accordingly, the proposal provides an appropriate response to the accessibility Objective of clause 55.05-1.</p>
<p>55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> • To provide each dwelling or residential building with its own sense of identity. <p>Standard B26</p>	<p>Complies</p> <p>The proposed residential entry to the building is clearly recognisable from the public realm and Regent Street frontage. The cantilevered first floor above this further</p>

<ul style="list-style-type: none"> • Entries to dwellings and residential buildings should: • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry <p><i>There are no decision guidelines for this objective and standard</i></p>	<p>provides shelter with signs further indicating the location of this entrance.</p> <p>Accordingly, the proposal provides an appropriate response to the Residential Building Entry Objective of clause 55.05-2.</p>
<p>Clause 55.05-3 – Daylight to New Windows Objective</p> <ul style="list-style-type: none"> • To allow adequate daylight into new habitable room windows <p>Standard B27 (can be varied)</p> <p>A window in a habitable room <u>should</u> be located to face:</p> <ul style="list-style-type: none"> • an outdoor space clear to the sky or a light court with a minimum area of 3m² and minimum dimension of 1m, not including land on an abutting lot, or • a verandah provided it is open for at least 1/3rd of its perimeter, or • a carport provided it has two or more open sides and is open for at least 1/3rd of its perimeter. <p>Decision Guidelines</p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>the design response.</i> • <i>Whether there are other windows in the habitable room which have access to daylight.</i> 	<p>Complies</p> <p>All habitable rooms are provided with direct access to natural light and ventilation through the generous use of windows. Accordingly, the proposal satisfies the requirements of Standard B27.</p>
<p>Clause 55.05-4 – Private Open Space Objective</p> <ul style="list-style-type: none"> • To provide for adequate private open space for the reasonable recreation and service needs of residents <p>Standard B28 (can be varied)</p> <p>A dwelling or residential building <u>should</u> have private open space of:</p> <ul style="list-style-type: none"> • 40m² with one part to be secluded private open space at the side or rear with a minimum area of 25m² and convenient access from a living room; or • A balcony of 8m² with a minimum width of 1.6m and convenient access from a living room; or • A roof top area of 10m² with a minimum width of 2m and convenient access from a living room. <p>Decision Guidelines</p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>the design response.</i> • <i>The useability of the private open space, including its size and accessibility.</i> • <i>The availability of and access to public or communal open space.</i> • <i>The orientation of the lot to the street and the sun.</i> 	<p>Complies</p> <p>Schedule 2 to the General Residential Zone varies Standard B28, requiring <i>inter-alia</i> for a residential building to contain a private open space area of 75 metres, with a minimum area of 35 metres at the side or rear, that contains a minimum dimension of 5 metres.</p> <p>The residential building contains a substantial amount of private open space across all levels of the proposal. This includes private open space at ground floor level at the sites rear and a number of terraces on the upper levels, greatly exceeding the 75m² requirement and required secluded amounts.</p> <p>Moreover, the communal terrace areas further comply with the varied Standard B28 of Schedule 2, with many shared terraces being greater than 10m² and wider than the required 2 metres.</p> <p>Accordingly, the proposal complies with the varied Standard B28 contained within the General Residential Zone – Schedule 2.</p>
<p>Clause 55.05-5 – Solar Access to Open Space Objective</p> <ul style="list-style-type: none"> • To allow solar access into the secluded private open space of new dwellings and residential buildings. <p>Standard B29 (can be varied)</p> <ul style="list-style-type: none"> • The private open space <u>should</u> be located on the north side of the dwelling, or residential building if appropriate. 	<p>Complies</p> <p>The orientation and location of the private open space will gain an extremely high level of solar access and accordingly satisfy the requirements of clause 55.05-5.</p>

<ul style="list-style-type: none"> The southern boundary of secluded private open space <u>should</u> be setback from any wall on the north of the space at least (2 +0.9h), where 'h' is the height of the wall. <p>Decision Guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> The design response. The useability and amenity of the secluded private open space based on the sunlight it will receive. 	
<p>Clause 55.05-6 – Storage Objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling <p>Standard B30 (can be varied)</p> <p>Each dwelling <u>should</u> have convenient access to at least 6m³ of externally accessible, secure storage space.</p> <p>There are no decision guidelines for this objective and standard</p>	<p>N/A</p> <p>There are no dwellings proposed in this application and therefore this Standard is not a relevant consideration.</p>
<p>Clause 55.06-1 – Detail Design Objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. <p>Standard B31 (Can be varied)</p> <p>The design of buildings <u>should</u> respect the existing or preferred neighbourhood character, including:</p> <ul style="list-style-type: none"> Facade articulation and detailing; Window and door proportions; Roof form; and Verandahs, eaves and parapets. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p> <p>Decision Guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting. Whether the design is innovative and of a high architectural standard. 	<p>Complies</p> <p>The proposal offers a high standard of contemporary architecture and urban design which is reflective of the diverse built form and scale in the immediate and broader area.</p> <p>The treatments to each of the elevations, notably along the principal frontage provides a high level of articulation through the three (3) distinct components and the range of materials and finishes which complement the landscaped setting of the building.</p> <p>Further details in respect to the proposed design response are provided at Section 7 of the accompanying Planning Report.</p> <p>It is submitted that the proposal provides an appropriate response to the Detail Design Objective of Clause 55.06-1.</p>
<p>Clause 55.06-2- Front Fences Objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character <p>Standard B32 (Can be varied)</p> <p>The design of front fences <u>should</u> complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3m of a street <u>should</u> not exceed:</p>	<p>N/A</p> <p>No front fence is proposed as part of this application and therefore this is not a consideration of the proposal.</p>

- 2m height for streets in a Road Zone, Category 1; or
- 1.5m height for any other street.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

Clause 55.06-3 – Common Property Objectives

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;
- To avoid future management difficulties in areas of common ownership

Standard B33 (Can be varied)

- Developments should clearly delineate public, communal and private areas.
- Common property where provided, should be functional and capable of efficient management.

There are no decision guidelines for this objective and standard

Complies

The residential and vehicle entrances, and their associated services, including the residential lobby, stair and lift facilities and car parking area are practical for future occupants and are able to be appropriately managed by future staff members.

The proposal is therefore compliant with Standard B33.

Clause 55.06-4 – Site Services Objectives

- To ensure that site services can be installed and easily maintained;
- To ensure that site facilities are accessible, adequate and attractive.

Standard B34 (Can be varied)

- The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
- Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
- Bin and recycling enclosures should be located for convenient access by residents.
- Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision Guideline

- Before deciding on an application, the responsible authority must consider the design response.

Complies

The proposal is capable of complying with these requirements.

Appendix D

Melbourne Water Correspondence

28 January 2016

Mr Chris Pay
Wallbridge & Gilbert
20 Market Street
South Melbourne, VIC 3205

Dear Mr Chris Pay

Proposal:

Property: 35-37 Regent Street Mount Waverley 3149
Melb Water Ref: 267451

Thank you for your letter dated 22 December 2015 and accompanying plans Project 20150017 Sheet 1 to 6 dated 11 November 2015.

When a property is affected by a flooding overlay or is land designated as land liable to flooding in a storm event that has 1% chance of occurrence in any one year caused by stormwater overland flows or riverine flooding, Melbourne Water is a Referral Authority for buildings and works for planning and building permit applications.

Melbourne Water is responsible for regional drainage and is the waterway and floodplain management authority for the Port Phillip and Westernport Region. Our organisation contributes to the protection and improvement of waterway health across greater Melbourne.

Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.

The Assessment of your proposal

Melbourne Water has reviewed the submitted information/plans and has no objection to the issuing of a planning permit, subject to the inclusion of the following development requirements and footnotes:

Development Requirements

1. Pollution and sediment laden runoff shall not be discharged directly or indirectly into

Melbourne Water's drains or waterways.

2. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

3. Prior to the endorsement of plans, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and include details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:

Silt fencing;
Access tracks;
Spoil stockpiling;
Trenching locations;
Machinery/Plant locations;
Exclusion fencing around native vegetation/habitat;
Vehicle wash down bay (to prevent introduction of weeds);

Important to Note:

The development requirements, advice and footnotes contained within this letter are only valid for a period of three months from the date of this letter.

Comments to Council for Planning Permit

Please include the development requirements as listed above and the following footnotes on any planning permit issued for this proposed development as set out in this letter and plans as referenced in this letter.

This application does not need to be re-referred to Melbourne Water for consent as provided for under the Planning and Environment Act 1987 under Section 55(1). If council are uncertain whether a re-referral would be required please contact the Land Development Team on 9679 7517 to discuss.

Please also forward copies of Council's Notice of Decision, Planning Permit or Refusal to Melbourne Water for our records in electronic format.

Footnotes to be included in the Planning Permit

1. If further information is required in relation to Melbourne Water's conditions shown above, please contact the Land Development team on 9679 7517 quoting Melbourne Water's Reference 267451.
2. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. As such, no additional construction criteria will apply.
3. For the purposes of the Building Code of Australia - Building in Flood Hazard Areas, Melbourne Water recommends that the applicant should seek flow rate velocity information for local flows from council.

If you have any enquiries, please contact me on telephone 9679 7517 or e-mail louise.ripper@melbournewater.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Ripper', written in a cursive style.

Louise Ripper
Land Development