

**1.2 62-94 JACKSONS ROAD, MULGRAVE  
DEVELOPMENT OF SIX, 3-5 STOREY BUILDINGS FOR THE PURPOSE OF A  
RETIREMENT VILLAGE, RESIDENTIAL AGED CARE FACILITY AND MEDICAL CENTRE  
(TPA/47359)**

**EXECUTIVE SUMMARY:**

This application proposes a staged development of a retirement village and residential aged care facility (3-5 storeys in height), medical centre, alteration of access to a Road Zone Category 1 and the removal of native vegetation.

The application was subject to public notification. Twenty-eight (28) objections to the proposal have been received.

Key issues to be considered relate to building scale, setbacks, and height in relation to both neighbourhood character and amenity impacts, the use of the land for a medical centre, the removal of vegetation and the increased traffic generation to and from the site.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant Planning Policy Framework and Local Planning Policy Framework and issues raised by objectors.

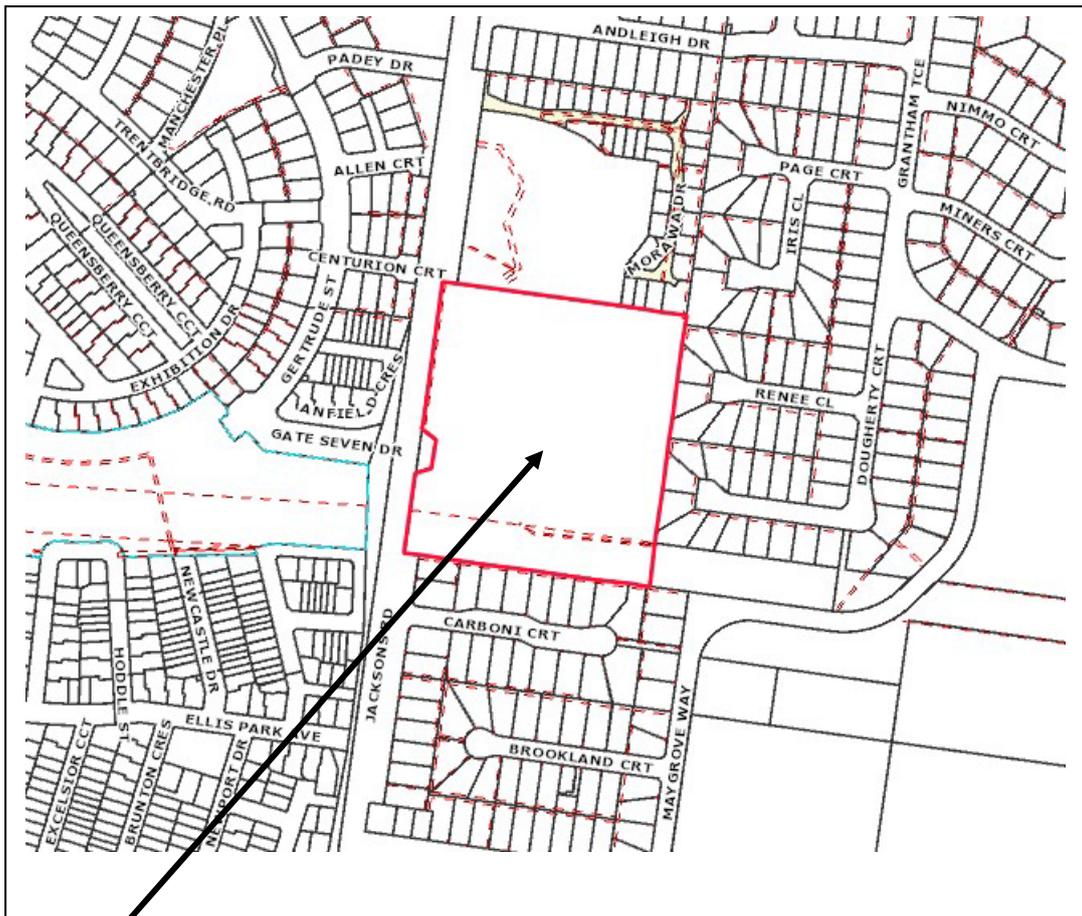
**The reason for presenting this report to Council is the proposed development cost of greater than \$3 Million.**

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

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Alexandra Wade</b>
<b>WARD:</b>	<b>Mulgrave</b>
<b>PROPERTY ADDRESS:</b>	<b>62-94 Jacksons Road, Mulgrave</b>
<b>EXISTING LAND USE:</b>	<b>Vacant (Former Seminary)</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>28</b>
<b>ZONING:</b>	<b>Neighbourhood Residential Zone, Schedule 4</b>

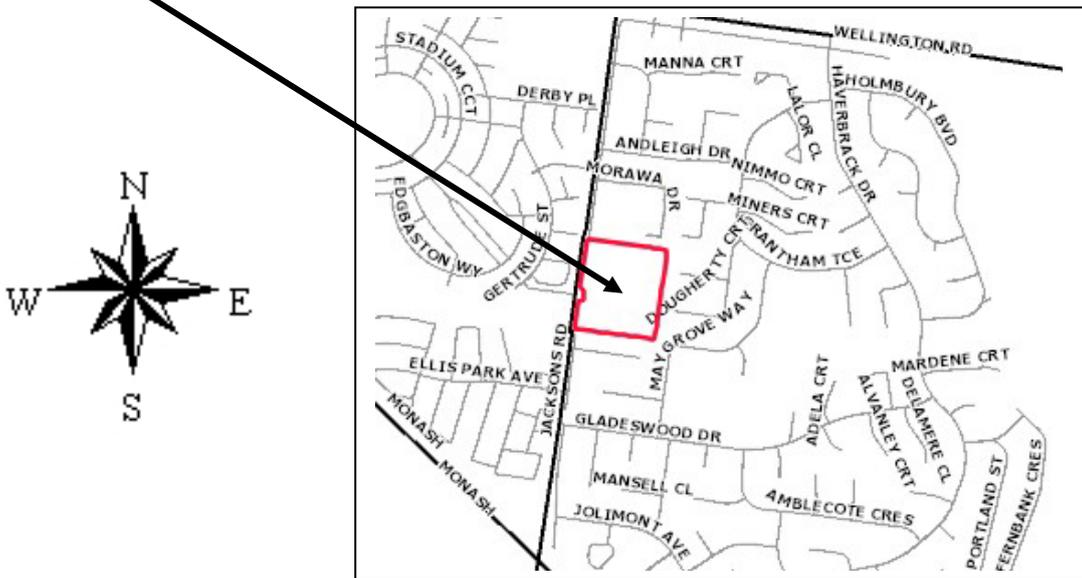
<b>OVERLAY:</b>	<b>Nil</b>
<b>RELEVANT CLAUSES:</b> <u><b>Planning Policy Framework</b></u> Clause 11.01 - Settlement Clause 11.02 – Managing Growth Clause 12.01 - Biodiversity Clause 15.01 – Built Environment Clause 15.02 – Sustainable Development Clause 16.01 – Residential Development Clause 18 – Integrated Transport Clause 19.02 – Community Infrastructure	<u><b>Local Planning Policy Framework</b></u> Clause 21.01 – Introduction (MSS) Clause 21.04 – Residential Development Clause 21.08 – Transport and Traffic Clause 21.13 – Sustainability and Environment Clause 22.01 – Residential Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.09 – Non-Residential Use and Development in Residential Areas Clause 22.13 – Environmentally Sustainable Development Policy  <u><b>Particular and General Provisions</b></u> Clause 52.06 – Car Parking Clause 52.17 – Native Vegetation Clause 52.34 – Bicycle Facilities Clause 53.17 – Residential Aged Care Facility Clause 53.18 – Stormwater Management in Urban Development
<b>STATUTORY PROCESSING DATE:</b>	<b>14 January 2020</b>
<b>DEVELOPMENT COST:</b>	<b>\$111,491,173</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/47359)** for the staged development of the land for purpose of a retirement village and residential aged care facility (3-5 storeys in height), develop and use part of the land for a medical centre, alteration of access to a Road Zone Category 1 and removal of native vegetation, at 62-94 Jacksons Road, Mulgrave subject to the following conditions:

**Amended Plans Required and No Alterations Permitted**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by CHT Architects, Plan no. TP0.00- TP10.08 Rev B dated 15 November 2019 but modified to show:
  - a) The envelope of Unit 2 and associated terrace on the second floor of Building E to be deleted. This area may be replaced with a terrace space, however must be set back a minimum of 5 metres from the building envelope of the first floor.
  - b) Any revisions to the proposed footpath and fencing to allow for the retention of Street Tree No. 6.
  - c) Reference to boundary fencing materials deleted.
  - d) Provision of a minimum 1.0m blind aisle extension on the northern parking aisles of Building F basement car park.
  - e) Designated staff and visitor parking spaces in accordance with the endorsed Car Parking Management Plan.
  - f) A notation indicating that the supply and installation of the bus shelter to be in accordance with Council's current bus shelter contract.
  - g) Any changes to the development as a result of the Functional Layout Plan prepared in accordance with Condition 32.
  - h) A Waste Management Plan prepared in accordance with Condition 4.
  - i) A Sustainable Management Plan prepared in accordance with Condition 5.
  - j) A Car Parking Management Plan in accordance with Condition 6.
  - k) A Tree Management Plan prepared in accordance with Condition 7.
  - l) A Landscape Plan prepared in accordance with Condition 9.

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. As part of the ongoing consultant team, CHT Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
  - a) Oversee design and construction of the development; and
  - b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Management and Landscaping Plans**

#### Waste Management Plan

4. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 14 November 2019, but revised to the satisfaction of the Responsible Authority:
  - a) To reflect the variation of the number of Units as required by Condition 1 of this Permit.

#### Sustainable Management Plan

5. Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Ark Resources dated 7 November 2019, but revised to the satisfaction of the Responsible Authority:
  - a) To reflect the variation of the number of Units and any other changes as required by Condition 1 of this Permit.

#### Car Park Management Plan

6. Concurrent with the endorsement of any plans pursuant to Condition 1, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - a) The number and location of car parking spaces allocated to each building for residents;
  - b) The location and number of any staff car parking spaces;
  - c) The location and number of any visitor car parking spaces;

- d) The number and location of car spaces for shared use, including time of shared use;
- e) Details of way-finding, cleaning and security of end of trip bicycle facilities; and
- f) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.

#### Tree Management Plan

7. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Trees identified on the Plan prepared by John Patrick Pty Ltd dated 2 October 2019 (with the removal of Trees No. 170, 171 and 172 and retention of Tree No. 6). The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:
- a) A Tree Protection Plan drawn to scale that shows:
  - b) Tree protection zones and structural root zones of all trees to be retained,
  - c) All tree protection fenced off areas and areas where ground protection systems will be used;
  - d) The type of footings within any tree protection zones;
  - e) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
  - f) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
  - g) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
  - h) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and

- i) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j) No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- k) No vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- l) That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

#### Construction Management Plan

8. Prior to the commencement of any site works (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Measures to control noise, dust and water and sediment laden runoff;
  - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
  - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - f) Cleaning and maintaining surrounding road surfaces;
  - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
  - h) Public Safety and site security;
  - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-

- constructors/tradespersons upon completion of such areas, without delay;
- j) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
  - k) A Traffic Management Plan showing truck routes to and from the site;
  - l) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - m) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - n) Contact details of key construction site staff;
  - o) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
  - p) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
    - Monday to Friday (inclusive) – 7.00am to 6.00pm;
    - Saturday – 9.00am to 1.00pm;
    - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

#### Landscape Plan

9. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan dated 13 November 2019, Prepared by John Patrick Pty Ltd, except that the plan must show:
- a) Existing Trees 170, 171 and 172 removed and the proposed citrus grove to be extended into this space with the provision of a minimum of three additional citrus trees;
  - b) Retention of Existing Street Tree No. 6;
  - c) Further details of pavement materials / finishes; and
  - d) Deletion of reference to boundary fencing materials.

10. The provisions, recommendations and requirements of the above endorsed Management Plans related to in Conditions 4-9 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

### **General Conditions**

#### Use Conditions

11. Prior to the use or development commencing, the owner of the land at 62-94 Jacksons Road, Mulgrave, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the Independent Living Units identified as Buildings A, B, C, D, E and part of Building F as shown on the plans prepared by CHT Architects dated 15 November 2019 must only be used for the purpose of a retirement village in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.
12. The Retirement Village must be operated and managed in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act.
13. The amenities and other communal facilities (with the exception of the medical centre) must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.
14. No more than 70 persons providing health services including 18 doctors and allied health practitioners and 52 case managers shall be permitted on the premises at any given time without the further written consent of the Responsible Authority.
15. The Medical Centre may operate only during the following hours:
- Monday to Friday (except Public Holidays) – 8:30am – 6:00pm
  - Saturday – 9:00am – 12:00pm (noon)
  - Sunday and Public Holidays – Closed
- Except in the case of emergency. Unless with the written consent of the Responsible Authority.

#### Car Parking Conditions

16. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed to the satisfaction of the Responsible Authority;

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

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

17. No less than 520 car spaces must be provided on the land to the satisfaction of the Responsible Authority prior to the occupation of the last stage of the development.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
19. Concrete kerbs or other suitable barriers must be provided to prevent damage to fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the nominated access, to the satisfaction of the Responsible Authority.
20. All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

#### Construction of Bus Shelter and Public Footpaths

21. Details of the proposed bus shelter and bus stop are required to be submitted to Council's Engineering Department for approval prior to the works commencing. The full cost of the provision of the bus shelter is to be funded by the developer and is to be arranged in consultation with Council.
22. Prior to the commencement of the use of the development, the existing footpath on the north side of the development access road is to be set aside for Road and vested in the name of the appropriate Road Manager.
23. Plans for the proposed shared path on Jacksons Road are to be submitted to Council's Engineering department for approval. The proposed shared path is required to be constructed to Council standards.

Landscaping and Tree Retention

24. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
25. Prior to the completion of any stage of the development allowed by this permit, landscaping and urban design works as shown on the endorsed plans forming part of the that stage of the development must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
26. Lighting must be provided to the satisfaction of the Responsible Authority to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.
27. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Drainage Engineering Conditions

28. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
29. A new 525 mm drain is to be constructed at stage 1 of the project between a new junction pit at the north-western corner of 62-94 Jacksons Road and the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.

Other

30. 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.
31. Any required fire services, electricity supply, gas and water meter boxes as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.

**Section 55 Referral Conditions**VicRoads Conditions (Ref: 21526/17)

32. Unless otherwise agreed in writing by VicRoads, and before the development starts, a revised Functional Layout Plan (FLP) must be submitted to VicRoads for review and approval. The revised FLP must be

generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:

- a) Signage and Line Marking;
  - b) Swept path analysis for all movements associated with the proposed access point, including how the largest design vehicle that could be reasonably anticipated to access the subject land can turn in and out of the subject land from Jacksons Road;
  - c) Functional Stage Road Safety Audit;
  - d) Revised functional layout plan as per the findings of the road safety audit.
33. Subsequent to the approval of the Functional Layout Plan and functional stage Road Safety Audit, the permit holder must submit a copy of the Traffic Signal Layout Plan to VicRoads for review and approval.
34. Subsequent to the approval of the traffic signal layout plan, and prior to the commencement of any roadworks required by VicRoads under this permit, the permit holder must submit the detailed engineering design plans, public lighting plan, along with a detail design stage Road Safety Audit, to VicRoads for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road safety Audit must be addressed in the detailed design plans to the satisfaction of and at no costs to VicRoads;
35. Where the proposed roadworks lies within private property, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare a Plan of Subdivision and submit to the Responsible Authority for certification under the Subdivision Act 1988 to show:
- a) Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
  - b) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads) upon certification of the Plan of Subdivision, without any encumbrances.
36. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:
- a) All roadworks as required by VicRoads must be completed generally in accordance with the approved Functional Layout Plan (FLP) and detailed design plans;

- b) The permit holder must reimburse VicRoads and the Responsible Authority with all the costs associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to Road Zone Category 1 (RDZ1) pursuant to the provisions of the Planning and Environment Act 1987.
- c) All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.

Department of Transport Conditions (Ref: HTFV2019/451)

37. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) A Disability Discrimination Act 1992 compliant bus stop and all associated infrastructure located generally in the location of the existing stop on the Jacksons Road frontage;
  - b) Bus turning circles which demonstrate all buses can stop at the bus stop;
  - c) A bus shelter, associated seating and walkways in plan and cross section form;
  - d) Allocated space for wheelchairs within bus shelters; and
  - e) A bus stop identification line marking to identify the bus stop on Jacksons Road.
38. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.
39. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. All bus stop works must comply with the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards for Accessible Public Transport 2002* to the satisfaction of the Head, Transport for Victoria.
40. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and

high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

Department of Environment, Land, Water and Planning Conditions (Ref: PP/LA/03/0109 & SP461389)

41. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.
42. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.
43. The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:
  - a) No vehicular or pedestrian access, trenching or soil excavation is to occur,
  - b) No storage or dumping of tools, equipment or waste is to occur,
  - c) No entry and exit pits for underground services are to be constructed.
44. In order to offset the removal of 1.461 hectares of native vegetation and one scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*: The general offset must:
  - Contribute gain of 0.050 general biodiversity equivalence units,
  - Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
  - Have a strategic biodiversity score of at least 0.111.
45. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
- A credit register extract from the Native Vegetation Credit Register.

AusNet Conditions (Ref: 40110)

46. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.
47. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
48. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.
49. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
50. Scaffolding is not permitted on the easement.
51. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
52. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
53. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated materials or by landscaping within prior written approval from AusNet Transmission Group.
54. All services traversing the easement must be installed underground.

55. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.
56. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

#### **Time for Starting and Completion**

57. Once the development has started the approved development must be continued and completed to the satisfaction of the Responsible Authority.
58. This Permit will expire if one of the following circumstances applies:
  - The first stage of development has not commenced within 3 years of the date of this Permit; or
  - The first stage of development is not completed within 2 years from commencement of the first stage; or
  - Subsequent stages of development are not completed within 6 years from the completion of the first stage of development.

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 (6) months afterwards if the development has not commenced; or
- within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

#### **NOTES**

- A. The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- B. The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.

- C. Road Safety Audits must be undertaken by an independent VicRoads prequalified road safety auditor and be conducted in accordance with Austroads – Road Safety Audit (Second Edition 2002) requirements. Any identified issues must be addressed to VicRoads ‘satisfaction.
- D. No work must be commenced in, on, under or over the road reserve until all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts have been obtained. Please contact VicRoads prior to commencing any works.
- E. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- F. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval.
- G. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.
- H. Please apply via Council’s online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link [www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business](http://www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business)
- I. The design and fit out of the food premises must comply with Food Standard Australia New Zealand’s ‘Food Safety Standard 3.2.3 -- Food Premises & Equipment’.
- J. The premises must not create a nuisance under the Public Health and Wellbeing Act and must comply in all respects with EPA noise legislation.
- K. The private on-site drainage system must prevent stormwater discharge from the internal roads and parking over the footpath and into the road reserve. The internal drainage system may include either:
- a trench grate (minimum internal width of 150 mm) located within the property boundary; and/or
  - shaping the internal roads and parking so that stormwater is collected in grated pits within the property; and or
  - another Council approved equivalent.

- L. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.
- M. The nominated point of stormwater connection for:
- Stage 1 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected and free drained via a pipe to the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.
  - Stage 2, 3 and 4 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary).
- N. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$40,000 is to be paid prior to the drainage works commencing.

#### **BACKGROUND:**

##### **The Site and Surrounds**

The site is large in area with a frontage of approximately 230 metres to Jacksons Road and a depth of 205 metres, yielding a total area of approximately 4.6 hectares.

The land slopes approximately 10 metres from the south-west corner to the north-east corner of the site.

A number of easements are located within the site including a 36.58 metre wide transmission of electricity easement along the southern boundary. An overhead electrical transmission line runs along this easement.

The site currently contains an outbuilding and several trees. Access to the site is via a signalised intersection. The title boundaries of the site reflect this access point.

The surrounding area is generally residential in nature with the exception of the abutting site to the north, 'Stirling Theological College' which contains a single storey building with car parking located to the front and north of the site in addition to residential buildings located along the northern boundary of the site.

The remainder of abuttals are to residential properties, adjoining the rear of these properties.

On the opposite side of Jackson's Road is a recent residential development by Mirvac (Waverley Park). The development is not yet complete with a section opposite the site still under construction.

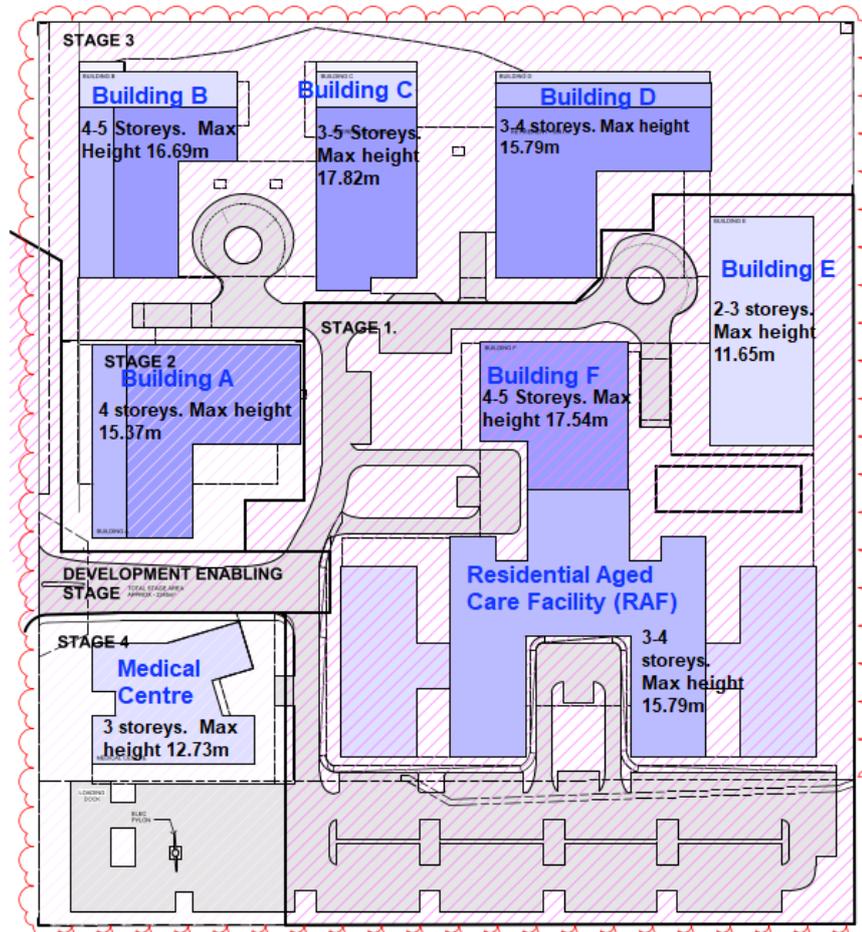
An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

**PROPOSAL:**

The proposal seeks the staged development of the site including a retirement village, residential aged care facility, medical centre and ancillary facilities. These uses will occupy seven buildings proposed across the site. More specifically, the proposal includes:

- A total of 128 Residential Aged Care Rooms within the Residential Aged Care Facility Building (RAC);
- A total of 216 retirement village units (Buildings A, B, C, D, E, F) with a mixture of 1, 2 and 3-bedroom configurations.
- A medical centre located to the south-west corner of the site. The medical centre will primarily service residents on the site, however will also be accessible to the public. It is proposed to operate the premises Monday to Friday 8:30am to 6:00pm and Saturday 9:00am to 12:00pm. The medical centre will operate with a maximum of 2 doctors, 16 allied health practitioners and 52 case managers. The case managers will assist and manage clients within the site and will also travel to the wider area to visit clients. Signage associated with the medical centre will be subject to a future application.
- A total of 520 car parking spaces are proposed (294 spaces allocated to residents within the basement car park and 226 spaces allocated to visitors / patrons / staff in the ground level car parking areas).
- Three access points are proposed to the basement car park.
- An upgraded signalised intersection which includes a southbound deceleration lane from Jackson's Road. This will require the removal of street trees.
- A total of 74 bicycle parking spaces (66 located within the basement for residents and staff and 8 located at ground level).
- Buildings range in height across the site, with the tallest being 5 storeys with a maximum height of 17.82 metres.
- Proposed buildings within the site are to be constructed with a range of materials including white concrete finish, red brick, white brick, metal cladding and glass.
- A 1.8 metre high brick fence with 1.6 metre high palisade infill along the Jackson's Road frontage. The fence is to be staggered.
- Removal of native vegetation across the site. A total of 1.532 hectares of native vegetation is proposed to be removed.

- A number of ancillary facilities are proposed throughout the site for residents and their visitors including a bowling green, café / function area, cinema, community square including playground equipment, chapel and men's shed.
- The proposal has a site coverage of 44.4%.



Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### **Zoning**

Pursuant to Clause 32.09-2 (Neighbourhood Residential Zone), a Planning Permit is required for the use of the land for a Medical Centre and a retirement village (Accommodation). A Planning Permit is not required for the use of the land for a Residential Aged Care Facility.

The Planning Scheme identifies a Residential Aged Care Facility as *'land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility'*. A Retirement Village is defined as *'Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village'*.

If a Planning Permit is issued, the applicant will not be able to convert the approved development to residential apartments as permission will need to be sought for a variation of the car parking requirements, and will require amendments to the plans to require them to conform to living standards for apartments.

Pursuant to Clause 32.09-9, a Permit is required to construct a building or construct or carry out works for use in Section 2 of Clause 32.09-2 (Medical Centre and retirement village).

Pursuant to Clause 32.09-6, a Permit is required to construct a building or construct or carry out works associated with a Residential Building (Retirement Village).

Pursuant to Clause 32.09-8 (Residential Aged Care Facility), a Permit is required to construct a building or construct or carry out works for a residential aged care facility.

It is noted that the provisions of Clause 32.09-4 (Minimum garden area requirement) and Clause 32.09-10 (Maximum building height requirement for a dwelling or residential building) apply only to a 'residential building' or 'dwelling'. A retirement village and medical centre is not classified as a residential building. These provisions therefore do not apply.

These requirements also do not apply to a Residential Aged Care Facility. A development for a Residential Aged Care Facility must meet the requirements of Clause 52.17 which specifies that the building height must not exceed 16 metres.

#### **Particular and General Provisions**

Clause 52.06-3 (Car Parking) – A Permit is required to reduce the number of car parking spaces required under Clause 52.06-5. The proposal provides car parking in accordance with this policy and therefore a reduction is not sought.

Clause 52.17-1 (Native Vegetation) - A Planning Permit is required for the removal of native vegetation. An application for the removal of native vegetation is required to be referred to the Department of Environment, Land, Water and Planning (DELWP).

Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) - A Permit is required for alteration of access to a road in a Road Zone, Category 1. An application to alter access is required to be referred to the Department of Transport (VicRoads).

Clause 52.34 (Bicycle Parking Spaces) – A Planning Permit is required to reduce the number of bicycle parking spaces required under Clause 52.34-5. The proposal

provides bicycle parking in accordance with this policy and therefore a reduction is not sought.

Clause 66.02 (Integrated Transport Planning) – An application for a residential building comprising 60 or more lodging rooms is required to be referred to Public Transport Victoria.

Pursuant to Clause 66.02-4, an application to construct a building or carry out works on land within 60 metres of a major electricity transmission line is required to be referred to AusNet.

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

### **CONSULTATION:**

The application was initially received in March 2017 and advertised in June 2017. A total of twenty-seven (27) objections were received at this time. One of these objections was subsequently withdrawn.

Following public notification, the applicant was advised that the application would not be supported by Council. As a result, the applicant amended their plans with the involvement of a new project team. Amended plans were lodged in September 2019 which sought to address concerns from Council and residents. As a result, setbacks of the buildings from boundaries increased, additional existing trees on the site are to be retained and materials and design detail have been varied.

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

### **Public Notice**

The amended application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and signs displayed on the Jackson Street frontage of the site.

A total of 27 objections (including 1 withdrawn) were received for the initial notice. A total of 4 objections were received following amended plans, noting that 2 of these objections are from existing objectors (repeat objections), and two are new objections. Therefore there are currently a total of 28 objections to the proposal.

The objections received for the applications raised the following concerns:

- Building bulk / height / setbacks;
- Traffic generation;
- Removal of vegetation;
- Lack of car parking;
- Boundary fencing repair / details;
- Retention of trees on site adjacent to objectors property causing overshadowing; and
- Overshadowing.

Attachment 4 details the location of objector properties.

### **Public information session**

A Public Information Session was held on Wednesday 21 June 2017 (Mulgrave Community Centre) and again on Monday 9 December 2019 (Wheeler's Hill Library).

Approximately 8 people attended the second information session following lodgement of amended plans.

### **Referrals**

The application was referred to a number of external authorities as follows:

- VicRoads (now part of Department of Transport)– No objection subject to conditions. Conditions relate to a functional layout plan and traffic signal layout plan for the new widened accessway and deceleration lane.
- AusNet – No objection subject to conditions. Conditions relate to the height of structure and nature of materials stored within the easement.
- Department of Transport – No objection subject to conditions. Conditions relate to the provision of a new bus stop on Jacksons Road adjacent to the site.
- Department of Environment, Land, Water, Planning (DELWP) – No objection subject to conditions. Conditions relate to the protection of native trees and offset requirements for the removal of native vegetation.

The application was also referred to the following internal departments:

- Waste – No objection. Waste Management Plan submitted is satisfactory.
- Health – No objection subject to standard conditions / notes.
- Horticulture – No objection to the removal of Street Trees no. 4 and 5. Street tree No. 6 should be retained if achievable with proposed design.
- Traffic – No objection subject to conditions including the requirement of a Car Parking Management Plan.
- Engineering – No objection subject to standard conditions.

**DISCUSSION:****Consistency with Planning Policy Framework**

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

*“Understand and plan for expected housing needs.”*

*“Reduce the cost of living by increasing housing supply near services and public transport.”*

*“Facilitate the supply of affordable housing.”*

Initiatives seek to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Plan Melbourne also encourages varied types of housing such as low cost rental properties and aged care centres, providing a greater choice and diversity of housing.

The Planning Policy Framework seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Strategies to achieve this seeks to avoid or minimise the removal of vegetation, or to provide an offset to compensate for the impact from the removal of the vegetation.

Clause 16.01-7S seeks to facilitate the development of well-designed and appropriately located residential aged care facilities. This policy identifies that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area. This policy also recognises that residential aged care facilities are different to dwellings in their purpose and function and will have a different built form with respect to height, scale and mass.

It is also encouraged by the Planning Policy Framework that new residential developments and aged care facilities provides housing for older people to live in appropriate housing in their local community and with access to public transport. A bus route (with bus stop adjacent to the site) is located on Jacksons Road adjacent to the subject site that includes buses 681, 682, 691, 850 and 862 which provide access to surrounding suburbs (Boronia, Ferntree Gully, Rowville, Knox, Mulgrave and Dandenong) and also connects to Chadstone Shopping Centre and Glen Waverley Train Station.

Clause 19.02-1S seeks to assist with the integration of health facilities with local and regional communities, taking into account demographic trends and demand requirements. The proposed medical centre is considered an appropriate use for the land as it will integrate with and primarily service the proposed residential aged care facility and retirement village on the site as well as service the surrounding community.

Clause 15 aims to ensure that all land use and development appropriately responds to its surrounding character. Specifically, Clause 15.01-5S seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place. Clause 15.01-1R and Clause 15.01-2S seeks to ensure that building design outcomes contribute positively to the local context and enhance the public realm and provides a high quality design.

Development should be appropriately located and minimise its impact on residential amenity of established residential areas.

The site is large in area which allows it to support higher densities than the immediate surrounding area as it is able to provide sufficient buffers from adjoining residential properties.

Whilst this is the case, any redevelopment of the site needs to respond to the context of the area with a built form that sits comfortably within the streetscape and surrounding neighbourhood. The site's location on a main road with a large frontage allows for a more robust presentation to Jacksons Road. The southern portion of the site is located within an electricity transmission easement which limits development adjacent to this boundary. The site also has a largely non-sensitive interface with the adjacent College to the north. Therefore the greatest emphasis is placed on an appropriate transition and integration to the adjoining residential properties to the north and east.

There is limited native vegetation on the site which is in good quality due to the lack of maintenance over a period of time. Much of the vegetation on the land is likely to be self-sewn. The removal of vegetation has been referred to the Department of Environment, Land, Water and Planning (DELWP) who is supportive of the application subject to conditions. The offset requirement for native vegetation removal proposed is 0.050 General Biodiversity Units (BEU).

### **Consistency with Local Planning Policy Framework**

#### **Urban Design Principles**

In assessing residential development of the scale proposed, Council must have consideration of the development's appropriateness having regard to context, public realm, safety, views and vistas, pedestrian spaces, empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture outcomes.

Council's goal is for development in residential areas within the City of Monash to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character. The Municipal Strategic Statement 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. It also encourages appropriate accommodation for the ageing population.

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 Residential Development Framework Map found in Clause 21.04 identifies the site as being located within the Dandenong Creek Escarpment and Garden City Suburbs. This policy seeks to retain trees where possible and to provide landscaping to reduce the dominance of buildings, generous front setbacks to allow for landscaping and building scale, height and bulk to continue to enhance and reinforce the existing landscape and built form character. This policy also encourages one single crossover per lot frontage.

Clause 22.09 (Non-Residential Use and Development in Residential Areas) also seeks to maintain and enhance the established canopy treed environment throughout the Municipality, continuing its significance in defining the garden city character of Monash whilst also maintaining a consistency of street setbacks and building heights.

#### **Built form, scale and Neighbourhood Character**

The proposed development includes buildings across the site that range from 2 to 5 storeys in height. At the outset it is noted that the land is a unique parcel in this area, being on the edge but not connected to the surrounding residential subdivision of Mulgrave, and large in size.

The size of the land also allows for large separations between buildings on the site to allow for strong visual separation and the provision of landscaping throughout the site.

The proposal provides a minimum setback of 10 metres from Jacksons Road, measured to the title boundary. It is noted that a new public pedestrian footpath is proposed within the title boundary of the site given the road works required for entry to the site. A minimum setback of 7.6 metres is proposed from the edge of the new pedestrian footpath and proposed front fencing which is in keeping with the schedule to the Neighbourhood Residential Zone. Although not specifically applicable to this application, this setback will ensure that the buildings sit comfortably within the streetscape enabling sufficient landscaping opportunities in front of the buildings facing the street. The proposed footpath will continue to align with the Jacksons Road Service Road to the north and the south of the site.

Three buildings front Jacksons Road which includes the Medical Centre (three storeys), Building A (4 storeys) and Building B (4-5 storeys). The Medical Centre building is set back 41 metres from the southern boundary of the site, Building B is set back a minimum of 10 metres from the northern boundary and setbacks between these buildings exceeds 17 metres. These setbacks are considered appropriate to provide for appropriate separation from adjoining properties and

visual separation to ensure that the buildings will sit comfortably within the streetscape.

The proposed site coverage of the development is 44.4% which is substantially below the 80% maximum permitted by Clause 53.17 (Residential Aged Care Facility), and also satisfies the schedule to the Neighbourhood Residential Zone which seeks 50% site coverage (noting that this schedule as it relates to site coverage is not specifically applicable to this application). The purpose of the site coverage objectives is to ensure that site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The low site coverage proposed indicates that the separation between the buildings and to the boundaries of the site is in keeping with the character of the area and will allow for sufficient landscaping opportunities throughout the site.

The buildings are appropriately articulated through the use of varied materials and setbacks, with the assistance of landscaping which will soften the built form appearance. Whilst the architecture is strong and bold, the use of high quality materials and finishes will also assist the presentation of these building forms. Therefore a condition will require the project architect (CHT Architects) or a similar architect to the satisfaction of the Responsible Authority continue to be involved with the development of the site. This will avoid the buildings being compromised during the final design documentation and construction stages.

A 1.8 metre high brick fence with open steel pickets is proposed along the Jacksons Road frontage of the site. North of the access road to the site, the fence will be staggered with low level landscaping in front of the indented fencing to reduce any potential bulk impact of the fencing. The height of the fencing complies with the requirements of Clause 53.17 which allows a front fence to a height of 2 metres within a Category 1 Road Zone. The schedule to the Neighbourhood Residential Zone, whilst not specifically applicable specifies that front fencing on Category 1 Road Zones should be no greater than 1.2 metres in height. Whilst the neighbourhood character policy does not specify a fencing height, it discourages large, solid fencing along frontages. It is considered that the proposed fencing will provide for appropriate security for residents, whilst also providing an element of transparency and visibility of landscaping within the front setback of the site. Given the site's location and size, in addition to the design of the front fence it is considered that the 1.8 metre high fence is acceptable.

### **External Amenity Impacts**

Whilst ResCode / Clause 55.07 is not specifically applicable in this case, it is a useful tool to assess external amenity impacts to adjoining residential properties. Clause 53.17 is applicable for the assessment of the Residential Aged Care Building (RAC), however not for the remaining retirement village or Medical Centre.

Sensitive interfaces to the site are located along the northern boundary (part), eastern and southern boundaries.

### Southern Interface

A 36.58 metre wide transmission of electricity easement is located along the southern boundary of the site with a width of 36.58 metres which limits development in this portion of the site to a car park. A landscaping buffer is provided to the eastern (4.5 metre wide), southern (3.0 metre wide) and western (4.5 metre wide) sides of the car park proposing native shrubs in this location less than 3 metres in height (due to conditional requirements from AusNet).

The car park will service medical centre staff and patrons, visitors of the Retirement Village and Residential Aged Care Centre and staff associated with these facilities. It is expected that vehicle movements during sensitive times (evening and early morning) will be limited and will not result in unreasonable noise impacts to adjoining properties given the provision of the landscape buffer and boundary fencing.

### Northern Interface

Building D is the only retirement village building which has a direct interface to the dwellings located adjacent to the northern boundary of the site. The building ranges in height from 3 – 4 storeys due to the slope of the land with a maximum height of 15.77 metres on the eastern side of the building. The building is set back 15 metres at the ground and first floors, increasing to 17.39 metres at the second floor (with terraces set back 12 metres) and 24 metres at the third floor (with terraces set back 24-26 metres) to the northern boundary.

The three dwellings adjacent to Building D to the north (21, 22 and 23 Morawa Drive) sit approximately 1 metre below the level of the subject site (including their areas of secluded private open space). The open space area of No. 22 Morawa Drive supports a number of structures / roofed alfresco area with a central space which is open to the sky. No. 21 Morawa Drive has a roofed space adjoining the southern boundary of the site with small open areas on the eastern and western sides of the open space area.

The building proposed is limited in nature with respect to its length adjacent to these sensitive properties, noting that the building concludes at the boundary between No. 21 and 22 Morawa Drive. The remainder of this northern boundary towards the rear of the site has substantial visual relief with setbacks in excess of 45 metres from the northern boundary and 38 metres from the eastern boundary.

Sectional diagrams have been prepared (TP9.03) from the secluded private open space of No. 21 Morawa Drive which shows that due to the combination of the lower ground level of these adjoining properties, the 1.8 metre high fence on the boundary and the setbacks of the building proposed, views of Building D will be limited to the second floor (third storey). The setbacks of the building will also allow for substantial planting along this interface, noting that the Landscape Plan prepared shows the retention of Tree No. 175 and 176 located adjacent to 21 Morawa Drive, and the provision of three new signature native trees located

adjacent to the boundary of 22 and 23 Morawa Drive in addition to new smaller trees adjacent to the proposed building.

Given the setbacks proposed for this building and the limited views from adjoining properties, it is considered that the scale of Building D adjacent to this interface is acceptable.

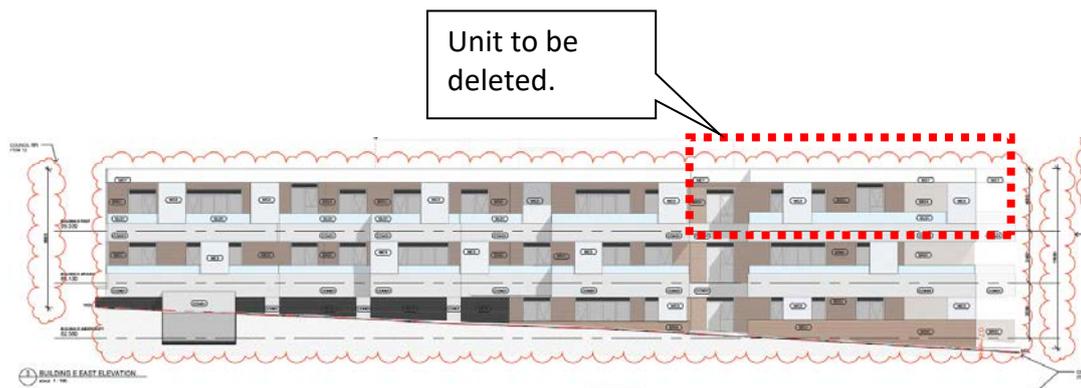
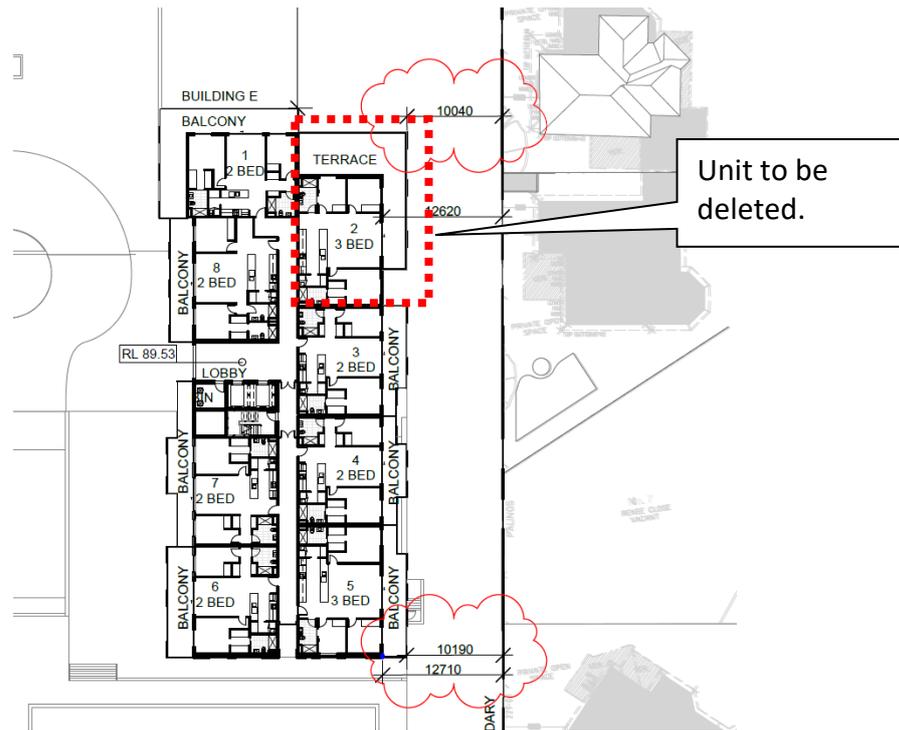
Whilst the college site to the north (44-60 Jacksons Road) is not a sensitive interface, equitable development potential must be considered, particularly due to the size of the adjoining land. The proposal has been designed ensuring that no amenity is borrowed from the adjoining property by providing sufficient setbacks and landscaping within the site.

#### Eastern Interface

Building E is the only retirement village building which has a direct interface with the eastern boundary of the site. The building abuts No. 7 and 8 Renee Close and part of No. 9 Renee Close and 20 Dougherty Court. Building E is proposed to be 2-3 storeys in height due to the slope of the land which results in a taller built form on the northern side of the building. The maximum overall height of the building proposed is 11.65 metres. The building is set back approximately 12 metres (10 metres to the balconies) from the eastern boundary of the site.

The plans show substantial planting along the eastern boundary of the site adjacent to Building E to assist with softening the built form.

It is considered that the combination of the raised building heights on the northern side of the building with the sheer building envelope will result in unreasonable bulk impact to No. 8 Renee Close. The removal of Unit 2 from the second floor of the building will assist with reducing bulk impacts to this property by further articulating the built form as it presents to this adjoining area of secluded private open space, where the building is at its highest. This space could be used as a terrace area for one of the adjoining units, however the balustrade would need to be sufficiently set back from the edge of the building to limit potential bulk impacts from a balustrade feature.



Shading plans prepared show that at 3pm, an additional 15 square metres of shadowing will be cast from Building E into the secluded private open space of 8 Renee Close. Notwithstanding this, the area of secluded private open space will maintain adequate solar access throughout the day in accordance with Clause 55.07 of the Planning Scheme. It is also noted that the deletion of Unit 2 will result in a minor reduction of additional shadow cast to this property. There will be no unreasonable impact with respect to daylight to adjoining habitable room windows given the setbacks proposed.

There will be no additional overshadowing onto the solar panels of No. 9 Renee Close during the times of 9am-3pm on 22 September.

The proposed building will not result in unreasonable overlooking as setbacks proposed are in excess of 9 metres.

The Residential Aged Care Facility (RAC) also shares direct interface with the residential properties to the east of the site. The building satisfies the requirements of Clause 53.17 with respect to external amenity as:

- The proposed building height satisfies the maximum height allowance of 16 metres (with a proposed maximum building height of 15.79 metres).
- The building satisfies setback requirements, with the building set back a minimum of 10 metres from the eastern boundary.
- No walls are proposed on the boundary.
- The RAC building results in minimal additional shadowing to the east at 3pm, within the secluded private open space of 17, 18 and 19 Dougherty Court. Sufficient area of secluded private open space is maintained with sunlight therefore complying with Clause 53.17-3. No additional overshadowing will be caused to adjoining solar panels.
- The RAC building also complies with setback requirements relating to daylight to existing windows on adjoining properties.
- The building will not result in any unreasonable overlooking as it is set back greater than 9 metres from any boundary of the site.
- Potential noise sources have been located away from adjoining properties.

### **Internal Amenity**

The proposal provides for a high level of internal amenity, noting the following:

- Access to the development is provided for car and bicycle parking. Provision of a drop off / pick-up area for each building is also provided at the ground floor which is required for emergency vehicles and can also be used by community buses. Car and scooter parking is provided for within the basement for residents and at the ground floor for visitors / patrons / staff. Car parking within the basement is accessible to and from each of the buildings via a lift and stair.
- Each building has its own clearly identifiable pedestrian entry.
- New habitable room windows are appropriately set back from the common accessways which may be impacted by noise generation.
- Windows will receive appropriate access to daylight as all windows are located to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1 metre clear to the sky.
- A number of communal facilities are proposed on the site including a bowling green, café and dining / function space with lounge, cinema, playground and men's shed. The informal outdoor areas also provide for communal open space which includes a walking track around the perimeter of the site and a citrus garden.
- Each building is provided with communal sitting spaces and Buildings A, B and D are provided with communal terraces. The Residential Aged Care Facility provides for multiple sitting areas which are designed similarly to winter gardens with good access to daylight.

- Buildings are separated greater than 9 metres from each other, therefore minimising internal overlooking between buildings.
- No window screening is required to the buildings to prevent overlooking to adjoining properties given their setbacks in excess of 10 metres to title boundaries, thereby improving the internal amenity and outlook for residents.
- Each of the retirement village units are provided with a terrace or balcony with an area of between 20 square metres and 160.5 square metres.
- Internal corridors have been designed to be provided with appropriate light and ventilation.

### Medical Centre Use

The proposed Medical Centre is a Section 2 Use and therefore requires a Planning Permit. Clause 22.09 is applicable for the consideration of the prescribed use. This policy provides locational criteria which encourages non-residential uses to be located on higher order and busier roads, located within activity centres and on sites with appropriate buffers and interfaces between commercial and residential land uses. Whilst the site is not located within an Activity Centre, it is located on a main road and will provide appropriate buffer distances between the medical centre and the adjoining residential property (over 40 metres). The medical centre will also operate in conjunction with the Residential Aged Care and Retirement Village uses on the land and offers a variety of services including a hydro-therapy pool, podiatrist, gymnasium and meeting spaces.

The medical centre is proposed to operate Monday to Friday 8:30am to 6:00pm and Saturday 9:00am to 12:00pm. The hours are considered to be reasonable and will not operate during sensitive evening or early morning hours. Whilst the medical centre seeks a maximum of 70 staff, it is unlikely that all staff will be on the site at any one time given the case managers will often be visiting patients in the aged care facility or other patients off site.

### Car Parking, traffic and access

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

Land Use	Car Parking Requirement	No. of units / rooms / practitioners	Car Parking Demand	Car Parking provided
Residential Aged Care Facility	0.3 visitor spaces per lodging room	128 rooms	38 car spaces	38 Spaces located at the ground floor
Medical Centre	5 spaces for the first practitioner and 3 spaces for each practitioner thereafter.	18 doctors and allied practitioners	56 spaces for doctors and allied practitioners	108 car spaces for doctors and case managers

Land Use	Car Parking Requirement	No. of units / rooms / practitioners	Car Parking Demand	Car Parking provided
		52 case managers	52 car spaces for case managers  = 108 car spaces	
Retirement Village Units	<i>(use of 'dwelling' car parking requirement as a guide)</i>  1 space per 1-2 bedroom apartment, 2 spaces per 3 or more bedroom apartment  1 visitor space per 5 dwellings	216 Units  (12 x 1 bedroom units, 149 x 2 bedroom units and 55 x 3 bedroom units)	271 resident spaces  43 visitor spaces	294 car spaces allocated to residents within basement car park.  43 visitor car spaces at the ground floor
<b>Total</b>			<b>460 car spaces</b>	<b>520 car spaces (surplus of 60 spaces at the ground floor for visitors).</b>

A total of 520 car parking spaces are proposed with 294 spaces allocated to residents within the basement car park and 226 spaces allocated to visitors / patrons / staff in the ground level car parking areas which exceeds the car parking demand generated by the uses across the site.

However, the basement car park has been designed so that buildings A-E have access to one basement car park, whilst the basement car park for Building F is not directly accessible via vehicle through the basement level. A total of 186 car parking spaces are provided within the basement to Buildings A-E whilst the car parking requirement for these buildings is 201 spaces. Therefore there are a total of 15 residential parking spaces for Buildings A-E which are provided in an alternate area of the site (likely within Building F). A total of 108 car parking spaces are provided within Building F / Aged Care Facility which can accommodate the demand for the Independent living units, RAC and surplus requirements from buildings A-F. Therefore, a Car Parking Management Plan will be required to demonstrate the allocation of these car parking spaces and their accessibility to the relevant buildings.

The Medical Centre is proposed with 2 doctors, 16 allied practitioners and 52 case managers (who typically visit the patients off-site). The traffic report provided by the applicant indicates that all 52 case managers will be allocated an onsite space which is considered appropriate. The medical centre parking is based on 80% of

practitioners which is assumed to be 15 practitioners, however car parking at a rate of the full amount of practitioners (total of 108 spaces) is able to be accommodated on the site. A condition of the Permit require a car parking management plan to be prepared to provide details of how staff car parking is to be managed.

The Residential Aged Care Facility creates a demand of 38 car spaces in accordance with Clause 52.06 of the Planning Scheme.

The site has a surplus of 60 spaces which can be utilised for staff associated with the Retirement Village and Residential Aged Care Facility which will be required to be detailed in the car parking management plan.

Adjacent and to the site, Jacksons Road operates with two lanes of through traffic in each direction with right and left deceleration lanes for the north approach and a right turn deceleration lane for the south approach at the Gate Seven Drive intersection.

It is anticipated that the proposed development is likely to generate a total of 320 vehicle movements per hour (vph) during the AM and the PM peak periods. An analysis was prepared by the applicant's traffic engineer of the post development traffic volumes indicate that the Jacksons Road / Gate Seven Drive / Site Access intersection will still perform at good operating conditions, with low degrees of saturations as well as short delays and queues.

All vehicle access to the site is to be via a single accessway, in the same location as the existing access, thus utilising the existing signalised intersection. Notwithstanding this, modifications are required to the access including the provision of a deceleration lane (in accordance with the requirements of VicRoads) proposed to Jacksons Road and utilising some of the site which will minimise impacts to through traffic on Jacksons Road.

Loading area for the proposed aged care and retirement village facility is provided within the basement level and the loading area for the medical centre is provided within the south western portion of the site. Access and movement through the site for these vehicles is considered suitable.

The car parking layout is designed in accordance with Clause 52.06. However, it is noted that the provision of a minimum 1 metre blind isle extension on the northern parking aisles of Building F basement car park is required. This is proposed as a condition of the Permit.

A Construction Management Plan will be required as a condition of the Permit. The Construction Management Plan will be required to consider the likely maximum parking demands for construction workers and provide detailed staging of the project to demonstrate that the various occupants plus and additional construction workers can be accommodated on the site.

### Waste Collection

Waste collection facilities for the aged care and retirement village is provided within the basement car park of each building and the waste collection facility for the medical centre is provided on its south-western corner. Collection will be undertaken during times specified by the EPA to ensure no unreasonable noise impacts to adjoining properties.

Given one unit is to be deleted from the development, the Waste Management Plan will need to be updated to reflect this prior to any endorsement.

### Bicycle Parking

Bicycle parking is 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.

It is noted that the use of the land for a residential aged care facility and retirement village does not have a specified rate for bicycle parking.

Use	Clause 52.06-5 Requirement	Number of practitioners / case managers	Bike parking requirement generated
<b>Medical Centre</b>	Employees – 1 space to each 8 practitioners	18 practitioners and 52 case managers	8 bike spaces for staff
	Visitor – 1 space to each 4 practitioners		17 bike spaces for visitors
<b>TOTAL REQUIRED</b>			<b>25 bike spaces</b>
<b>TOTAL PROVIDED</b>			<b>66 bike spaces for employees and residents and 8 spaces for visitors.</b>

Whilst the case managers are technically classified as practitioners, many of these workers will be centralised off site, requiring use of their car for visits. It is also not expected that all staff (70) will be on the site at any one time. Although there is no requirement for bicycle parking for a retirement village, it is considered that residents may use a bicycle. It is also noted that many of the patrons to the medical centre will be residents of the residential aged care facility and retirement village.

Therefore whilst the overall number of spaces meets the requirement for the proposed medical centre (25 spaces), more spaces have been allocated for staff and residents with only 8 spaces allocated to the medical centre for visitors.

Clause 52.34-5 requires a shower to be provided for 5 or more employee bicycle spaces that are required plus 1 space to each 10 employees thereafter. Whilst a

total of 8 bicycle spaces are required for staff, it is unlikely that this demand will be a reality given only 18 permanent staff will be located on the site (generating a demand of 2 bicycle spaces) therefore not creating a demand for shower facilities.

### **Environmentally Sustainable Development**

Clause 22.13 (Environmentally Sustainable Development Policy) requires the Submission of a Sustainability Management Plan. A report was prepared by Sustainable Development Consultants which includes a BESS assessment. The assessment has been undertaken to meet minimum sustainability policy provisions contained within the Planning Policy Framework and Local Planning Policy.

### **Removal of Native Vegetation and Landscaping**

Within the site there are currently approximately 240 trees on the site plus additional shrubs and native grasses. The majority of these trees have been planted within the last 50 years. Many of the trees are in poor condition due to their limited life span and lack of maintenance. A total of 42 trees are proposed for retention across the site. The development has also been designed to ensure retention of a number of trees located on adjoining properties.

A Planning Permit is required for removal of native vegetation from the land pursuant to Clause 52.17 whether they be trees, shrubs or grasses. A Biodiversity assessment has been prepared by Ecology and Heritage Partners which suggests that six (6) Indigenous Species of Flora is located on the land within 1.46 hectares of remnant patches and 1 scattered tree. The vegetation has a low contribution value in terms of the quality and contribution to the local and regional biodiversity. Accordingly, an offset approach is recommended.

The application was referred to the Department of Environment, Land, Water and Planning (DELWP) who had no objection to the removal of native vegetation subject to conditions relating to the protection of native vegetation to be retained and identifies the offset requirement of 0.050 biodiversity equivalence units to be attributed to Port Phillip Westernport Catchment Management Authority or Monash City Council.

Three street trees are proposed to be removed from the site due to requirements from VicRoads for a deceleration lane for entry to the site (from the north) and the provision of an upgraded bus shelter adjacent to the site which requires the relocation of the public pedestrian pathway to be within the title boundaries of the site. Council's Horticulture Team have raised concerns regarding the removal of Tree No. 6 as it is currently in good health. The applicant has advised that the street tree can be retained with the proposed path located adjacent to the street tree to be at grade (ie. no excavation). A condition of the Permit will reflect this change including the requirement of a Tree Management Plan to be submitted detailing how this tree and other trees to be retained on the site will be managed during construction.

An objection was received from the owner of 9 Renee Close, adjoining the subject site to the east. The objection included a request that three trees on the site adjoining the property be removed given their poor structure and overshadowing of their pool and solar panels. These trees are identified as No. 170, 171 and 172 within the Arborist Report prepared which are not identified as significant fauna species within the Biodiversity Report prepared by Ecology and Heritage Partners. These trees are also identified as being in poor condition due to their structure. The applicant is accepting of these trees to be removed and therefore a proposed condition will require an extension to the proposed citrus grove as replacement.

A Landscaping Plan has been prepared by John Patrick Pty Ltd which proposes landscaping within all areas of the site of varying sizes. Planting is proposed within the electricity transmission easement adjacent to the south of the site, with species limited to those which will not reach over 3 metres in height in accordance with requirements from the Power Authority. Nevertheless, this planting assists in breaking up the hard paved area of the car park.

A number of varied paving materials across the site are also proposed which assists with minimising the impact of large paved areas and directional movement across the site.

**CONCLUSION:**

The site is large in size and is able to accommodate a development of a larger scale with varied uses and an increase intensity of built form. The proposed buildings have been sited to ensure large setbacks from adjoining sensitive interfaces and between buildings to enable a high quality landscaping response across the site.

Whilst vegetation is proposed to be removed from the site, most trees are self-sewn and are of a poor quality. Where available, trees have been retained on the site, particularly within the perimeters of the site. An offset contribution will be provided in response to the removal of native vegetation from the site.

The proposed uses are compatible with the surrounding residential area and car parking is provided on the site to support these uses, therefore not resulting in overflow car parking to the street.

The proposal is appropriate in its built form given the locality and demonstrates a site responsive design on the subject land.

It is recommended that the application be supported.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.