

**1.4 4-6 WINDMILL COURT AND 101-127 WHALLEY DRIVE, WHEELERS HILL
CONSTRUCTION OF A THREE STOREY RESIDENTIAL AGED CARE FACILITY
(TPA/47534)**

EXECUTIVE SUMMARY:

This application proposes the construction of a three storey extension to the existing residential aged care facility at the subject site. The extension will comprise an additional 45 beds. The proposed extension is located to the rear of the existing facility which faces Windmill Court, within the Cumberland View Retirement Village.

The application was subject to public notification. Four (4) objections to the proposal have been received.

Key issues to be considered relate to adequacy of car parking provision, visual bulk and building massing, loss of vegetation, landscaping and expansion of the existing facilities.

This report assesses the proposed amendments against the provisions of Monash Planning Scheme including relevant state and local planning policy framework and issues raised by objectors.

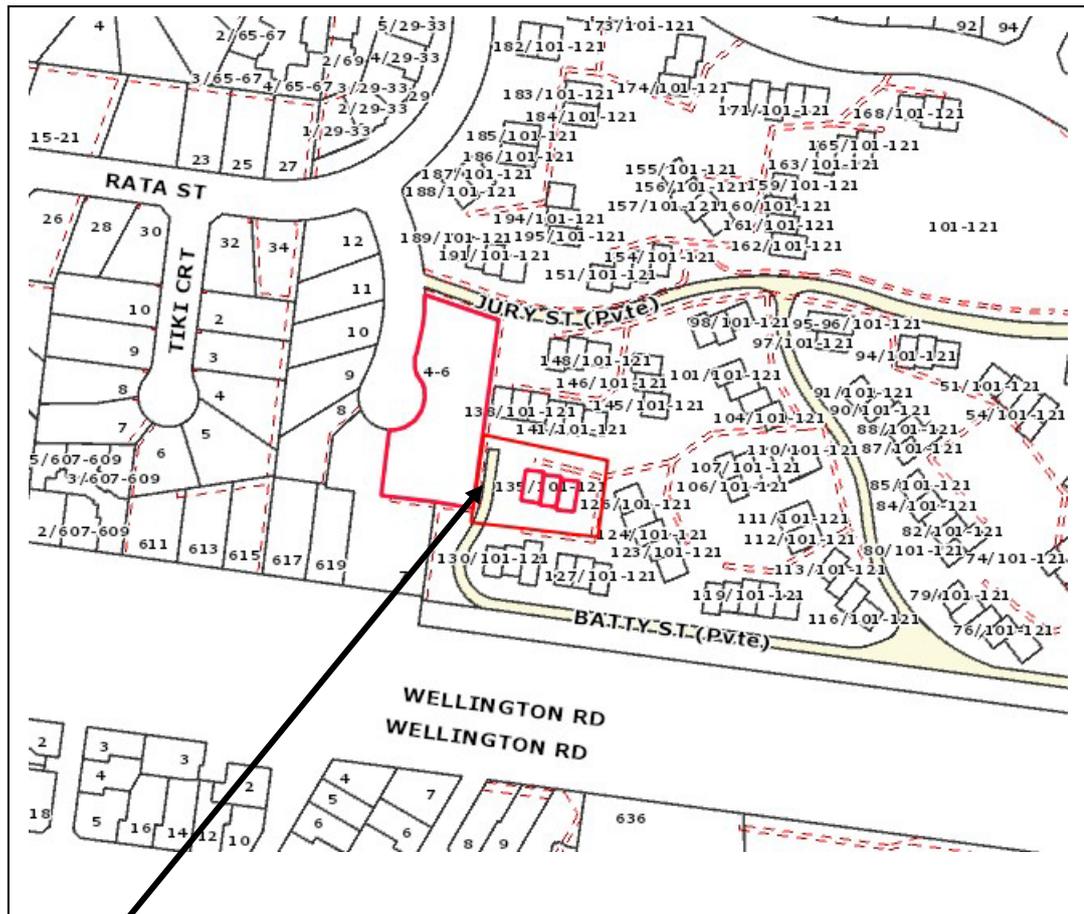
The reason for presenting this report to Council is the proposed development cost of \$8.8 million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issues a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Angela Hughes
RESPONSIBLE PLANNER:	James Heitmann
WARD:	Mulgrave
PROPERTY ADDRESS:	4-6 Windmill Court and 101-127 Whalley Drive, Wheelers Hill
EXISTING LAND USE:	Retirement Village and Nursing Home
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Four (4)
ZONING:	General Residential – Schedule 2
OVERLAY:	No Overlays
AMENDMENT C125 (adopted)	General Residential – Schedule 3
RELEVANT CLAUSES:	
<u>State Planning Policy Framework</u>	<u>Local Planning Policy Framework</u>
Clause 10.01 (Purpose)	Clause 21 (Municipal Strategic Statement)
Clause 10.02 (Goal)	Clause 21.04 (Residential Development)
Clause 10.04 (Integrated Decision Making)	Clause 21.08 (Transport and Traffic)
Clause 11 (Settlement)	Clause 22.01 (Residential Development and
Clause 11.04 (Metropolitan Melbourne)	Character Policy)

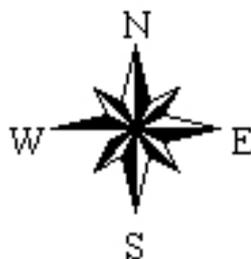
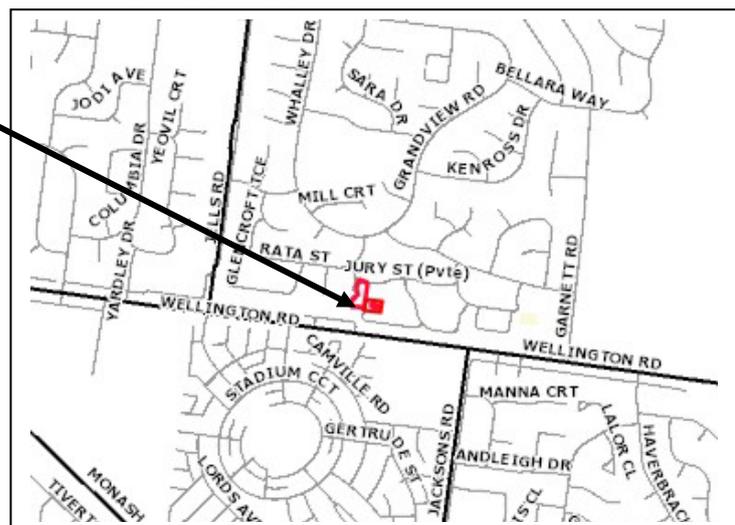
Clause 14.02-1 (Catchment Planning and Management) Clause 15 (Built Environment and Heritage) Clause 16 (Housing) Clause 16.01-2 (Location of Residential Development) Clause 16.01-3 (Strategic Redevelopment Sites) Clause 16.01-4 (Housing Diversity)	Clause 22.04 (Stormwater Management Policy) <u>Particular Provisions</u> Clause 52.06 (Car Parking) <u>ResCode</u> Clause 55 <u>General Provisions</u> Clause 65.01 (Decision Guidelines)
STATUTORY PROCESSING DATE:	24 February 2018
DEVELOPMENT COST:	\$8.8 million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/47534)** for the construction of a three storey residential aged care facility (attached to the existing Windmill Court premises), associated buildings and works, reduction in the applicable car parking requirement and removal of vegetation, at 4-6 Windmill Court and 101-127 Whalley Drive, Wheelers Hill subject to the following conditions:

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.
The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a) Provision of bicycle parking spaces including associated amenities in accordance with the nursing home rate as required by Clause 52.34.
 - b) Car parking spaces (4) along Jury Street relocated elsewhere within the site and landscaping reinstated along the Jury Street frontage.
 - c) Detailed plans of car parking spaces within the Windmill Court porte cochere including swept path analysis.
 - d) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of Windmill Court and Jury Street access points.
 - e) Existing car spaces along the western side of Batty Street utilised for shipping container storage re-instated as staff car parking associated with the approved development.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
4. No more than 80 residents are to be accommodated within the premises unless otherwise approved in writing by the Responsible Authority.
5. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin.
6. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

7. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.
8. All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.
9. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.
10. No form of public address or alarm system may be installed so as to be audible from outside the site.
11. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
12. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
13. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recyclables for uses;
 - b) Designation of methods of collection including the need to provide for private services;
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
 - e) Litter management.

A copy of this plan must be submitted to and approved by Council. Once approved the plan will be endorsed to form part of this permit.
14. Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.
15. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
16. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- c) the location of where building materials are to be kept during construction;
- d) site security;
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;
- f) on-site parking of vehicles associated with construction of the development;
- g) wash down areas for trucks and vehicles associated with construction activities;
- h) cleaning and maintaining surrounding road surfaces;
- i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery).

17. No less than 23 car spaces are to be provided on the land for the development including any required accessible car spaces.

18. Prior to occupation of any new premises hereby permitted, a Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority.

The amended Parking Management Plan must be generally in accordance with the approved Parking Management Plan, but modified to detail:

- Provision of no less than 23 car spaces allocated to the Windmill Court Residential Aged Care premises.
- Provision and adequacy of car parking to service other uses undertaken on the land;
- Equitable allocation and management of car parking throughout the development including allocation of staff and visitor car parking.

The Parking Management Plan may be amended with the written consent of the Responsible Authority. When approved the Parking Management Plan will be endorsed to form part of this permit.

19. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

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

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

20. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

21. The car parking layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.
22. On-site visitor parking spaces are required to be clearly marked.
23. Mechanical parking used to meet the car parking requirement provided must be:
 - At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
 - Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
 - The design and operation is to the satisfaction of the responsible authority.
24. Bicycle facilities to the development hereby permitted must be provided in accordance with the provisions detailed in Clause 52.34 of the Monash Planning Scheme.
25. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
 - a) The location of all existing trees and other vegetation to be retained on site.
 - b) Provision of canopy trees with spreading crowns located throughout the site including the courtyard spaces within the development.
 - c) Planting to soften the appearance of hard surface areas such as driveways and other paved areas.
 - d) A schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - e) The location and details of all fencing.
 - f) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - g) Details of all proposed hard surface materials including pathways, patio or decked areas.

When approved the plan will be endorsed and will then form part of the permit.
26. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
27. The owner and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and must on request provide evidence to Council of Compliance with the policies.
28. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.
29. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is site is to the existing internal drainage network where the entire sites stormwater must be collected must be collected and free drained via pipe to the pit in the rear easement to Council Standards. If the point of discharge cannot be located then notify Council's Engineering Division immediately.

The drainage plans must also provide for:

- a) Construction of a 300mm drain along the southern & western boundaries of the property, including from the existing pit in the adjacent southern property easement to a new pit in the new southern easement.
 - b) Construction of a 300mm drain under the footpath/nature-strip (to connect to a new nature-strip pit) and the road pavement to connect to the drainage pit in front of 9 Windmill Court. All drains are to be constructed to Council Standards.
 - c) Construction of junction pits (minimum 900 x 600mm) within the new southern easement, south-west corner and in the nature-strip to Council standards.
 - d) The existing 225mm outlet from the pit in the adjacent southern property easement capped.
30. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from [the](#) driveway onto the footpath. Such a system may include either:
- a) a trench grate (150 mm minimum internal width) located within the property; and/or
 - b) shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) another Council approved equivalent.
31. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.
32. A new 2.0m wide drainage easement is to be created along the southern & western boundaries of 4-6 Windmill Court, Wheelers Hill. The easement must be lodged on Title prior to occupation of the approved development.
33. Prior to occupation of the approved development a new 300mm drain is to be constructed along the southern & western boundaries of the property, including from the existing pit in the adjacent southern property easement to a new pit in the new southern easement. A new 300mm drain is to be constructed under the footpath/nature-strip (to connect to a new nature-strip pit) and the road pavement to connect to the drainage pit in front of 9 Windmill Court. All drains are to be constructed to Council Standards.
34. Junction pits (minimum 900 x 600mm) are to be constructed in the new southern easement, south-west corner and in the nature-strip to Council standards.
35. The existing 225mm outlet from the pit in the adjacent southern property easement is to be capped.

36. The drainage works will be required to be inspected by Council at key stages. Upon completion of the above, CCTV footage of the new 300mm drain is to be submitted to Council for approval. The existing 225mm Council drain in the western easement of 101-121 Whalley Drive will be assigned as a private asset and will become the responsibility of the owner of the land. It is not a requirement for it to be removed.
37. The loading and unloading of goods from vehicles must only be carried out on the land.
38. Deliveries to and from the site including the collection of waste must only take place between the hours of 7:00am-6:00pm Monday to Saturday.
39. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
 - a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.
 - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c) Document the means by which the appropriate target or performance is to be achieved.
 - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
 - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
 - f) Any relevant requirements of endorsed plans forming part of this permit.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

40. Prior to the occupation any of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.
41. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
 - The development is not started before 2 years from the date of issue.
 - The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES-

1. Building approval must be obtained prior to the commencement of the above approved works.
2. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.
3. Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.
4. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
5. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
6. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains and these works are to be inspected by Council (tel. 9518 3555).
7. An onsite detention system for storm events up to the 1% AEP event to be retained on site for any new basement car park being constructed. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
8. Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.
9. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
10. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
11. The accessible parking spaces should generally be designed (other than length of space which may encroach into the adjacent access way width by 500mm) in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.

12. In the event that any parking restrictions are introduced in the surrounding area, this development will not be granted parking permits.
13. Approval of each new or modified vehicle crossing is required from Council's Engineering Department.
14. The proposed crossings are to be constructed in accordance with the City of Monash standards.

BACKGROUND:**History**

Cumberland View Retirement Village and Aged Care Complex first commenced development on the land in the early 1980's. Independent living units, residential aged care (nursing home), dementia specific services and respite accommodation are located on the site.

Planning Permit TPA/42225 was issued in October 2014 allowing the development of three apartment buildings up to three storeys in height associated with the existing retirement village including a reduction in the applicable car parking requirement. The approved development provides for 79 dwellings which is a net increase of 58 dwellings to the current retirement village. The time allowed to commence construction of this approved development has been extended to October 2018. However, works have not commenced at this stage.

Planning Permit TPA/43535 was issued in April 2015 allowing building and works for an extension to the existing aged care facility and reduction of car parking requirement. The extent of works included 5 additional beds within the facility, internal alterations, upgrade to existing facilities and waiver of 1 car parking space. The Permit has been extended and the approved works are currently under construction and nearing completion.

The Site and Surrounds

The subject land is located on the southern side of Whalley Drive in Wheelers Hill and is bordered by Garnett Road to the east and Windmill Court to the west. The property is a large integrated retirement community comprising independent living units, hostel accommodation, and high dependency aged care accommodation. Various amenities are provided on site to complement the retirement village and main aged care facility. The retirement village was originally established in the early 1980's and has progressively developed over time. At present there are 255 independent living units.

The subject land has an overall land area of approximately 14 hectares in two Titles. The land has a gradual fall of approximately 30 metres across the site from south-west to north-east.

Land at 4-6 Windmill Court is currently occupied by a 35 bed residential aged care facility (nursing home). The land currently contains a single storey brick residential building with undercroft car parking and pitched tiled roof. The main entry to the building fronts Windmill Court to the west with a circular driveway used for deliveries, access for emergency vehicles and disabled parking as well a garbage collection area to the south/west corner of the site. Staff and visitor parking is located underneath the building with access from Jury Street which is a private road within the site, that intersects with Windmill Court the adjoining side street; Jury Street, provision for 12 car spaces is provided.

The site is well landscaped with medium sized trees and shrubs located adjacent to the front building and side boundaries.

Surrounding land to the north, east and west accommodates a well-established residential area. The surrounding built form predominantly comprises of single and double storey brick veneer dwellings with pitched roofs constructed circa 1970's and 1980's. Newer buildings are typically larger in massing being up to 3 storeys high and eclectic in architectural style. The interaction of the buildings with the topography creates a variety of levels in the steepest neighbourhoods and a need for retaining walls to the front of some properties. Gardens are well planted and horticulturally diverse. The subject land has an outlook to the east across the Dandenong Valley Parklands (including Mulgrave Reserve) towards the Dandenong Ranges.

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

PROPOSAL:

To construct a three-storey extension to the existing Residential Aged Care Facility facing Windmill Court. Forty-five beds are proposed to be provided within the extension. This would result in a total of 80 beds being provided within the facility.

Key details of the proposal can be summarised as:

- Construction of a three storey building located to the east of the existing Windmill Court aged care facility, including an internal connection within the existing premises at ground level.
- An increase in the total number of beds from 35 to 80
- Demolition of three existing independent living units (numbers 134-136) within the existing Cumberland View Retirement Village, to make way for the proposed extension.
- Removal of five (5) existing trees in the vicinity of the works and further landscaping of the site with advanced canopy trees
- A total of twenty-three (23) car spaces associated with the development including ten (10) additional car parking spaces comprising of:
 - Four (4) new spaces along Jury Street (a private road within the site).
 - Three (3) additional spaces within the under croft carpark of the existing Windmill Court aged care building via the addition of car stackers.
 - Three (3) additional formalised parallel car parking spaces along the Windmill Court drop-off area within the site.
- The application seeks a reduction/waiver of one (1) car space having regard to the applicable planning scheme car parking requirement.

The architectural styling is designed to integrate with surrounding development and incorporates face brickwork, low pitched roof form, timber and render elements.

The facility will be managed and operated in conjunction with Cumberland View Retirement Village.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:**Zoning**

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

Pursuant to Clause 32.08-6 a permit is required to construct a building or construct or carry out works for a residential building (including a residential aged care facility).

No permit is required to use land for a residential aged care facility within the General Residential Zone.

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

Particular Provisions

Clause 52.06: Car Parking.

Prior to a new building being occupied the required parking spaces must be provided on the land or as approved by the responsible authority.

Pursuant to the provisions of Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 29 May 2017. In this letter, officers also raised the following preliminary concerns:

- The design response should be modified to allow for retention of existing significant vegetation on the land.
- The proposed reduction in car parking requirement is unlikely to be supported. New development should be designed to provide for car parking in accordance with the applicable requirements of Clause 52.06.
- The utilisation of car stacker devices and tandem car parking arrangements is not considered practical or functional for shared user and shift worker parking arrangements.
- Consultation should take place with existing residents regarding the proposed development prior to the application being put to public notification.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 18 December 2017 by providing the requested information. In relation to the preliminary concerns, the Applicant advised they had amended the plans to address some of the concerns raised, but that they do not agree with all of the preliminary concerns. In response to the issues raised the applicant submitted the following:

“Tree Removal - The development involves the removal of 5 trees, however there is a good level of tree retention and additional planting in proximity to the proposed building as outlined in the landscape plan. Consideration should be given to the landscape plan and the development site in its context.”

Reduction in Parking - the plans have been amended, to remove the six (6) tandem spaces previously proposed. The number of beds has also been reduced from a total of 89 to a total of 80, to assist with providing sufficient parking on site.

Car stackers - there are only three car stackers being 6 of the 23 car spaces

Consultation with residents of Cumberland View has been occurring since the permit application was lodged.”

The Applicant was verbally advised that this application was coming to the February 2018 Council meeting. A letter was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

Notice of the application was given in accordance with section 52 of the *Planning and Environment Act 1987* to the surrounding property owners and occupants, and along with the display of four (4) signs on the site.

Four (4) objections to the proposal have been received. Issues raised within objections can be summarised as:

- The proposal should provide all car parking required under the Planning Scheme on its site. Currently, staff and visitors to the site use Windmill Court for parking, which means that other residents (and visitors) to existing houses in Windmill Court cannot always get a car park in the street.
- An increase in beds at the site may cause a greater demand for on-street parking in the area, especially in Windmill Court.
- Outlook from existing independent living units within the site will be impacted by the proposed development.
- The Cumberland View Retirement Village is set in an established, landscaped setting and the removal of trees to facilitate this development will impact upon the amenity of existing independent living units.

Attachment 4 details the location of objector properties.

Referrals

Public Transport Victoria Referral

Pursuant to the provisions of Clause 66.02-11 the application was referred to Public Transport Victoria.

The proposal is considered satisfactory.

Internal Referral

The application has been referred to Council's Traffic and Drainage Engineers for comment. Relevant comments have been form part of the assessment of the application.

DISCUSSION:**Consistency with State and Local Planning Policies****State and Local Planning Policy Framework**

The proposed development of the site supports State and Local policies and the provisions of the Municipal Strategic Statement under the Monash Planning Scheme by facilitating the location of an aged care and retirement facility within a Neighbourhood Activity Centre and greater diversity in housing types. Furthermore, the co-location of the two uses on site facilitates the concept of 'Ageing in Place'.

The age structure for the City of Monash (2006 Census) shows that Monash has an ageing population, with 28 per cent of the total population being over 55 years of age. Available census data indicated that the population of Monash is predominantly of an older bracket and is evidently increasing in age. The Department of Health and Ageing has identified the eastern metropolitan region of Melbourne as an area which requires additional aged care beds to meet the national standard of aged care places.

The City of Monash *Council Action Plan 2009-2013* and *Positive Ageing Action Plan 2011-2014* identify the need to provide for additional aged care facilities and accommodation types in appropriate locations.

Objectives of the *Victorian Government Residential Aged Care Policy 2009* recognise:

"Residential aged care facilities should be appropriately located close to community amenities and where there is good access to public transport for visitors and staff. The State's planning system has a role in facilitating the development of residential aged care facilities..."

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. Plan Melbourne recognises an aging population trend and the need to provide for age appropriate housing forms and different types of accommodation over a lifetime.

Housing policy at Clause 16.01 of the State Planning Policy Framework seek to:

"Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land."

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

"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."*

Increased residential density and housing diversity is sought by state and local policies. The proposed development is considered consistent with the local planning policy framework in respect of its impact on neighbourhood character, increased density, housing diversity objectives and provision of additional aged care facilities objectives.

The Municipal Strategic Statement at Clause 21 identifies the Garden City Character of the municipality as a core value held by the community and Council as a significant and important consideration in all land use and development decisions.

At Clause 21.04 (Residential Development Policy) Council's goal is for residential development in the City to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character.

The Residential Development and Character Policy at Clause 22.01 seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area.

The large size of the land results in minimal off site amenity impacts as a result of the proposed redevelopment. The expanded residential aged care facility is appropriate given the zoning of the land, objectives of the State and Local Planning Policy Framework along with other strategic policy documents and strategies seeking housing diversity and additional housing choice for an aging population.

Neighbourhood Character, Visual Bulk and Building Massing

The height and scale of the development has been designed to have regard for the established built form of the surrounding area and context.

The contemporary design of the building complements both the surrounding residential and commercial development within the area. The articulation within the built form has been achieved by utilising balconies, architectural features and varied materials and finishes to assist in breaking up the facade and minimising the perception of visual bulk. A variety of materials and finishes has been utilised including face brickwork, rendering elements, and low pitched tiled roofing generally complimentary to the streetscape character of the surrounding residential area.

The significant fall across the land hides the overall scale and streetscape impact of the development. From the street, the proposal will sit moderately above the roofline of the existing Windmill Court residential aged care premises. The overall building presentation is of a scale and form not disproportionate to large dwellings within the surrounding area. The development generally presents as a two storey form with the third storey cut in to the fall of the land. Whilst the overall scale of the building is large, from the street the proposal will have limited visual impact.

The proposed setbacks and siting of the development provides for landscaping opportunities throughout the site and surrounding the proposed development. The design response provides for generous building separation from surrounding development allowing for landscaping and mitigating any immediate building massing impact.

Four (4) proposed car parking spaces located adjacent to the northern façade along Jury Street compromise the ability for meaningful landscaping opportunities. These car spaces should be relocated elsewhere within the site to allow for more substantial landscaping.

Design Detail

The building has been designed with the intention of providing high quality architecture, along with an attractive range of contemporary materials, and finishes. The façade treatment provides for appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimize the perception of visual bulk.

Tree Removal and Landscaping

The proposed development will result in the removal of five (5) existing Spotted Gum trees as a consequence of the positioning of the building. Trees proposed to be removed are planted. No planning permit approval is required for removal of this vegetation.

The application proposes landscaping works. The landscaping scheme has been designed to complement the new building and the surrounding Cumberland View complex. The landscaping areas include improved and integrated landscaping areas surrounding the proposed development. The landscaping scheme proposed includes the provision of new trees along with complimentary understory planting throughout the development. The proposed landscaping scheme is considered satisfactory and delivers additional canopy tree provision and landscape outcomes consistent with Garden City policy objectives.

Car Parking, traffic and access

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

	Number of lodging rooms	Clause 52.06 car parking requirement	Number of car parking spaces required	Number of car spaces proposed
Residential Aged Care	80 (35 existing + 45 additional)	0.3 car spaces to each lodging room	24 car spaces	23 car spaces
TOTAL Required			24 car spaces	
TOTAL Proposed				23 car spaces

The application has a deficiency of 1 car space and seeks a reduction pursuant to the provisions of Clause 52.06-3.

The Traffic Engineering Assessment (Traffix Group, December 2017) submitted with the application justifies the proposed reduction on the following basis:

“In a statutory sense, there is a requirement to provide 13 additional on-site car spaces associated with the proposed increase of 45 beds. However, in this case, it is considered appropriate to undertake a holistic approach for the overall aged care facility (80 beds) given that it will be part of the same facility and staff will be consolidated which equates to a parking requirement for 24 spaces. When considering the proposed overall on-site car parking for the expanded aged care facility, there is an on-site parking shortfall for one (1) space only.”

The availability of public transport in the locality of the land the site has good access to public transport services as discussed earlier at Section 3.3. Nearby public transport services including numerous bus routes along Wellington Road directly past the site. Furthermore, Bus Route 804 operates along Whalley Drive directly adjacent to the northern boundary of Cumberland View. The availability of these services will assist to encourage a reduced demand for car parking by staff and visitors of this development.

All administrative and major functional activities for the proposed facility are to be undertaken in the Whalley Drive aged care facility located to the east of the site. This includes all financial management, administration, maintenance, laundry and kitchen staff. This is equivalent to three (3) staff members and therefore three (3) car spaces are not required for the proposed Windmill Court aged care facility expansion.

With regard to the availability of alternative car parking in the locality of the land, on-street parking is available in the nearby area including along both sides of Windmill Court, Rata Street and Whalley Drive. This includes approximately seven (7) spaces along the Windmill Court frontage of the existing aged care facility. Parking is unrestricted along each of these roads. The Applicant is of the opinion that it is appropriate for short-term parking demands (i.e. visitors) of the proposed expanded aged care facility to utilise the availability of on-street parking in the nearby area, particularly along Windmill Court which our observations suggest is consistent with existing arrangements.”

Council’s traffic engineers have assessed the proposed car parking provision and consider the proposed reduction of 1 car parking space to be satisfactory. In the event that overflow car parking adversely affects Windmill Court and surrounding streets, the necessity for parking restrictions can be considered. Traffic generation from the proposed development is expected to be modest and within the capacity of the surrounding road network.

It is noteworthy that some existing car parking areas along Batty Street (immediately south-west of the proposed development) are currently being utilised for storage (shipping containers and motorhomes). Additional staff car parking within this vicinity could be provided to the expanded residential aged care facility with storage areas relocated elsewhere on the site. Some additional car parking may also be possible on vacant land areas at the end of Batty Street. Existing car park areas utilised for shipping container storage will be addressed by Council’s Planning Enforcement Unit and reinstated as car parking.

Some modification to car parking layout within the porte cochere is required to improve its functionality. As well, the Car parking spaces along Jury Street (private road within the site) do not provide for adequate setback from the Windmill Court intersection and should be relocated elsewhere within the site. These changes can be imposed by condition of permit.

A car parking management plan should be a requirement of the permit to detail the management and allocation of car parking spaces associated with the permitted development.

Bicycle Parking

Bicycle parking is required to be provided in accordance with the requirement specified by Clause 52.34-3 of the Monash Planning Scheme. The table below details the number of bicycle parking spaces required:

Use	No. of beds	Clause 52.34-3 Requirement	Bike parking requirement generated
Nursing home	80	1 to each 7 beds (employee)	11
		1 to each 60 beds (visitor)	1
TOTAL REQUIRED			12 bike spaces
TOTAL PROVIDED			0 bike spaces

Plans should be modified to provide for the required bicycle parking provision and associated amenities and this can be required as a condition of any planning permit.

Overlooking

The proposed development raises no concern having regard to overlooking. The siting of the development provides for building separation with surrounding independent living units in excess of 9.0 metres.

Overshadowing

Overshadowing requirements seek to ensure buildings do not significantly overshadow existing secluded private open space. The extent of overshadowing on surrounding independent living units is minimal and provides for satisfactory solar amenity to surrounding open space areas.

Construction impacts

A construction management plan including details of staging of the construction works and construction vehicle access traffic management plan will be required as a condition of the planning permit should one issue. Construction management plan requirements will seek to minimise amenity impacts of the proposed development on the surrounding area. The extent of excavation and any required stabilisation measures will be considered by the appointed Building Surveyor.

CONCLUSION:

The proposal is considered to be appropriate given the zoning of the land and the design response is generally consistent with the objectives and applicable requirements of state and local policies.

The proposed development will provide additional housing for older people with suitable access to care and support. The provision of additional accommodation for older people will meet the increasing demand in Monash. The use of the land is appropriate given the residential zoning of the land and the design response compliant with applicable planning scheme requirements and policy objectives.

The proposal should be approved subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.