

9 March 2017

**Planning & Property Partners Pty Ltd**

ABN 63 343 015 948

Duckboard House

Level 2, 91-93 Flinders Lane

Melbourne VIC 3000

Ms Maria Marshall  
Maddocks  
25/727 Collins Street  
Melbourne VIC 3008

Telephone: +61 3 8626 9000

Facsimile: +61 3 8626 9001

admin@pppartners.com.au

Dear Ms Marshall,

**VCAT Application for Review P2217/2016**  
**Planning Permit Application TPA/46434**  
**35-39 Regent Street, Mount Waverley**

We continue to act for the Applicant in respect of the above.

Our client seeks the leave of the Tribunal to amend the application.

Accordingly, pursuant to the Tribunal's Order dated 25 November 2016, please find the following documents **enclosed** by way of service:

- i. A completed notice of amendment of an application (PNPE9 Form A), which includes the date by which a statement of grounds must be lodged with the Tribunal;
- ii. A blank statement of grounds;
- iii. A written statement describing the changes from the previous plans and identifying why the changes are sought; and
- iv. A copy of the amended plans.

In accordance with the Tribunal's Order, we note that copies of the amended plans or other supporting material are to be made available to be inspected during business hours at the Council office and on their website. As such we have served three (3) copies of the amended plans on Council.

A party may obtain a copy of the amended plans or other supporting material upon request to us. We will send you electronically a PDF form of this material.

Please contact the undersigned on 8626 9070 should you have any queries regarding this letter.

Yours faithfully



**Paul Little**  
**Planning & Property Partners Pty Ltd**

Encl



VCAT Matter: P2217/2016 – 35-39 Regent Street, Mount Waverley

Date 8 March 2017

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ADDRESS 35-39 Regent Street, Mount Waverley

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RE: STATEMENT OF CHANGES FOR VCAT

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The following is a summary of the revisions made for VCAT for 35-39 Regent Street, Mount Waverley and reference P2217/2016. The below largely focuses on the external alterations made to these revised architectural plans, which has led to the reduction in the number of aged care rooms from 126 to now 110 and an associated car parking reduction from 38 car spaces to now 34 on-site car spaces.

Additional survey material has been obtained from the adjoining Scotchman's Creek Trail and included within these revised drawings.

**ARCHITECTURAL DRAWINGS**

<b><u>1. Ground Floor Plan</u></b> Refer to drawing TP04	<b>Description of amendments</b>
1. Increased building setbacks along the north, south and western boundaries. Ranging from:  North: 2.9 – 5.1 metres.  South: 5.9 – 6.85 metres.  West: 6.8 – 12.14 metres.	To enable additional landscaping planting opportunities along the boundaries of the site and ability for landscaping to integrate with the built form of the proposal.  This updated design response results in the rearrangement of rooms at this level and overall loss of 4 rooms, while assisting in the reduction in the site building coverage from 61.4% to 58.4% and an increase in site permeability from 21.1% to 30.2% complying with Standards B8 and B9 of ResCode respectively.
2. Reduction in the extent of the landscaped footpath adjacent to the rear Scotchman's Creek Trail.	To enable additional landscape planting opportunities along the sites western boundary.

3. Changes in grading to southern entrance ramp; removal of short term parking zone and provision of pedestrian splays.	Revised entrance in response to Council's traffic concerns raised and the useability of the sunken ground floor car-park area.
4. Revisions to sunken ground floor car park area including the provision of additional bicycle spaces and shower facilities and provision of building entrance from this car park.	Enhance the convenience and on-site amenity for future staff of the facility.
5. Increase height of palisade fence to Scotchman's Creek from 2.1 to 2.4 metres.	Provide clear separation from the site and the adjoining Scotchman's Creek corridor.
6. Realigned retaining wall along northern boundary	Enable additional landscape planting opportunities along the northern boundary.
<b><u>2. First Floor Plan</u></b>	
Refer to drawing TP05	
1. Increase building along the north, south and western boundaries.  North: 4.09 – 11.275 metres.  South: 5.08 – 6.6 metres.  West: 5 – 12.25 metres.	To enable additional landscaping planting opportunities along the boundaries of the site at ground floor level and ability for it to integrate with the built form of the proposal.  This updated design response results in the rearrangement of rooms and overall loss of 13 rooms at this level and assists in the reduction in the site building coverage from 61.4% to 58.4% and an increase in site permeability from 21.1% to 30.2% complying with Standards B8 and B9 of ResCode respectively.
2. Relocation of substation kiosk to north-east corner; removal of three (3) car spaces; enhanced pedestrian walkway access and entrance to the building; and provision of pedestrian splays.	Assist in the preservation of Tree 4 and the ability for additional landscaping opportunities while providing an appropriate entrance at this northern entrance of the building.  Relocated nurses station provided for the convenience of visitors in this northern section.
3. Removal of terrace area in the north-west corner.	Enable additional landscaping opportunities at ground floor level in this north-west corner location.
4. Rationalisation of ground floor plan changes.	
<b><u>3. Second Floor Plan</u></b>	
Refer to drawing TP06	
1. Increased building setbacks along the west and southern boundaries.	Opportunity for additional planted landscaping at ground floor level and

<p>South: Minimum 7.1 metres.</p> <p>West: Minimum 9.7 metres.</p>	<p>ability for it to integrate with the built form of the proposal.</p> <p>This change results in the rearrangement of rooms and overall increase of 1 room at this level.</p>
<p>2. Provision of highlight windows along the central section of the buildings northern boundary.</p>	<p>Added articulation along this boundary, creating visual interest.</p>
<p>3. Consolidation to one terrace area along the sites southern boundary.</p>	<p>Reduce the visual presence of the built form along this boundary.</p>
<p>4. Rationalisation of lower floor plan changes.</p>	
<p><b>4. Roof Plan</b></p>	
<p>Refer to drawing TP07</p>	
<p>1. Reduction in the extent of roof.</p>	<p>Rationalisation of abovementioned changes to the amended building footprint and removal of roof to revised, southern terrace area.</p>
<p><b>5. Detailed Part Plans</b></p>	
<p>Refer to drawings TP08A – TP11B</p>	
	<p>Changes as reflected above.</p>
<p><b>6. Elevations, Sections, Shadow Diagrams and Study Sections</b></p>	
<p>1. Elevations - Refer to drawings TP12 - TP20</p>	<p>Updated to reflect changes to building facades (increased setbacks and design response) and presentation to the streetscape; neighbouring properties; and Scotchman’s Creek.</p> <p>Colours included to elevations (TP16 – TP20) to assist in providing added detail on the materiality of the building and how it presents to each of the boundaries and Regent Street streetscape.</p>
<p>2. Sections – Refer to drawings TP21 –TP22</p>	<p>Sections updated to reflect changes to building, primarily the increased setbacks incorporated in the revised design response.</p>
<p>3. Shadow Diagrams – Refer to drawings TP23 – TP25.</p>	<p>Shadow diagrams updated to reflect changes to building, primarily the increased setbacks incorporated in the revised design response, resulting in a reduction in overshadowing.</p>
<p>4. Study Sections – Refer to drawings TP 26 – TP28</p>	<p>Updated study sections to reflect the increased setbacks along the sites northern, southern and western</p>

	boundary and the treatments in place to restrict external overlooking.
<b>7. Additional drawings</b>	
1. TP30 – Retaining wall details – north boundary	Detailed study drawings indicating the revised northern boundary retaining wall in preserving neighbouring trees and opportunity for additional landscaping.
2. TP31 – Retaining wall details – east boundary	Detailed study drawings indicating the eastern boundary retaining wall for the preservation and retention of Tree 38 as part of the design response.
3. TP32 – Privacy screen details – northern boundary	Detailed study drawings indicating screening treatments and compliance with Standard B22 of ResCode along this boundary.
4. TP33 – Privacy screen details – southern boundary	Detailed study drawings indicating screening treatments and compliance with Standard B22 of ResCode along this boundary.
5. TP34 – On-grade car park details	Detailed study drawings of the northern car park and associated grading's and clearance heights.
6. TP35 – Entry ramp details	Detailed study drawings of the southern car park entrance and associated grading's and clearance heights.
7. TP36 – Scotchman's Creek Sections	Detailed siph line sections from the rear Scotchman's Creek Trail path at various sections following additional survey material obtained from the corridor.

**PLANNING AND ENVIRONMENT LIST**

**NOTICE OF AN AMENDMENT OF AN APPLICATION – PNPE9 FORM A**

<b>Subject Land</b>	<b>35-39 Regent Street, Mount Waverley</b>	<b>VCAT Ref: P2217/2016</b>
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<b>DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT</b>	<b>3 APRIL 2017</b>
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- A proceeding has been lodged with VCAT about this land and allocated the above VCAT reference number. Please quote this number when communicating with VCAT about this matter.
- The applicant has applied to amend its application, which is the subject of this proceeding, in the manner set out below.
- You may wish to respond to this application for amendment. If so, please read the important information accompanying this notice.
- If the proceeding is an application for review concerning a permit application, the permit application, the proposed amendment, relevant plans and supporting material can be inspected at the office of the responsible authority.
- If the proceeding is an application for review concerning a works approval or licence, the application for works approval or licence, the proposed amendment and supporting material can be inspected at the office of the EPA or other primary decision maker.
- If you have any queries about the amendment, you should contact the Applicant. The Tribunal cannot assist you with this information.
- The proposed dates for the hearing of the proceeding and any compulsory conference are set out below.

<b>NAME OF APPLICANT</b>	Japara Property Holdings Pty Ltd
<b>CONTACT DETAILS FOR APPLICANT</b> Name of contact person and Telephone or mobile number	Paul Little Planning & Property Partners Pty Ltd Level 2, 91-93 Flinders Lane Melbourne, VIC 3000  8626 9000
<b>NAME OF RESPONSIBLE AUTHORITY OR PRIMARY DECISION-MAKER</b>	Monash City Council
<b>PERMIT APPLICATION NUMBER</b>	TPA/46434
<b>BRIEF DESCRIPTION OF PROPOSAL WHICH IS THE SUBJECT OF THIS PROCEEDING</b>	Development of the land for a residential building (aged care facility); removal of existing on-site vegetation (including native); and realignment of existing drainage and sewerage easement.

**TYPE OF PROCEEDING**

*Place X in relevant box. Note that a permit application cannot be amended in a proceeding for review of conditions under section 80 Planning and Environment Act 1987 where a permit has been granted*

**Review refusal to grant a permit under section 77 Planning and Environment Act 1987**

<input checked="" type="checkbox"/>	Review failure to grant a permit under section 79 <i>Planning and Environment Act 1987</i>
<input type="checkbox"/>	Review notice of decision to grant permit under section 82 <i>Planning and Environment Act 1987</i>
<input type="checkbox"/>	Amend permit under section 87A <i>Planning and Environment Act 1987</i>
<input type="checkbox"/>	Review refusal to grant a works approval or licence under <i>Environment Protection Act 1970</i>
<input type="checkbox"/>	Review failure to grant a works approval or licence under <i>Environment Protection Act 1970</i>
<p><b>NATURE OF PROPOSED AMENDMENT TO THE APPLICATION</b>  Full details of the proposed amendment are provided in the accompanying material  Place X in relevant box.</p>	
<input checked="" type="checkbox"/>	Amendment to plans
<input type="checkbox"/>	Amendment to the development proposal
<input type="checkbox"/>	Amendment of the proposed use or other reason for which a permit is required
<input type="checkbox"/>	Other – Please specify briefly

<p><b>PROPOSED DATE/S OF HEARING &amp; COMPULSORY CONFERENCE</b>  All hearings and compulsory conferences will be held at 55 King Street, Melbourne unless otherwise notified</p>	
Date/s of hearing	26 April 2017 (5 days)
Date of compulsory conference (where relevant)	
Date of practice day hearing (where relevant)	



## PLANNING AND ENVIRONMENT LIST

### INFORMATION ABOUT NOTICE OF AN AMENDMENT OF AN APPLICATION

#### HOW TO RESPOND IF YOU ARE A PARTY TO THE PROCEEDING

If you are already a party to the proceeding, you may amend your statement of grounds at any time prior to the hearing or you may choose to continue to rely on the statement of grounds you have already lodged with VCAT and do nothing. If you have already paid a fee in respect of your statement of grounds, you do not need to pay a further fee.

If you wish to amend your statement of grounds, you must file a copy of your amended statement of grounds with VCAT and serve a copy on the applicant and the responsible authority or other primary decision-maker.

#### HOW TO RESPOND IF YOU ARE NOT A PARTY TO THE PROCEEDING

##### **Person wishes to be heard and become party to proceeding**

If you are not already a party to the proceeding and you wish to be heard in relation to this application, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.
- Pay the relevant fee.

If you comply with these requirements, you will become a party to the proceeding.

##### **Person who does not wish to be heard**

If you are not already a party to the proceeding and you wish to contest the proceeding but in your statement of grounds state that you do not intend to participate in the hearing of the proceeding, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.

If you comply with these requirements, the Tribunal will consider your statement of grounds at any contested hearing of the proceeding, but you will not be sent any further correspondence by the Tribunal. You will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave.

##### **Failure to comply with requirements**

If there is a fee payable and you do not pay the fee, or if you do not return a statement of grounds by the due date, even if you pay the relevant fee, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave. You will not be sent further correspondence by the Tribunal.

If you are not a party and you subsequently wish to be heard, you must file and serve a statement of grounds which states you intend to appear and present a submission at the hearing, and must pay the relevant fee not less than 48 hours before the hearing. You must attend the hearing and seek leave from the Tribunal to be heard. Generally, the Tribunal will consider the views of the applicant and the responsible authority or primary decision-maker before deciding whether to grant leave. However, this does not mean that you will necessarily become a party to the proceeding unless the Tribunal makes an order to join you as a party.

#### **STATEMENT OF GROUNDS:**

You should use the attached statement of grounds form. When completing the Statement, you should provide sufficient information so that the issues you intend to raise can be identified clearly. A statement of grounds form is available on the VCAT website.

## **WITHDRAWING YOUR OBJECTION**

If you wish to withdraw your statement of grounds at any time, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be removed from VCAT's record and receive no further correspondence.

## **COMMUNICATING WITH VCAT**

A person who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication should state a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

## **INSPECTING VCAT'S FILE**

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File and Document Access Request Form', on the website or by contacting VCAT.

## **ENQUIRIES**

Should you have any further enquiries, please contact VCAT on the numbers below. Please quote VCAT's reference number. Guidelines and information on VCAT's procedures are on VCAT's website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) or available from VCAT on request.

## STATEMENT OF GROUNDS

Use this form to set out your reasons for contesting a planning and environment case at VCAT.  
These written reasons are called your statement of grounds.

## CASE DETAILS

<b>Date that statement of grounds must be received by VCAT</b> This is on the notice you received or the sign at the site.	3 April 2017
VCAT reference number	P2217/2016
Site address	35-39 Regent Street, Mount Waverley

## YOUR DETAILS

Name (objector, authority, company, other)	
Contact person if different to above	
Telephone/Mobile	
<p><b>Give us an email and another address for serving documents</b> We email copies of orders, including the final decision, if you are a party. We do not send a printed copy as well. If you do not give us an email, printed orders may arrive after the decision is published and after other parties get it by email. If you give us your email address, it will be available on VCAT's records. These may be inspected by other parties and media. We do not accept any responsibility for emails not received due to changes in address, firewall or other security measures attached to your email account.</p>	
Email	
Other address (this must be in Victoria)	

## YOUR PARTICIPATION IN HEARINGS

- I intend to appear and present a submission at the hearing. **Fees apply.**
- I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds. **No fee applies.**

If you choose this, **you will not be a party** to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.

## FEES

Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a party and will not be entitled to take part, even if you indicated that you wanted to participate. For information about fees and fee relief, visit [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).  
You do not have to pay a fee if you are a permit applicant or holder, the determining or recommending referral authority, a person responding to an enforcement order application, or an applicant for a works authority or licence.

## PRESENTING AT THE HEARING

If you intend to present at the hearing, tell us:

Time required to present your complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area/s of expertise	

For information about witnesses and evidence, visit [vcat.vic.gov.au](http://vcat.vic.gov.au) and see Practice Note PNVCAT2 – Expert Evidence.

**WHO IS MAKING THIS STATEMENT?**

This statement of grounds is lodged by or on behalf of:

**Objector/s**

- A person who objected to the original application to the council
- A person who did not object to the original application to the council but now wants to object
- A person responding to an application to amend plans or make other changes to an existing application
- A person responding to a notice by a permit holder to amend a permit

**Permit applicant or permit holder**

- A permit applicant responding to an objector's application for review
- A permit holder responding to a non-permit holder's application to amend or cancel a permit

**Referral authority**

- Determining referral authority
- Recommending referral authority

**Enforcement orders**

- A person responding to an application for an enforcement order

**Environment applications**

- Objector/s to a works approval application made to the Environment Protection Authority
- A works approval applicant
- An objector to an application made for a licence to take or use water or for works under the *Water Act 1989*
- An applicant for a licence to take and use water
- An applicant for a works licence or licence for underground disposal using a bore

**Other**

- Specify \_\_\_\_\_

**JOINT STATEMENT OF GROUNDS**

Complete this section if you are a spokesperson for people lodging a joint statement of grounds.

- Attach a list of the names and addresses of all the people you represent, showing whether you have their individual consent.
- Be aware you may be asked to provide VCAT with a copy of their written consent.

I certify that I have consent to act as spokesperson for the attached list of people where this is a joint statement of grounds:

- Yes     No

We will only communicate with the nominated representative for a joint statement of grounds.

**YOUR STATEMENT OF GROUNDS**

A short summary of my reasons for contesting the VCAT application is

- in the box below
- attached.

**SERVE A COPY**

You must serve a copy of your statement of grounds on both the responsible or relevant authority and the applicant by the date that appears in the notice you received and on the sign at the site – the same date on the front of this form. If not, we may not be able to hear your views or consider your objections.

You must certify that you have done so and complete the acknowledgement on this form.

**CERTIFICATION**

I certify that I have served a copy of this statement of grounds

- on \_\_\_\_\_ (insert date dd/mm/yyyy) on the applicant
- on \_\_\_\_\_ (insert date dd/mm/yyyy) on the respondents (responsible/relevant authority)

**ACKNOWLEDGEMENT**

I understand and acknowledge that:

- to the best of my knowledge, all information provided in this form is true and correct
- it is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this statement of grounds form: \_\_\_\_\_

Date: \_\_\_\_\_

**Victorian Civil and Administrative Tribunal (VCAT)**

55 King Street Melbourne VIC 3000  
 GPO Box 5408 Melbourne VIC 3001  
 Ausdoc DX 210576 Melbourne

Website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)  
 Email [vcat-admin@vcat.vic.gov.au](mailto:vcat-admin@vcat.vic.gov.au)

Telephone 9628 9777  
 Facsimile 9628 9789

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**ABOUT VCAT FEES**

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, visit the fees page at [www.vcat.gov.au](http://www.vcat.gov.au)

**FEE RELIEF**

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship.

Visit [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for more information about fee relief.

Are you applying for fee relief?

- No – complete **Fee payment** section
- Yes – complete **Fee relief form** and attach it to this application form

**FEE PAYMENT**

Complete this section unless you are applying for fee relief or no fee is payable.

Choose the fee level:

- Standard     Corporate     Concession

Fee amount charged: \_\_\_\_\_

**CARD DETAILS**

Cards Accepted: \*     VISA     MasterCard

Cardholder Name: \*   

Card Number: \*   

Card Expiry: \*   

Signed: \*    \_\_\_\_\_

Date:    \_\_\_\_\_

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PARTIES

**Victorian Civil and Administrative Tribunal (VCAT)**

55 King Street Melbourne VIC 3000  
 GPO Box 5408 Melbourne VIC 3001  
 Ausdoc DX 210576 Melbourne

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 Email [vcat-admin@vcat.vic.gov.au](mailto:vcat-admin@vcat.vic.gov.au)

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