

**1.3 55-63 HIGH STREET ROAD AND 8-10 HARROLD STREET, ASHWOOD
EXTENSION TO AN EXISTING RESIDENTIAL AGED CARE FACILITY
(TPA/51123)**

EXECUTIVE SUMMARY:

This application proposes to extend an existing aged care facility (known as ‘Grand Cedar’) located at 61-63 High Street Road, Ashwood (also incorporating 8 Harold Street) into the adjoining properties at 55 and 57-59 High Street Road and 10 Harold Street.

The existing aged care facility was granted a Planning Permit on 4 October 2013 (TPA/41390) and subsequently completed construction in late 2016.

The application was subject to public notification. Three (3) objections to the proposal have been received.

Key issues to be considered relate to the scale and massing of the building with respect to neighbourhood character, the removal of vegetation, impact of the proposal on traffic generation to and from the site, and the provision of bicycle spaces on the site.

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

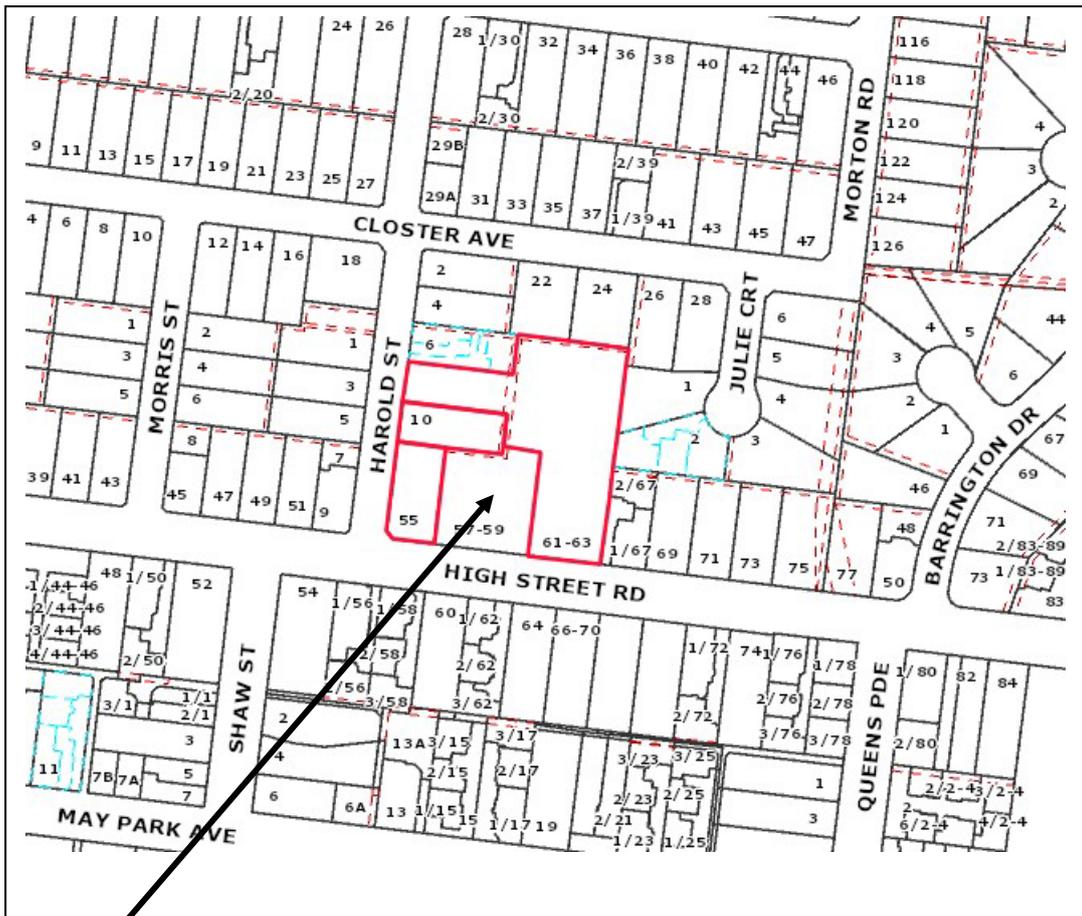
The reason for presenting this report to Council is the proposed development cost of \$19 Million.

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.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Mount Waverley
PROPERTY ADDRESS:	55-63 High Street Road and 8-10 Harrold Street, Ashwood
EXISTING LAND USE:	Existing Aged Care Facility (Grand Cedar), and four single dwellings.
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Three (3)

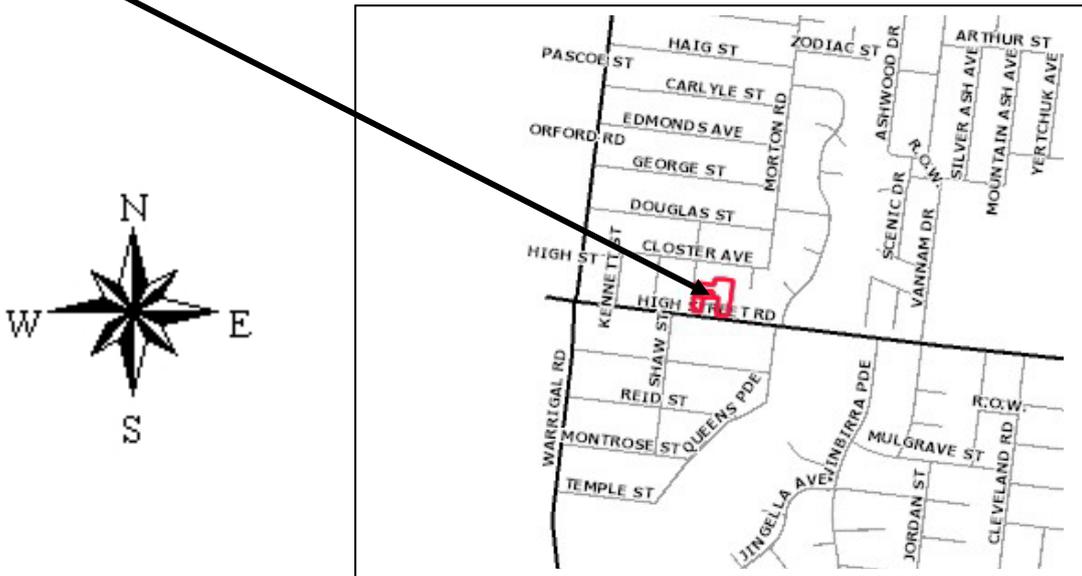
ZONING:	General Residential Zone, Schedule 3
OVERLAY:	Vegetation Protection Overlay, Schedule 1
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1S – Settlement Clause 11.02-1S – Supply of Urban Land Clause 15.01-1S&R – Urban Design Clause 15.01-2S – Building Design Clause 15.01-4S – Healthy Neighbourhoods Clause 15.01-5S – Neighbourhood Character Clause 15.02-1S – Energy and Resource Efficiency Clause 16.01-1S&R – Integrated Housing Clause 16.01-2S – Location of Residential Development Clause 16.01-3S&R – Housing Diversity Clause 16.01-4S – Housing Affordability Clause 16.01-7S – Residential Aged Care Facilities Clause 18.02-4S – Car Parking Clause 19.02-1S – Health Facilities	<u>Local Planning Policy Framework</u> Clause 21.04 – Residential Development Clause 22.01 – Residential Development and Character Policy Clause 22.13 – Environmentally Sustainable Development Policy <u>General & Particular Provisions</u> Clause 52.02 – Easements, Restrictions and Reserves Clause 52.06 – Car Parking Clause 52.34 – Bicycle Facilities Clause 53.17 – Residential Aged Care Facility Clause 53.18 – Stormwater Management in Urban Development Clause 65.01 – Approval of an Application or Plan
STATUTORY PROCESSING DATE:	22 May 2020
DEVELOPMENT COST:	\$19 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51123)** for the construction of buildings and works (extension to an existing residential aged care facility), removal of vegetation in a vegetation protection overlay, removal of an easement, alter access to a Road Zone Category 1 and a reduction of the standard bicycle parking requirement, at 55-63 High Street Road and 8-10 Harrold Street, Ashwood, subject to the following conditions:

Amended Plans Required

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, Revision D dated 26 February 2020 but modified to show:
 - a) The retention of all street trees adjacent to the site.
 - b) The provision of three additional street trees on Harold Street adjacent to No.55 High Street Road in accordance with Condition 15 of this Permit.
 - c) Front fencing to Harold Street (including adjacent to 61-63 High Street Road) amended to be a palisade (black metal) fence with a maximum height of 1.2 metres. All other front fencing is to be removed (including existing fencing to the eastern side of the landscaped planter fronting Harold Street associated with 61-63 High Street Road).
 - d) Height and detail of fencing dividing the proposed courtyard areas fronting Harold Street. Any fencing should not exceed the height of the proposed planter / retaining wall.
 - e) Alteration of the enclosure to the existing gas meter within the Harold Street frontage, to be reduced in height as much as possible and to utilise a material which is similar to the proposed front fencing if permissible by the relevant service authority.
 - f) The proposed retaining wall to Harold Street to be lowered by 500mm to be a height of 1.9m above the courtyard level.
 - g) A minimum headroom clearance of 3.35 metres to be provided to accommodate loading and waste vehicle access within the lower ground area.
 - h) Provision of a 1m blind aisle extension at the north end of both aisles of the car park (bay 15, 16, 32 and 33).

- i) Provision of a 1m blind aisle extension at the south end of aisle of the car park (bay 25 and 42).
- j) The designation of any visitor car spaces are to be within the car parking area within the existing building with appropriate signage.
- k) Landscape plan in accordance with Condition 3 of this Permit.
- l) Tree Management Plan in accordance with Condition 4 of this Permit.

Layout not to be altered

2. The development, use and removal of easement as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscape Plan

3. 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 Plan prepared by Urbis, dated 21 February 2020, except that the plan must show:
 - a) Three street trees on Harold Street to be planted and maintained by Council;
 - b) Landscaping introduced to the proposed second floor balconies fronting Harold Street, allowing the landscaping to cascade down the balustrade; and
 - c) Any changes as required by Condition 1 of this Permit.

Tree Management Plan

4. 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 Tree Nos. 56 (as identified in the Arborist Report submitted with the application, prepared by Galbraith & Associates) and all street trees adjoining the site.

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. 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:
 - i. Tree protection zones and structural root zones of all trees to be retained,
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of footings within any tree protection zones;
 - iv. 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
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) 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.
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d) 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.

Construction Management Plan

5. Prior to the commencement of any site works (including demolition and 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) A Traffic Management Plan showing truck routes to and from the site;
- k) 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;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) 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;
 - No works are permitted on Sundays or Public Holidays.

Ongoing Plan Requirements

6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan, Waste Management Plan, Tree Management Plan and Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use and Operation

7. The amenities and other communal facilities must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.

8. Prior to the occupation of the buildings approved by this Permit, a Manager (or suitably authorised delegate) must be present on the land at all times.
9. 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.
10. 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;
 - e) others as appropriate.To the satisfaction of the Responsible Authority.

Condensers

11. No air-conditioning or cooling units, condensers and the like are to be located on roofs, external walls or on balconies without the prior written consent of the Responsible Authority.

Waste Collection

12. Waste collection only to be carried out within hours prescribed by EPA guidelines.

Landscaping and Trees

13. 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.
14. 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.
15. Prior to the occupation of the buildings allowed by this Permit, the provision of three street trees must be planted to the satisfaction of Council. Please contact Council's Horticulture Department to arrange planting and establishment of trees.

16. All trees specified in the endorsed Tree Management Plan are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the Responsible Authority.
17. Before any development (including demolition) starts on the land, a tree protection fence must be erected around the Street Trees located adjacent to 57-59 High Street and 10 Harold Street and Tree No. 56 to define a "Tree Protection Zone" as detailed in the endorsed Tree Management Plan. The fence must be constructed as specified in the endorsed Tree Management Plan. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
18. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.
19. All buildings and works within the Tree Protection Zone and Critical Root Zone as specified in the endorsed Tree Management Plan must be supervised by a suitably qualified and experienced arborist, to the satisfaction of the Responsible Authority.
20. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

Car Parking and Driveways

21. Before the occupation of any buildings approved by this Permit, 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.
 - f) Parking areas and access lanes must be kept available for these purposes at all times.

22. 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.
23. No less than 74 car spaces must be provided on the land to the satisfaction of the Responsible Authority prior to the occupation of the development.
24. All loading and unloading of vehicles must be carried out within the boundaries of the land/ designated loading bay 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.

Ongoing Architect Involvement

25. 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.

Department of Transport Conditions (ref: 31719/19)

26. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
27. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
28. Vehicles must enter and exit the land in a forward direction at all times.
29. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

Yarra Valley Water Conditions (ref: 431431)

30. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
31. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Stormwater

32. 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.
33. 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.

Time for Starting and Completion

34. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- a) The development has not commenced before two (2) years from the date of issue; or
 - b) The Plan of Removal of Easement is not certified within two (2) years from the date of the Planning Permit.
- or
- c) The development is not completed before four (4) years from the date of issue; or
 - d) The Plan of Removal of Easement is not registered within five (5) years of the date of Certification.

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

- (i) within six (6) months afterwards if the development has not commenced or the plan has not been certified; or
- (ii) 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 starting of a subdivision (removal of easement) is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under Section 6 of the *Subdivision Act 1988*. Completion is regarded as the registration of the subdivision.
- B. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.

- C. 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.
- D. The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the easement to be constructed to Council standards. (A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- E. The provision of new street trees is to be arranged and planted by Council's Horticulture Department. A contribution payment may be required for this planting.
- F. The northern boundary easement of 57 and 59 High Street Road, the western boundary easement of 61 and 63 High Street Road and the eastern boundary easement of 8 and 10 Harold Street are to be expunged. The existing stormwater pipe infrastructure in these easements will no longer be maintained by the Council.
- G. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- H. Department of Transport Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 2017, and any other relevant acts or regulations created under those Acts.

BACKGROUND:

History

Planning Permit TPA/41390 was issued for the development of the land for the purpose of a residential aged care facility, vegetation removal and alteration of access to a road in a Main Road Zone Category 1 on 4 October 2013 for the land at 61-63 High Street Road and 8 Harold Street, Ashwood.

This Permit was acted upon and the aged care facility known as Grand Cedar Aged Care, as proposed was constructed. The aged care facility is located on a large 'L' shaped allotment with frontages to High Street Road and Harold Street. Primary

access is from High Street Road. The building is two storeys in height with a french provincial architectural style (presenting as single storey to Harold Street). The existing facility provides for 67 aged care rooms.

The High Street Road frontage features two connecting crossovers, with a driveway leading to a basement car park and a porte cochere located within the front setback of the site. The car park has a total of 33 car spaces. A large cedar tree is located within the frontage of the site.

The Harold Street interface presents with a single storey building which is cut into the ground with a landscaped planter located along the frontage of the site.

The building presents as a french provincial style with the use of render and brick with ornamental detailing.

An existing 1.8m high rendered brick fence and steel picket fence is located along the High Street Road and Harold Street frontages of the site. A secondary fence is located behind the primary fence along the Harold Street frontage of the site which provides a barrier from the courtyard area and landscaped planter.

The Site and Surrounds

The subject site is located on the north eastern corner of High Street Road and Harold Street. The site is located approximately 280 metres east of Warrigal Road. A commercial area is located along Warrigal Road which is known as the Ashwood Neighbourhood Activity Centre.

High Street Road is a Category 1 (Department of Transport) Road, whilst Harold Street is a local road. It is noted that restricted parking has recently been installed including 2 hour parking on the western side of Harold Street 8am-6pm Monday to Friday, and no standing signs set back from the intersection from High Street Road to improve traffic safety in this location. High Street Road is a clearway on the northern side (adjacent to the site's frontage) between 4pm and 6:30pm Monday to Friday and has 1 hour parking restrictions 7am-4pm Monday to Friday.

The site includes the land as described above (61-63 High Street Road), plus the properties of 55 and 57-59 High Street Road, and 10 Harold Street. Together, the lots make up a total site area of 7466sqm.

No. 55 High Street Road is located on the corner of High Street Road and Harold Street. The site is currently occupied by a single storey detached brick dwelling. A high timber paling fence is located along the majority of the Harold Street frontage of the site whilst a low brick fence is located along the High Street Road frontage and part of the Harold Street interface. Vehicle access to the site is via High Street Road, leading to a garage located on the eastern side of the dwelling. A recently planted street tree is located adjacent to this property within the High Street Road naturestrip. The south-west corner of the title boundary is splayed.

No. 57-59 High Street Road is occupied by five (5) single and double storey brick units. Three canopy trees are located along the frontage of the site including a Cypress Tree, Pepper Tree and Brush Cherry Tree. High brick fencing is set back from the frontage of the site surrounding the secluded private open space of the two front units. A 1.8m wide easement is located along the rear (northern) boundary of this site. Vehicle access to the site is via a double width crossover on High Street Road, located central of the frontage. Two street trees are located adjacent to the site. One being recently planted.

No. 10 Harold Street is currently vacant. Temporary wire fencing is located along the frontage of the site. A large street tree is located adjacent to the site within the naturestrip on Harold Street. A vehicle crossover is located on the northern side of the frontage.

The site has a significant fall from the west to the east of approximately 5 metres.

The location of the proposed works do not have any direct abutments, noting that the existing buildings to be retained at 61-63 High Street Road remains at the interface with these adjoining properties.

Surrounding properties are residential in nature, typically of single and double storey scale with a pitched roof form. A mixture of single dwellings and multi-unit developments are present within the surrounding area. High Street Road includes some more robust development and varied uses such as a childcare centre.

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

PROPOSAL:

The proposal seeks to provide a new 2-3 storey extension to the existing aged care facility. More specifically, the proposal is detailed as follows:

- A new aged care wing with a total of 63 new residential rooms (total of 130 rooms).
- A new basement car park which is proposed to be accessed via the existing vehicle crossover on High Street Road. The proposed basement will add an additional 42 car parking spaces (total of 74 car spaces) and a loading bay.
- Additional communal facilities including a cinema, internal garden courtyard, hair salon and spa/wellness centre and winter gardens are proposed.
- The existing facility is proposed to be upgraded including a new entrance lobby and reception area, new entry lounge / coffee shop/bar and activities room.
- An existing car space (No.33) is proposed to be deleted within the basement to allow for additional waste storage.

- The existing porte cochere located within the High Street Road frontage is to be replaced with a more lightweight, suspended contemporary structure.
- Removal of vegetation on the site, including trees No. 57 and 58 located within the front setback of 57-59 High Street Road.
- The maximum building height proposed is 15.65 metres.
- The proposed extension is to be contemporary in nature with a flat roof form and a mixture of materials including brick and stone cladding.
- New front fencing proposed including a 2m high rendered wall and steel picket fence to High Street Road and a 1.5m high rendered wall and steel picket fence to Harold Street.

As part of this proposal, the northern boundary easement of 57 and 59 High Street Road, the western boundary easement of 61 and 63 High Street Road and the eastern boundary easement of 8 and 10 Harold Street are to be removed.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

General Residential Zone

Pursuant to Clause 32.08-2, a Planning Permit is not required for the use of the land for a Residential Aged Care Facility.

Pursuant to Clause 32.08-8, a Permit is required to construct a building or construct or carry out works for a residential aged care facility. A development must meet the requirements of Clause 53.17 – Residential Aged Care Facility.

It is noted that the provisions of Clause 32.08-4 (Minimum garden area requirement) and Clause 32.08-10 (Maximum building height requirement for a dwelling or residential building) apply only to a 'residential building' or 'dwelling' and not 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.

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, as well as amendments to the plans to provide for conformity with living standards for apartments.

Vegetation Protection Overlay

Pursuant to Clause 42.02, a Permit is required to remove vegetation that has a trunk circumference of greater than 500mm at 1200mm above ground level and is higher than 10 metres. A Permit is required to remove Tree 56 (Bhutan Cypress), Tree 57 (Pepper Tree) and Tree 58 (Brush Cherry). It is noted that plans have been amended to retain tree 56 (Bhutan Cypress).

Particular Provisions

A Permit is required to remove an easement pursuant to Clause 52.02 (Easements, Restrictions and Reserves).

On site car parking provision satisfies planning scheme requirements and therefore a Permit is not required pursuant to Clause 52.06 (Car Parking).

There is no native vegetation on the land and therefore a Permit is not required pursuant to Clause 52.17-1 (Native Vegetation). Native vegetation as defined in the Planning Scheme includes plants that are Indigenous to Victoria.

Pursuant to Clause 52.29, a Permit is required to alter access to a Road Zone Category 1.

Pursuant to Clause 52.34 a Permit is required to reduce the bicycle parking requirements.

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 19 December 2019. In this letter, officers also raised the following preliminary concerns:

- Further justification for the removal of vegetation on the land.
- Poor interface to Harold Street given the sunken nature of rooms, lack of connection to the street and the presence of courtyards which limits available planting within this space.
- Whilst the section diagram prepared within the architectural plans for the retaining walls facing Harold Street show two areas for planting, this is not reflected on the landscape plans provided. It is also considered that the 400mm wide planter space is not sufficient to provide any substantial planting.
- The height of the fence fronting Harold Street should be reduced to 1.5 metres in height.

The Permit Applicant responded to this letter on 28 February 2020 by providing the requested information. In relation to the preliminary concerns, the Applicant provided a further detailed Arborist Report, reduced fencing height to Harold Street and provided further detail and minor adjustments to the retaining walls and planters to Harold Street.

The Applicant was advised on 18 May 2020 that this application was coming to the June 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 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 application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of 50 letters sent to the surrounding property owners/occupiers, and signs displayed on both Harold Street and High Street Road.

Three (3) objections were received for the application which raised the following concerns:

- Overflow parking from both staff and construction workers on Harold Street and Closter Avenue and subsequent safety concerns due to narrowness of street;
- Lack of transition in setback to Harold Street; and
- Removal of Vegetation from the site.

These matters are addressed in the report below.

Attachment 4 details the location of objector properties.

Referrals

Department of Transport (Determining Referral Authority) – (Ref: PPR31719/19)
– No objection subject to conditions.

Yarra Valley Water – No objection subject to conditions. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water and sewerage services.

Horticulture – No concerns subject to conditions.

Traffic Engineering – No concerns subject to conditions, including minor alterations of the proposed basement surrounding car parking spaces 15, 16, 25, 32, 33 and 42 to ensure efficient vehicle movement and increased headroom height to allow for deliveries and the waste vehicle.

Drainage Engineering – No concerns subject to conditions. The easements proposed to be removed including the northern boundary easement of 57 and 59 High Street Road, the western boundary easement of 61 and 63 High Street Road and the eastern boundary easement of 8 and 10 Harold Street are to be expunged. The existing stormwater pipe infrastructure in these easements will no longer be maintained by the Council.

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.

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. The Subject Site is located within the Principal Public Transport Network, due to its proximity to Warrigal Road with a designated bus lane. The site is also walking distance to the Ashwood Activity Area.

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. Part of the site (61-63 High Street Road) is currently used as a Residential Aged Care Facility, and the proposal seeks to extend this existing facility. The extension will occur on land which is surrounded by the existing facility and therefore does not directly abut any residential properties which reduces its direct impact to the established residential area. It is therefore considered that the use in this location is entirely appropriate, allowing for more capacity to the existing facility.

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 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. Clause 22.01 identifies that within the Garden City Suburbs (Northern) area, there will be some change to the houses within the area, however developments should still provide for generous setbacks with leafy surrounds. Trees should be maintained wherever possible to maintain the established leafy character.

Built form, scale and Neighbourhood Character

The proposal provides for a 7.6 metre setback (with some architectural encroachments of 600mm) of the built form from High Street Road. This setback is consistent with the setback requirements prescribed in Clause 53.17 (Aged Care Facilities) and the schedule to the Zone. The development fronting to High Street Road provides for tiered retaining walls for planting, and the retention of the existing conifer within the front setback of 57-59 High Street Road (Tree No. 56). The main entrance point to the building including a drop off and pick up area within the site will be maintained.

The proposed building extension, contrasting to the existing aged care facility on the site, is to be of a modern contemporary design with a flat roof form. A mixture of materials are proposed including brick and cement render, with strong framing elements to the design and large glazed windows.

Due to the slope of the land, the overall building is staggered in height along the High Street frontage of the site and will present in total as three building modules of varying heights. The highest part of the building is the central building module, which presents as 3.5 storeys (13.65 metres) adjacent to the existing building. A tempered response has been provided to this interface given its visibility due to the slope of the land with the use of varied materials, fenestration and planters to help soften this interface.

The proposed extension facing Harold Street is a two storey form, with the building cut into the land to allow for the building to remain on one level with the existing building, without the need for ramps or stairs. Therefore the building will present similarly to a single storey building to the street. Clause 53.17-2 specifies that setbacks of sideages to buildings on a corner site may be reduced to 2 metres. The proposed setback is 4.62 metres which exceeds this requirement. Rooms facing Harold Street at the ground level will have individual courtyards with rooms on the first floor having balconies overlooking the street which will improve passive surveillance.

A 2 metre high rendered wall and 1.8m high steel picket fencing is proposed along High Street Road whilst fencing is reduced to 1.5m to the Harold Street interface. Fencing on Harold Street is proposed to replace existing fencing associated with 61-63 High Street Road to allow for a cohesive response to this frontage. Existing fencing on High Street Road adjacent to 61-63 High Street Road is proposed to be retained. Fencing proposed to High Street Road is considered acceptable given its main road location, allowing for a more robust response.

To Harold Street, a more tempered response is required due to the local road presentation, the reduced building setback and the sunken presentation of the building. Whilst the setback complies with the Planning Scheme, the sunken nature of the building in conjunction with the proposed fencing provides for a disjointed approach at this interface. It is therefore proposed that the front fencing be reduced to 1.2 metres in height, with an open palisade style fence to allow for greater visibility. It is also proposed that the planter and retaining wall adjacent to the frontage be reduced in height by 600mm to allow for a stepping in this form, also reducing the barrier internally for residents from the street. Proposed conditions of the Permit will seek these changes to improve the presentation to Harold Street.

It is also important that the development provides a cohesive response to the existing building fronting Harold Street which is to be retained. This will be achieved by introducing common front fencing to the street for the entire frontage. Further to this, a proposed condition will require the deletion of the fencing located behind the front fencing to 61-63 High Street Road and review of the materiality and height of the enclosure to the existing gas meter.

To improve the interface with Harold Street, the applicant has also agreed to the planting of street trees. Aerial photographs indicate that two street trees had been removed from this interface in approximately 2006. Council's Horticulture Department have advised that three new street trees could comfortably be planted within the Harold Street naturestrip adjacent to the site in addition to the existing street tree to be retained. A proposed condition will require that planting and maintenance of these new street trees are undertaken following permission from Council's Horticulture Department.

Removal of Vegetation & Landscaping

The site is located within the Vegetation Protection Overlay. A Permit is sought to remove two trees from the site including Tree 57 (Pepper Tree) and Tree 58 (Brush Cherry) which are both located within the front setback of 57-59 High Street Road. The trees are currently impacting the footpath and are compromised due to the location of the powerlines.

The objective of the Vegetation Protection Overlay is to *'conserve significant treed environments and ensure that new development complements the Garden City Character of the neighbourhood'*.

Clause 22.05 (Tree Conservation Policy) also applies to all land in the Municipality which seeks to promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.

It is considered that the removal of vegetation sought is acceptable given the quality of vegetation being removed, the retention of two large canopy trees on High Street Road and the replacement of appropriate planting across the site including the provision of three new street trees.

Proposed planting allows for four new canopy trees on High Street Road (Princeton Upright Sophora) which grows to a height of 12 metres, and two canopy trees within the internal courtyards of the development (Japanese Zelkova) which grow to a height of 14 metres. Trees along the Harold Street frontage are smaller in stature, growing to a height of 6-7 metres, however will provide for an appropriate response to this secondary frontage.

Amenity Impacts

Clause 53.17 is applicable for the assessment of the proposed Residential Aged Care extension which provides guidance on elements such as internal amenity, external amenity and setbacks.

External Amenity

External amenity impacts are limited due to the location of the proposed works which are surrounded by the existing buildings on the site. Therefore the proposal will not result in any unreasonable overlooking or overshadowing.

Internal Amenity

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

- Provision of a drop off / pick-up area is maintained to the front of the existing building with a newly proposed porte cochere. The new building will be connected to the existing entrance via a pedestrian link within the building. Lift access is provided to each level of the proposed extension.
- The proposed addition will provide for additional car parking for staff, in addition to a designated loading area for deliveries, waste collection and emergency vehicles.
- Communal facilities within the existing building are proposed to be renovated, whilst new facilities are also proposed within the addition including a cinema, medical facilities, hair salon and spa.
- A variety of room sizes and types are proposed to allow for a range of services and price points.
- An internal courtyard is added between the existing and proposed buildings, providing for an improved outlook for these communal spaces. An outdoor courtyard area, winter gardens at each level and rooftop terrace area is also proposed within the new addition for residents.
- 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.
- Inward facing windows to the internal courtyard area are separated by 9 metres to reduce internal overlooking.
- No window screening is required to the buildings to prevent overlooking to adjoining properties given the location of existing buildings on the site, thereby improving the internal amenity and outlook for residents.
- Internal corridors have been designed to be provided with appropriate light and ventilation.

Car Parking, traffic and access

The existing car parking provision on the site is as follows:

Existing

Use	Number of lodging rooms	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Residential Aged Care Facility	67	0.3 spaces to each lodging room	20 spaces	33 spaces (+13)

The requisite car parking spaces required under Clause 52.06 are shown in the following table:

Proposed

Use	Number of lodging rooms	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Residential Aged Care Facility	136	0.3 spaces to each lodging room	40 spaces	74 spaces (+34)

Accordingly, the provision of 74 car spaces on the site exceeds the requirements of Clause 52.06 and no car parking reduction is sought.

It is acknowledged that currently overflow parking has been occurring within Harold Street from staff. It is considered that with the additional car spaces (34 spaces over the statutory requirement), that all car parking can be accommodated on the site. It is also noted that car parking restrictions have been implemented on the western side of Harold Street (2 hour parking 8am-6pm Monday to Friday) further encouraging staff to park onsite.

The location of vehicle access to the site from High Street Road is proposed to be retained, with all existing and proposed car parking areas accessed from the circular drive area. The application was referred to the Department of Transport given an increase to traffic volume expected from this proposal who had no objection to the proposal. The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

The headroom clearance in the traffic report for the loading area specifies a height of 3.35 metres, however this is not reflected on the plans provided. A proposed condition will require a minimum headroom clearance of 3.5 metres for the proposed loading area as per the recommendations of Council's Traffic Engineers to allow for access for the waste vehicle, delivery vehicles and emergency services.

Ramp grades to the proposed lower basement car park are not conventional for the first 5 metres, however it meets the overall objective of the requirement of Clause 52.06-9 and Council's Traffic Engineers are satisfied with this response.

Council's Traffic Engineers have also requested that additional separation be provided between car spaces and walls in accordance with Clause 52.06-9 of the Monash Planning Scheme to improve movements. It is anticipated that this can be achieved with minor adjustments (noting a setback currently of 450mm).

Bicycle Parking

The requisite bicycle parking spaces pursuant to Clause 52.34 are shown in the table below:

Use	Number of lodging rooms	Clause 52.34 Requirement	Bicycle spaces required	Bicycle spaces provided
Residential Aged Care Facility	136 (additional 63 rooms)	1 to each 10 lodging rooms for resident / employees 1 to each 10 lodging rooms for visitor / customers	6 additional resident spaces 6 additional visitor spaces	8 existing spaces 0 proposed spaces

Therefore a reduction in the number of spaces are sought for the proposed additional rooms.

The applicant has indicated that in their experience, the rates are not appropriate or realistic for this type of facility given the residents accommodated in this aged care facility tend to have limited physical ability, and staff tend to work in shifts therefore not being conducive to travelling to work by bicycle. Currently, no staff on the site ride to work and the existing spaces are underutilised.

It is therefore considered that the retention of the 8 spaces on the site will be sufficient for the proposed extension.

Waste Collection

Waste collection facilities for the aged care facility will remain from the existing car park. The bin storage area is proposed to be increased in size (by the deletion of 1 car space) to accommodate the additional area. A bin wash area is proposed within the building extension within the loading area. Clinical waste will also be accommodated in this area, however hazardous waste will be collected by a separate contractor directly from medical rooms. Collection will be undertaken during times specified by the EPA to ensure no unreasonable noise impacts to adjoining properties.

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 Easement

Clause 52.02 allows for the removal and variation of an easement to enable use or development that complies with the planning scheme after the interests of affected people are considered. The easement on the northern boundary of 57 & 59 High Street Road, the western boundary easement of 61 & 63 High Street Road and the eastern boundary easement of 8 & 10 Harold Street are proposed to be removed. The easements contain drainage and sewerage services.

Given the consolidation of the land, the easement benefits only the owner associated with this development application and is considered acceptable. The easement is to be expunged and the existing stormwater pipe infrastructure in these easements will no longer be maintained by Council.

The relevant referring authorities offered no objection to the removal of the easements.

Response to Objections not addressed within Body of Report

- Lack of transition in setback to Harold Street – It is considered that the setback of the proposed building form is acceptable, with the conditions proposed to ensure that sufficient landscaping can be provided along this interface. The proposed building form will be read as a sideage to the building, whilst the existing building fronting Harold Street appears as frontage to the building. The architectural styles of these two building elements will differ considerably, and will be viewed as two distinct buildings.
- Overflow of car parking from staff into Harold Street and Closter Avenue – the proposal provides for car parking in excess of the Planning Scheme requirements. The proposal provides now an additional 34 spaces than what is required, therefore resulting in a reduced likelihood of any overflow parking.

CONCLUSION:

The proposed development will provide for a high quality building for not only future residents, but also existing residents of the Grand Cedar. The location and use of the land which previously sat surrounded by the Grand Cedar is considered entirely appropriate for an extension to the aged care facility. The proposal provides for sufficient car parking provision on the site, and will not result in unreasonable additional traffic congestion surrounding the site.

The proposed built form has responded to the different contexts of High Street Road and Harold Street, and have provided for a well-tempered design response which whilst vastly different to the architectural design of the current building, will provide for a seamless transition from old to new within the site, subject to proposed conditions requiring some minor design changes to the structures and landscaping within the front setback of Harold Street.

Whilst vegetation is proposed to be removed from the site, a new and well-designed landscaped setting will be provided for the new development in which new canopy trees are provided sufficient space and in a location to thrive, and supported by the addition of street trees.

It is therefore recommended that approval be granted for the application subject to conditions.

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.