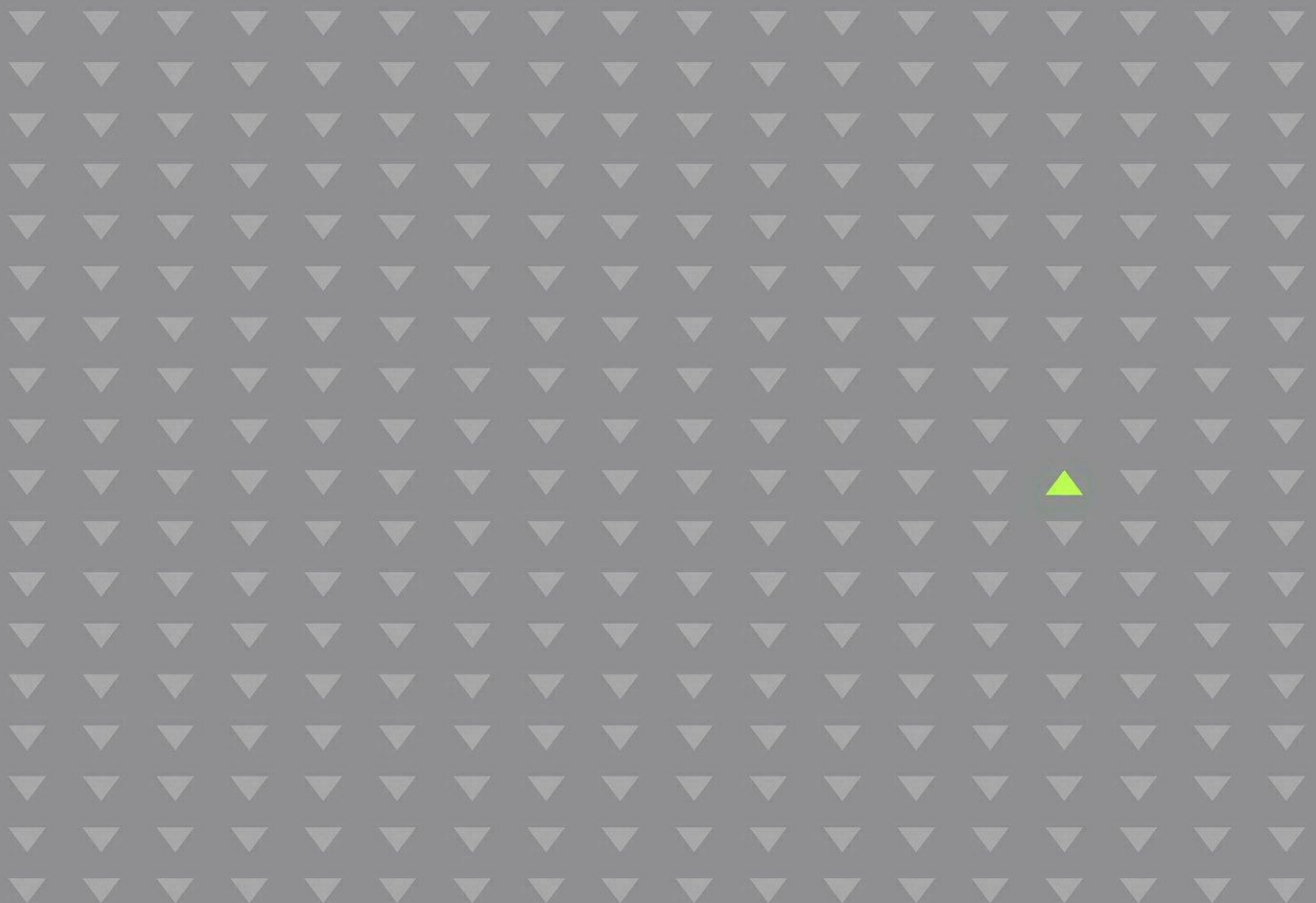




Urban Planning Collective

Planning submission

62-94 Jacksons Road, Mulgrave
April 2022





Planning submission

62-94 Jacksons Road, Mulgrave

1.0	BACKGROUND AND INTRODUCTION	5
2.0	THE SITE AND ITS CONTEXT	7
2.1	Site Context	7
2.2	The Application Site	7
2.3	The Immediate Surrounds	10
2.3.1	To the North	10
2.3.2	To the East	11
2.3.3	To the South	12
2.3.4	To the West	13
2.4	Community Facilities and Services and Public Transport	13
3.0	PROPOSED AMENDMENTS	15
3.1	Proposed Amendments	15
3.1.1	Overview	16
3.1.2	Design Response	17
3.1.3	Materials and Finishes	18
3.1.4	Car Parking and Traffic	19
3.1.5	Waste Management	19
3.1.6	Landscaping	20
3.2	Proposed Amendments to the Planning Permit	20
4.0	RELEVANT PLANNING CONTROLS	22
4.1	Zoning	22
4.2	Overlays	23
4.3	Particular Provisions	23
4.3.1	Clause 52.06 – Car Parking	24
4.3.2	Clause 52.17 – Native Vegetation	25
4.3.3	Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	25
4.3.4	Clause 53.17 – Residential Aged Care Facility	25
4.3.5	Clause 53.18 – Stormwater Management in Urban Development	26
4.3.6	Clause 65 Decision Guidelines	26
5.0	RELEVANT PLANNING POLICIES	27
5.1	Planning Policy Framework (PPF)	27
5.2	Local Planning Policy Framework (LPPF)	28
5.3	Current Planning Scheme Amendments	31
5.3.1	Planning Scheme Amendment C148 – Update to the Public Open Space Contribution Rates	31
6.0	PLANNING ASSESSMENT	32



6.1	Is the amended proposal supported from a planning policy perspective?	32
6.2	Does the amended proposal achieve an appropriate neighbourhood character outcome?	33
6.3	Will the amended proposal deliver reasonable on-site amenity?	45
6.4	Will the amended proposal have any unreasonable off-site amenity impacts?	46
6.5	Is the amended proposal consistent with the development requirements of Clause 53.17 (Residential Aged Care Facility)?	48
6.6	Is the proposed extent of native vegetation removal acceptable?	55
6.7	Have matters of transport been adequately addressed?	55
7.0	CONCLUSION	57

LIST OF FIGURES

Figure 1: The Locational Context	7
Figure 2: Existing Plan of Subdivision	8
Figure 3: Aerial Photograph of the Subject Site and Surrounds (source: Nearmap)	8
Figure 4: Photograph of the Subject Site looking east (along the power transmission easement)	9
Figure 5: Photograph of the Subject Site looking north	9
Figure 6: Photograph of the Subject Site looking west	10
Figure 7: Photograph of the northern adjoining property, the Stirling Theological College, from the Subject Site	11
Figure 8: Photograph of the adjoining properties to the north and east from the Subject Site	11
Figure 9: Photograph of the Subject Site's eastern interface (southern end)	12
Figure 10: Photograph of No. 20 Dougherty Court, an adjoining eastern property	12
Figure 11: Photograph of the Subject Site's southern interface	13
Figure 12: Melways Map (Source: Melways Map Online)	14
Figure 13: Proposed Staging Plan (Source: Via Architects)	17
Figure 14: Render of the proposed development viewed from Jacksons Road (Source: Via Architects)	18
Figure 15: Render of the central building's north entrance and central garden view (Source: Via Architects)	19
Figure 16: Zoning Map	22
Figure 17: Excerpt of Map 1 in Clause 22.01 (Residential Development and Character Policy) (Source: Monash Planning Scheme)	29
Figure 18: Render of the proposed development when viewed from the southern end of Jacksons Road (Source: Via Architects)	34
Figure 19: Section C showing views from 18 Dougherty Court (Source: Via Architects)	47



Figure 20: Comparison of views from 18 Dougherty Court between proposed and approved scheme without landscaping (Source: Via Architects)47

LIST OF TABLES

Table 1: Assessment against Clause 22.02 (Residential Neighbourhood Character Policy) design objectives 45

Table 2: Assessment against Clause 53.17 (Residential Aged Care Facility) development requirements..... 55

LIST OF ATTACHMENTS

Attachment 1: Track Changes of the Proposed Amendments to the Planning Permit



1.0 BACKGROUND AND INTRODUCTION

This report has been prepared on behalf of Ryman Healthcare, the prospective new owners and developer of the land at 62-94 Jacksons Road, Mulgrave.

The subject land benefits from Planning Permit TPA47359, which was issued on 1 April 2020, and allows 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.*

Since the Planning Permit was issued, Ryman Healthcare has entered a contract to purchase the subject land from Villa Maria Catholic Homes.

Ryman Healthcare specialises in the delivery of aged care and retirement living facilities throughout Victoria and New Zealand. Examples of residential aged care and retirement living delivered and managed by Ryman Healthcare include the Weary Dunlop Retirement Village and Nellie Melba Retirement Village in Wheelers Hill and John Flynn Retirement Village in Burwood East.

Ryman Healthcare now seeks to amend the Permit and associated plans and reports pursuant to Section 72 of the *Planning and Environment Act (1987)* to bring the approved development in line with their functional and design requirements of the site. It is still proposed to use and develop the site for the purposes of an integrated aged care and retirement living facility, however the proposed retirement living product type and built form is proposed to be reconfigured and the medical centre deleted. Overall, the scale and intensity of development is generally proposed to be reduced, when compared with the permitted scheme.

This amendment request follows a pre-application meeting with Council officers Alexandra Wade and Anne Maree Roberts on 19 October 2021.

The subject site remains in the Neighbourhood Residential Zone and Schedule 4 'Dandenong Valley Escarpment Areas' (NRZ4) applies. The subject site is not affected by any overlay controls.

The amended proposal does not seek any permission that is not already granted in the Permit, being:

- Use of the land for a retirement village under Clause 32.09-2 (NRZ4).
- Buildings and works associated with a retirement village and a residential aged care facility under Clause 32.09-8 and 32.09-9 (NRZ4), respectively.





- Alteration of access to a road in a Transport Zone 2, under Clause 52.29; and
- Removal of native vegetation under Clause 52.17-1.

This planning submission describes the site and broader urban context in which the site is located and the amended development proposal. It also identifies the relevant and applicable planning controls and policies set out in the Monash Planning Scheme and provides an assessment of the amended proposal against these policies and controls.

This submission should be read in conjunction with the following material:

- Architectural drawings prepared by Via Architects;
- A Traffic and Transport Assessment prepared by TraffixGroup;
- Development Impact Report prepared by Axiom Tree Management;
- A Biodiversity Assessment prepared by Ecology & Heritage Partners;
- A Waste Management Plan prepared by LID Consulting;
- A Landscape Masterplan prepared by Brendan Papworth;
- A Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec;
- A Sustainable Management Plan prepared by Bestec; and
- A track changes version of the proposed amendments to the Planning Permit.



2.0 THE SITE AND ITS CONTEXT

2.1 SITE CONTEXT

The subject land is located on the eastern side of Jacksons Road, approximately 650 metres north of its intersection with the Monash Freeway. The location of the subject site location is illustrated in Figure 1 below.



Figure 1: The Locational Context

2.2 THE APPLICATION SITE

The site is rectangular in shape with a frontage to Jacksons Road of approximately 230 metres and a depth of approximately 205 metres. The site has a total area of approximately 4.6 ha and the land has a considerable fall of approximately 10 metres from the south-west corner to the north-east corner, where the slope is most obvious.

The site is formally described as Lot 1 on Plan of Subdivision 642278 and is not affected by a restrictive covenant, however, it contains several easements comprising:

- A 36.58 metres wide transmission of electricity easement (E-1 and E-4) along the southern boundary.
- A 3 metres wide drainage and sewerage easement (E-2) in the north-eastern corner.
- A 1.5 metres wide transmission of electricity easement (E-3) north of Easement-1.
- A 2.5 metres wide footpath easement (E-5) along part of the western boundary.



Please refer to an excerpt of the Plan of Subdivision in Figure 2 below.

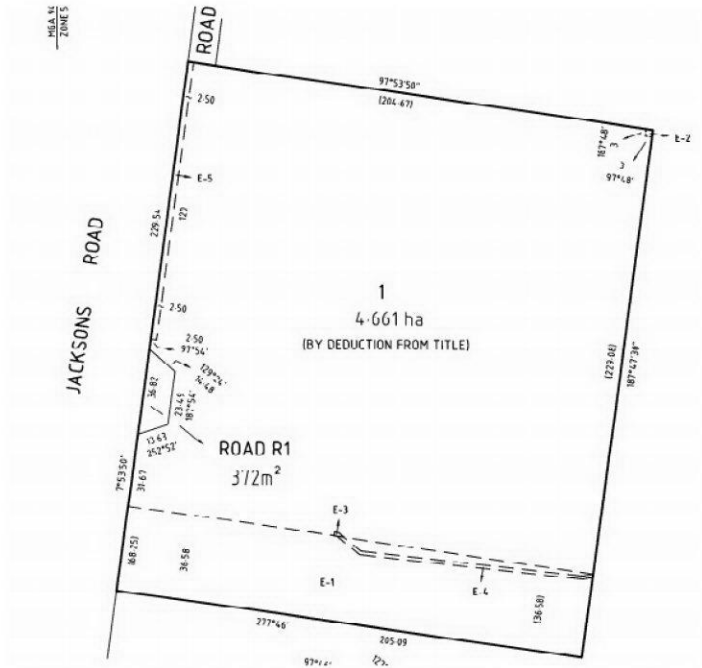


Figure 2: Existing Plan of Subdivision

The site is largely vacant, currently comprising an outbuilding, trees and a driveway (refer to Figure 3 below). There has been no substantial change to the existing conditions of the subject site since the Permit was granted in 2020.



Figure 3: Aerial Photograph of the Subject Site and Surrounds (source: Nearmap)

An overhead electrical transmission line runs along the southern boundary, within Easement E-1. Site access is currently provided via a signalled intersection from Jacksons Road.



Axiom Tree Management has undertaken a recent site inspection and re-assessed the existing trees, and finds that of the existing trees, 9 are of high retention value, 143 are of medium retention value and 144 are of low retention value. Please refer to the accompanying Development Impact Report prepared by Axiom Tree Management for further detail.



Figure 4: Photograph of the Subject Site looking east (along the power transmission easement)



Figure 5: Photograph of the Subject Site looking north



Figure 6: Photograph of the Subject Site looking west

2.3 THE IMMEDIATE SURROUNDS

Broadly, the subject site is located in a residential context, generally characterised by older (1960s-1990s) detached, single and double storey dwellings on the eastern side of Jacksons Road, and more recent residential development on the western side comprising a mixture of attached and detached townhouses as well as apartments. There has been minimal change to the surrounding context since the Permit was issued in 2020, with the exception of the further progression of Mirvac residential construction west of Jacksons Road.

The subject site has a direct interface with residential properties to the north, south and east.

2.3.1 To the North

For the most part, the adjoining northern interface comprises No.44-60 Jacksons Road, a robust single storey brick building currently occupied by the Stirling Theological College (refer to Figure 7). The existing building has a generous front setback of approximately 57 metres and a set back at least 9 metres from the common boundary with the subject site. The front setback comprises a landscape buffer as well as car parking associated with the college and the side setback (adjacent to the subject site) consists of a grassed retaining wall and a driveway.

The application site also adjoins Nos.20, 21, 22 and 23 Morawa Drive in the north-eastern corner, which comprise double storey brick and render dwellings (refer to Figure 8). The dwellings back onto the application site with secluded private open space areas generally located adjacent to the common boundary.



Figure 7: Photograph of the northern adjoining property, the Stirling Theological College, from the Subject Site



Figure 8: Photograph of the adjoining properties to the north and east from the Subject Site

2.3.2 To the East

To the east are single or double storey brick and rendered detached dwellings at Nos.17, 18, 19, 20 Dougherty Court, Nos.7, 8, 9, 10 Renee Close and part of No.9 Iris Close. The properties are located at the end of a cul-de-sac and secluded private open space is generally located to the rear of the properties, adjacent to

the common boundary with the subject site. There is a number of existing trees located proximate to the common boundary.

Also adjoining the application site, in the south-eastern corner, is the Gladeswood Reserve.



Figure 9: Photograph of the Subject Site's eastern interface (southern end)



Figure 10: Photograph of No. 20 Dougherty Court, an adjoining eastern property

2.3.3 To the South

South of the application site are nine detached dwellings (No.96 Jacksons Road and Nos.2, 3, 4, 5, 6, 7, 8, 9 Carboni Court) which generally comprise a one or two storeys. No.96 Jacksons Road has a sideage to the common boundary and a front setback of approximately 13 metres. The balance of the properties have rear interfaces with the application site. Their secluded private open spaces abut the

subject site. Some of these secluded private open spaces include outbuildings. A couple of rear gardens are more densely planted than others.



Figure 11: Photograph of the Subject Site's southern interface

2.3.4 To the West

To the west is Jacksons Road and further west across Jacksons Road is a recently constructed residential development comprising two storey townhouses and three storey apartment building. Parts of the development are still currently under construction.

2.4 COMMUNITY FACILITIES AND SERVICES AND PUBLIC TRANSPORT

The subject site is proximate to services and facilities, including:

- Waverley Gardens Shopping Centre (approximately 700 metres to the south);
- Gladeswood Reserve (approximately 700 metres to the east), Waverley Park (approximately 800 metres to the north-west) and the Tirhatuan Wetlands (approximately 1.5 kilometres to the east);
- Mulgrave Private Hospital (approximately 2.5 kilometres to the south-east);
- Bus routes 681, 691, 850 and 862 along Jacksons Road; and
- The higher order road network including the Monash Freeway and Eastlink.



Figure 12: Melways Map (Source: Melways Map Online)



3.0 PROPOSED AMENDMENTS

3.1 PROPOSED AMENDMENTS

Ryman Healthcare seeks to amend the Permit and plans to bring the approved development in line with its functional and design requirements of the site. It is proposed to continue to use and development the subject site for an integrated retirement village / residential aged care in stages, however the retirement living product type, built form and site layout is proposed to be reconfigured. Overall, the proposed scale and intensity of the use and development of the site will generally be reduced.

The proposed amendments are outlined below:

- Replacement of the majority of approved retirement living apartment buildings (3 to 5 storeys in height) with single storey villa units;
- Development of a centrally located residential aged care / retirement village complex with shared basement car park and facilities comprising four buildings (2 to 5 storeys);
- Deletion of the medical centre in the south-west corner and replacement with single storey retirement living villas;
- Reduction to the extent of car parking within Easement E-1 in favour of a landscaped communal area (a consequence of the deletion of the medical centre);
- Consequential reconfiguration of the internal road accessway and changes to the removal/retention of existing vegetation.

In line with the requirements of the Permit, the amended proposal will provide a signalised intersection to Jacksons Road and left turn deceleration lane into the site, upgrade the existing bus stop and provide a 3-metre wide shared path along Jacksons Road, south of the development access.

The table below provides a comparison development summary between the approved and amended scheme:

	Approved Development	Amended Development	Difference
Maximum Overall Building Height	RL102.87	RL 105.80	+2.93m*
Residential Aged Care Beds	128	60	-68
Assisted Living Units	0	54	+54





Retirement Village Units	216	175	-41
• 1-bed Apartment	• 12	• 0	• -12
• 2-bed Apartment	• 149	• 67	• -82
• 3-bed Apartment	• 55	• 38	• -17
• 3-bed Villa	• 0	• 70	• +70
Medical Centre	3,114sqm	0	-3,114sqm
Car Parking	520	367	-153
Bicycle Parking	74	13	-61

*It is noted that although the tallest element of the proposed development has increased, the number of multi-storey buildings is significantly reduced. Taller elements are located further from adjoining residential interfaces.

The amended development is further detailed below.

3.1.1 Overview

In summary, the amended proposed comprises the following:

- A centrally located multi-storey residential complex comprising four buildings (2 to 5 storeys). Three of the buildings will accommodate retirement living units, and one building will accommodate residential aged care beds across two levels and three levels of assisted living units above. A total of 105 retirement living units, 60 residential aged care beds and 54 assisted living units will be provided within the complex.
- Seventy (70) single storey retirement village villas across the balance of the site.
- Ancillary shared communal facilities including a gym, pool, dining, lounge, theatre, games room, library and café within the central complex. The ancillary communal facilities will only be available for use by residents (and their guests from time to time).
- A total of 367 car parking spaces at basement level and at-grade.
- 13 bicycle spaces within the shared basement.
- An upgraded signalised intersection which includes a southbound deceleration lane from Jacksons Road, consistent with the Functional Layout Plan previously approved by VicRoads (now Department of Transport).



The amended development will be constructed across five (5) stages (refer to Figure 13) and allowing for staged occupation.

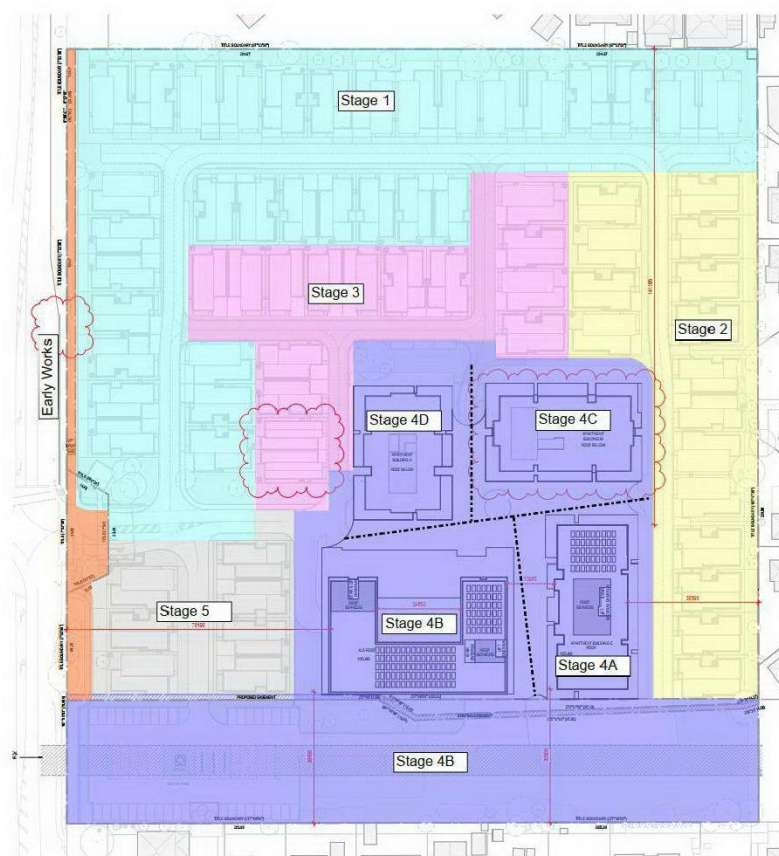


Figure 13: Proposed Staging Plan
(Source: Via Architects)

The planning proposal is comprehensively described in the plans prepared by Via Architects as well as the various specialist technical reports which form part of this application.

3.1.2 Design Response

The proposed amended development will provide a high quality, contemporary design outcome that continues to take into account the strategic context of the site and surrounding area, as well as the opportunities and constraints that the site presents. Specifically:

- The proposal incorporates minimum 5 metre setbacks from the northern, eastern and southern boundaries to allow for deep soil planting and landscaping around the perimeter of the site. It is noted that elevated decking will extend into the 5 metres setback along the northern and eastern boundaries on account of the land fall along these interfaces.
- Single storey villas are proposed to adjoin the interfaces with adjoining residential properties.

- The taller built form (maximum of 5 storeys) of the central complex is located away from sensitive residential interfaces to the north, east and south. It is set back:
 - 99 metres from the northern boundary
 - 35 metres from the eastern boundary
 - 36 metres from the southern boundary
- A minimum 10 metres separation is provided between the accommodation buildings in the central complex to avoid continuous built form massing and the need for extensive privacy screening.
- All open areas of the site will be landscaped to a plan prepared by Papworth Davies Landscape Architects.
- Sixty-two (62) existing trees within the subject site will be retained. Of the trees proposed to be retained on-site, four (4) trees (Trees 140, 212, 218, 250) have a high retention value.
- An at-grade car park and communal landscaped area will be located under the electrical easement line to make efficient use of an area which cannot accommodate meaningful development.
- A 1.5 metre high metal palisade fence provides through views between the street and the site.

3.1.3 Materials and Finishes

Buildings are well-articulated using a combination of applied materials / finishes as well as building expression (refer to Figures 14 and 15 below). A variety of materials / finishes are proposed including brick, rendering and metal cladding.



Figure 14: Render of the proposed development viewed from Jacksons Road (Source: Via Architects)



Figure 15: Render of the central building's north entrance and central garden view (Source: Via Architects)

3.1.4 Car Parking and Traffic

Vehicular access to the site is provided via Jacksons Road. The intersection will be upgraded in line with the Functional Layout Plan already approved by VicRoads. The amended development will provide a total of 367 car parking spaces at basement and ground levels. Please refer to the Traffic Engineering Assessment prepared by TraffixGroup for further detail.

3.1.5 Waste Management

Waste management activities are proposed to be undertaken privately. Waste management for the development will involve:

- Villa residents will present their bins in the designated collection location along the internal roadway for collection before the collection day. Bins are to be returned by residents within the same day.
- Independent living residents within the residential complex building will be responsible for placing their waste in the appropriate bin chute / store. Organic food waste, cardboard, bulky hard waste items are to be placed in interim bin stores located on each level (and not in the chute). Facility management will be responsible for monitoring and rotating bin from interim bin stores into the basement bulk bin stores.
- Cleaners and staff of the residential complex building will transfer waste into the appropriate bin and transferring them into the corresponding ground / basement bulk bin store.
- A 9.7m MRV rear loading waste vehicle is proposed to collect villa waste and waste from the back of house area at street level.
- A 6.4m rear mini loader is proposed to collect waste from the basement level.



Please refer to the Waste Management Plan prepared by LID Consulting for further detail.

3.1.6 Landscaping

It is proposed to retain sixty-two (62) of the existing trees on-site, an increase from the forty (40) currently proposed to be retained. Most of the trees around the perimeter of the site, as well as trees adjacent to the site entry, will be retained where possible.

The balance of existing trees will be removed and replaced. The trees proposed to be removed are either of low retention value, exhibit poor health and/or form, unsuitable to be retained within a residential area / aged care facility or too close to proposed buildings. Their removal is reasonably required to enable efficient use of the site. Please refer to the Tree Impact Assessment prepared by Axiom Tree Management for further information.

The existing trees will be replaced by a mix of native and feature exotic trees, along with a variety of shrubs and groundcovers. The native trees will have a minimum mature height of 7 metres. Please refer to the Landscape Masterplan prepared by Papworth Davies Landscape Architects for further detail.

3.2 PROPOSED AMENDMENTS TO THE PLANNING PERMIT

The proposed amendments necessitate modifications to the Planning Permit. Please refer to the track changes version of the Permit in Attachment 1 specific amendments sought.

A summary of the proposed amendments is provided below:

- Amend the permit preamble to reflect the amended proposal;
- Insert new condition to reflect the early works modifications under a separate amendment application;
- Delete Condition 1 requirements that are no longer relevant or that have been resolved in the amended proposal;
- Insert a new condition with respect to the Stormwater Management Strategy (the Stormwater Management Strategy was previously provided as part of the Sustainability Management Plan);
- Deletion of Condition 29 on the advice of the applicant's drainage engineers that the new 525mm drain is no longer required;
- Deletion of Condition 6(d) as the car parking spaces are no longer proposed to be shared;





- Deletion of Condition 9(a) to (d) as they are no longer relevant or have been addressed in the amended proposal. The amended proposal will retain Street Tree No. 6.
- Deletion of Conditions that refer to the medical centre; and
- Update references to the various plans and reports to align with the accompanying application material.



4.0 RELEVANT PLANNING CONTROLS

4.1 ZONING

The subject site is identified as being in the Neighbourhood Residential Zone – Schedule 4 ‘Dandenong Valley Escarpment Areas’ (NRZ4) pursuant to Clause 32.09 of the Monash Planning Scheme (refer to figure below).



Figure 16: Zoning Map

The purpose of the Neighbourhood Residential Zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.09-2, planning approval is required for the use of a retirement village. The residential aged care facility (RACF) is an as-of-right use (i.e. no permit is required).

Under Clause 32.09-8, planning approval is required for building and works associated with the residential aged care facility. A development must meet the requirements of Clause 53.17.

Under Clause 32.09-9, planning approval is required for the construction of a building associated with the retirement village.

It is noted that the Permit already allows each of the above.



The mandatory garden area and maximum building height controls that applies to dwellings and residential buildings, does not apply to the proposal. The proposed retirement village and residential aged care facility (RACF) are not dwellings, nor are they residential buildings as defined in the Planning Scheme.

It is noted that Schedule 4 to the NRZ sets out the following variations to Clause 54 and 55, however Clause 54 and 55 do not technically apply to the proposal as no dwellings are proposed:

	Standard	Requirement
Minimum street setback	A3 and B6	Minimum setback from front street – 7.6 metres. Where a new development is located on a corner site the setback to the side street is the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.
Site coverage	A5 and B8	50%
Permeability	A6 and B9	30%
Landscaping	B13	Retain or provide at least one canopy tree plus one canopy tree per 5 metres of site width with a minimum mature height equal to the height of the roof. The species of canopy trees should be native, preferably indigenous.
Side and rear setbacks	A10 and B17	Side setbacks – 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Rear setback – 5 metres
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	An area of 75 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum dimension of 5 metres, convenient access from a living room and clear of all structures and services.
Front fence height	A20 and B32	1.2 metres

The minimum subdivision lot size specified in Schedule 4 also does not apply to the proposal as subdivision is not proposed.

4.2 OVERLAYS

The subject site is not affected by any planning overlays.

4.3 PARTICULAR PROVISIONS

The following particular provisions are relevant to the proposal:





4.3.1

Clause 52.06 – Car Parking

The purposes of this clause are to:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Table 1 at Clause 52.06-5 specifies the following car parking rates applicable to this application:

Table 1 at Clause 52.06-5 specifies the following car parking rates applicable to this application:

Use	Rate	Statutory Requirement	Provision
Residential Aged Car Facility	0.3 to each lodging room	34	34
Retirement Village	1 car space to each one or two bedroom dwelling; plus;	63	63
	2 car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as bedrooms) plus	224	234





1 car space for visitors every five dwellings for developments of five or more dwellings.	35	36
Total	356	367

The proposed 367 car spaces exceeds the statutory requirement under the Planning Scheme.

4.3.2 Clause 52.17 – Native Vegetation

The purpose of this Clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Under Clause 52.17, a permit is required for the removal of native vegetation. Please refer to the Biodiversity Assessment prepared by Ecology & Heritage Partners with respect to the offset strategy. The same extent of native vegetation is proposed to be removed under the amended scheme as the permitted scheme.

4.3.3 Clause 52.29 – Land Adjacent to a Principal Road Network

The purpose of this clause is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

Under Clause 52.29, a permit is required to alter access to a road in a Transport Zone 2. The amended application must be referred to the Department of Transport under Section 55 of the *Planning and Environment Act (1987)*.

4.3.4 Clause 53.17 – Residential Aged Care Facility

The purpose of this clause is:

- *To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.*
- *To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.*
- *To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.*

This clause sets out guidelines for the development of residential aged care facilities as well as a mandatory building height of 16 metres within the





Neighbourhood Residential Zone. An assessment against the development requirements is set out in Section 6.0.

4.3.5
Clause 53.18 – Stormwater
Management in Urban
Development

The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The enclosed Stormwater Management Strategy provides details regarding the proposed stormwater management strategy.

4.3.6
Clause 65 Decision Guidelines

This clause simply states that *because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.*

Those decision guidelines the responsible authority must have regard to are listed at Clause 65.01.





5.0 RELEVANT PLANNING POLICIES

5.1 PLANNING POLICY FRAMEWORK (PPF)

The Planning Policy Framework (SPPF) is set out in Clauses 10 to 19 of the Scheme. The PPF contains a range of policies that are to be considered and balanced to achieve the overarching objective of planning and ‘net community benefit’. The following clauses are particularly relevant to the proposed development:

- **Settlement at Clause 11** seeks to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport, utility, social, community and commercial infrastructure and services. Policies of particular relevance under this clause include:
 - Clause 11.01- 1S Settlement
 - Clause 11.01-1R Settlement – Metropolitan Melbourne
 - Clause 11.02 Managing Growth
 - Clause 11.02-1S Supply of urban land
 - Clause 11.03 Planning for Places

- **Built Environment and Heritage at Clause 15** seeks to ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Policies of particular relevance under this clause include:
 - Clause 15.01-1S Urban design
 - Clause 15.01-1R Urban design – Metropolitan Melbourne
 - Clause 15.01-2S Building Design
 - Clause 15.01-4S Healthy neighbourhoods
 - Clause 15.01-4R Healthy neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S Neighbourhood character
 - Clause 15.02-1S Energy and resource efficiency

- **Housing at Clause 16** seeks to provide for housing diversity and to ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space. Policies of particular relevance under this clause include:
 - Clause 16.01-1S Integrated housing
 - Clause 16.01-1R Integrated housing – Metropolitan Melbourne
 - Clause 16.01-2S Location of residential development
 - Clause 16.01-2R Housing opportunity areas – Metropolitan Melbourne
 - Clause 16.01-3S Housing diversity
 - Clause 16.01-3R Housing diversity – Metropolitan Melbourne
 - Clause 16.01-4S Housing affordability

- **Transport at Clause 18** seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities,





facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

5.2 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

In addition to broader metropolitan policy challenges and objectives, the Municipal Strategic Statement (MSS) identifies the important local policy objectives to address the challenges faced by Melbourne, in relation to managing future land use and development within the municipality to achieve sustainable outcomes. These local policy objectives sit within the context of the achievement of State and metropolitan planning imperatives.

The MSS also provides the strategic framework to guide use and development of land within the Melbourne municipality to address these issues.

The following provisions are relevant to this proposal:

- **Introduction at Clause 21.01** sets out the vision in *Monash 2021* as ‘a green and naturally rich city that keeps its green leafy character and values open spaces’. The policy acknowledges that the population in Monash is noticeably ageing, with almost 22% of the population aged over 60.
- **Physical Infrastructure at Clause 21.11** seeks to provide a reliable, efficient and safe range of physical infrastructure for residents in the City including roads, drains and essential services.
- **Residential Development at Clause 21.04** sets out Council’s aim for residential development in the City to be balanced in providing a variety of housing styles whilst remaining sympathetic to the existing neighbourhood character. The policy acknowledges the need to provide for housing needs of an ageing population proximate to neighbourhood and activity centres and encourages the provision of single storey and purpose built housing. The application site is located within ‘Category 6 – Dandenong Creek Escarpment’.
- **Transport and Traffic at Clause 21.08** seeks to facilitate and provide safe, efficient and effective access which minimises travel times throughout the City, including the improvement of local area traffic management, safety and amenity/
- **Sustainability and Environment at Clause 21.13** seeks to ensure that developments minimise energy usage and increase utilisation of alternative energy sources.
- **Residential Development and Character Policy at Clause 22.01** seeks:
 - *To build upon the important contribution that landscaping makes to the garden city character of Monash.*



- To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the applicable preferred future character statement for the area.
- To protect and enhance the special character of the heritage precincts, the creek environs and the Dandenong Valley Escarpment.
- To encourage the provision of a variety of housing types to accommodate future housing needs and preferences.
- To achieve best practice environmentally sustainable development.
- To direct residential growth to neighbourhood and activity centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway).

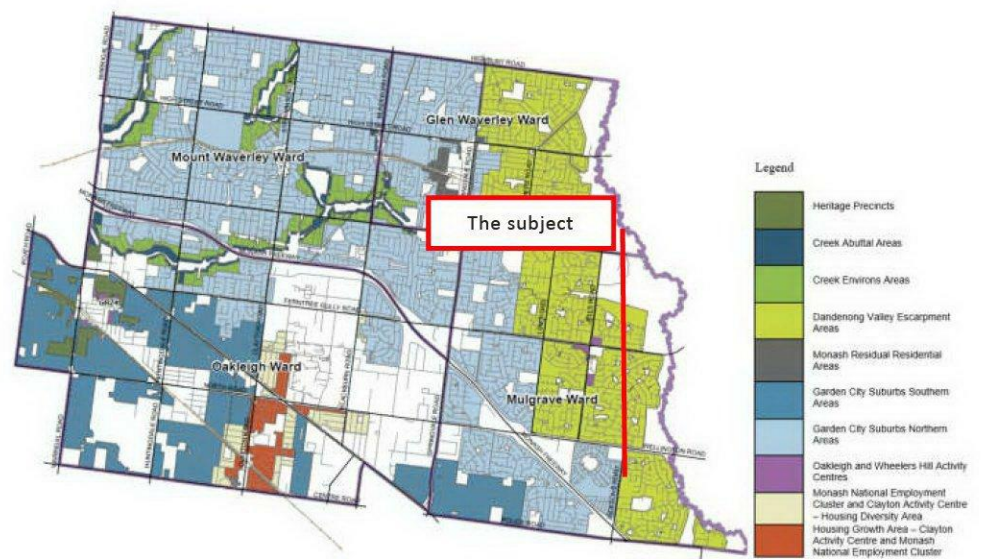


Figure 17: Excerpt of Map 1 in Clause 22.01 (Residential Development and Character Policy) (Source: Monash Planning Scheme)

The application site is located within the “Dandenong Valley Escarpment Area” (refer to Figure 17), which is described as:

The neighbourhood character of this area will evolve within a landscape that has a large number of native trees spread throughout both the public and private realm. This provides an overhead canopy which unifies the diverse built-form of some neighbourhoods and provides a strong relationship with the semi-natural landscape of the Dandenong Valley. An important characteristic of the area is the view lines to the Dandenong Ranges, along streets and between buildings. New dwellings, or additions to dwellings, will seek to maintain these views.

Building scale, height and bulk will continue to enhance and reinforce the existing landscape and built form character and will generally be similar within neighbourhoods. Large scale contrasts between buildings will be

discouraged except where existing trees and shrubs soften the junction between buildings or where there is a graduated change in scale.

Garages will be incorporated into the dwelling design so as not to dominate the facade of the building. New developments will typically be sited to address the street, be well designed, energy efficient and sustainable.

Front setbacks will be generous to enable the development and maintenance of significant native tree canopy and understorey vegetation. There may be variation at a neighbourhood level but there will be consistency within individual streets.

Dwellings will be designed to sympathetically integrate with any existing native trees and shrubs on or adjacent to the development site and to the topography. Facades will be articulated with recesses, openings and balconies. Robust and low maintenance materials and finishes that blend with the surrounding natural environment will be used. Long expanses of blank wall will be avoided, particularly when adjacent to public parks, reserves and other open space areas.

Existing trees will be retained where possible and landscaping will reduce the dominance of buildings and provide filtered views of the architecture. Most gardens will be open to the street with no walls or fences, allowing the soft naturalistic qualities of neighbourhoods to be retained.

Large walls and fences will be discouraged except where they are already a visually dominant streetscape element. Gardens will be predominantly planted with native vegetation to contribute to the existing natural setting.

The soft quality of the street will be maintained by ensuring that there is only one single crossover per lot frontage.

An assessment against the policies set out in this Clause is provided in Section 6.2 of this report.

- **Stormwater Management Policy at Clause 22.04** seeks to achieve best practice water quality performance objectives. The policy also sets out a levy of \$12.30/sqm of impervious area (rate current as at October 2002) for Council upgrades to the underground drainage system.
- **Tree Conservation Policy at Clause 22.05** seeks to promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.
- **Environmentally Sustainable Development Policy at Clause 22.13** seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.



5.3 CURRENT PLANNING SCHEME AMENDMENTS

5.3.1 Planning Scheme Amendment C148 – Update to the Public Open Space Contribution Rates

Planning Scheme Amendment C148 seeks to incorporate the *Monash Open Space Strategy* (adopted in October 2018) within the Planning Scheme. The Amendment was reviewed by a Panel in 2020 and was found to have significant shortcomings, with the Panel concluding that Council should review the Amendment documents and undertake additional work. At this stage, the *Monash Open Space Strategy* has not been incorporated in the Planning Scheme and therefore has no statutory weight.

We understand from the pre-application meeting that Council would encourage inclusion of a public link through the subject site to connect Waverley Park (to the west) to Gladeswood Reserve (to the east), in line with the *Monash Open Space Strategy*. The Strategy nominates a 'trail gap or opportunity' along the southern edge of the subject site (through the electricity easement).

Ryman Healthcare advises that public access through the proposed development would be impractical and would present a significant security concern for residents of the facility. Controlling access is paramount to the successful management of a retirement and aged care facility, and for the sense of safety and security of its elderly residents. The importance of controlled access to such facilities has been heightened during the COVID-19 pandemic, as a means of infection control to protecting vulnerable members of the community. A publicly accessible pedestrian thoroughfare through the site has the potential to undermine the effective management of these risks.

It is observed that a pedestrian link currently exists along Carboni Court from Jacksons Road to Maygrove Way. A separate pedestrian connection so close to the existing would therefore be of limited value.

Importantly, Ryman Healthcare purchased the subject site with the view to deliver on the obligations of existing Permit. The Permit does not require the provision of a public link or a public open space contribution. This application seeks to amend the existing Permit through a re-configuration of the approved accommodation and related facilities. No change to the approved retirement village and residential aged care facility land uses is proposed. It would be unreasonable within the context of the proposed amendments to require a public open space contribution, where the permit sought to be amended does not require one.





6.0 PLANNING ASSESSMENT

The provisions of the Monash Planning Scheme require that Council decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65 of the planning scheme.

Having regard to these decision guidelines, the key planning considerations raised by the proposed amended development are:

- Is the amended proposal supported from a planning policy perspective?
- Does the amended proposal achieve an appropriate neighbourhood character outcome?
- Will the amended proposal deliver appropriate on-site amenity?
- Is the amended proposal consistent with the development requirements of Clause 53.17 (Residential Aged Care Facility)?
- Is the proposed extent of native vegetation removal acceptable?
- Have matters of transport been adequately addressed?

These matters are considered in further detail in the following sections of this report.

It is submitted that, having regard to the following assessment, the proposed amended development continues to be: consistent with the relevant Planning Policy Framework; is responsive to the landscaped character of the area; and avoids unreasonable off-site amenity impacts whilst providing a high level of amenity for future occupants of the integrated aged care facility.

6.1 IS THE AMENDED PROPOSAL SUPPORTED FROM A PLANNING POLICY PERSPECTIVE?

Planning policy broadly supports the consolidation of Melbourne's established areas, particularly in locations which have good access to services and facilities. The consolidation of Melbourne's established areas will help reduce pressure for new urban fringe development and help to create the 20-minute neighbourhoods espoused by Plan Melbourne.

The proposed amended development continues to respond to the provisions of the Planning Policy Framework as:

- The land has an area of approximately 4.6 hectares and is grossly underutilised given its size and proximity to services and facilities.
- As outlined, the site is proximate to a variety of facilities and services including passive and active open space areas, Waverley Gardens Shopping Centre, as well as bus routes 681, 691, 850 and 862 which operates





immediately outside the site connecting the site to railway stations and neighbourhood and major activity centres.

- The proposed amended development continues to exhibit a high standard of design competence with attention to details such as amenity, accessibility, urban design and architecture that is appropriate to the site's natural, strategic and cultural context, consistent with Clause 15.01.
- The design incorporates a high level of articulation through the extent of fenestration and provision of balconies and variation in materials and finishes (Clause 15.01 and Clause 22.01).
- The proposed amended development continues to optimise energy efficiency and to minimise greenhouse gas emissions (Clause 15.02, 22.13). Importantly, the amended proposal will achieve Council's best practice standard with respect to sustainable design, with the potential to achieve an equivalent of 4 stars through the Green Star Design & As Built v1.2 rating tool. Please refer to the accompanying Sustainability Management Plan prepared by BESTEC.
- The amended proposal will also achieve Council's best practice standard for stormwater quality through the provision of a 2,000L rainwater tank to each villa, a 100,000L rainwater tank within the main complex and SPEL hydrosystem and stormsacks. Please refer to the Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec.
- The proposal responds directly to community needs, by providing aged care and housing for senior residents to age in place within their community. The proposal, comprising a mix aged care, assisted living, as well as 2-bedroom, 2.5-bedroom and 3-bedroom retirement unit configurations, caters to a variety of different needs, consistent with Clause 16.01-7S.

Having regard to the above considerations, the proposed development will make a positive contribution to achieving the objectives of the Planning Policy Framework.

6.2 DOES THE AMENDED PROPOSAL ACHIEVE AN APPROPRIATE NEIGHBOURHOOD CHARACTER OUTCOME?

Clause 22.01 (Residential Development and Character Policy) provides the primary basis for assessing whether a proposal is acceptable from a neighbourhood character perspective. However, it is considered this must be partially tempered, due to the unique size and location of the subject site.

An assessment of the amended proposal must also be undertaken in the context of the current approval for a 3 – 5 storey residential aged care / retirement village facility. The amended proposal significantly reduces the overall scale and intensity of the proposal, with the approved multi storey apartment-style buildings largely proposed to be replaced in favour of single storey retirement village units. The



amended proposal also seeks to retain more of the existing trees on-site (from 40 to 56 existing trees).

Although the proposed setbacks from boundaries are reduced from 10 metres to 5 metres, this reduction acknowledges the significant reduction in the height of proposed built form at these interfaces. Proposed setbacks will still provide for a high quality landscape outcome between properties, and overall facilitate a more domestic scale relationship between the development and its residential neighbours (refer to Figure 18).



Figure 18: Render of the proposed development when viewed from the southern end of Jacksons Road
(Source: Via Architects)

Clause 22.01 locates the subject site is within the 'Dandenong Valley Escarpment' neighbourhood character area. An assessment against the neighbourhood character policies set out in Clause 221.01-3 is provided below:

Design Objective	Assessment
<u>General</u>	
<ul style="list-style-type: none"> • Ensure development is consistent with the preferred future character statement identified in Clause 22.01-4. • Respect the character of surrounding development, including the maintenance of consistent setbacks. • Preserve and enhance the treed character of Monash. 	<p>Complies.</p> <p>The subject site falls within the 'Dandenong Valley Escarpment' neighbourhood character area. The proposal is generally consistent with the future character statement, evidenced by:</p> <ul style="list-style-type: none"> • The emphasis on the retention and planting of native vegetation; • Building height is predominantly single storey,



- Ensure development protects and enhances the creek environs and the Dandenong Creek Escarpment.
 - Ensure development conserves and enhances heritage places and areas.
 - Minimise the impact of the scale and massing of development.
 - Encourage the consolidation of sites to achieve residential intensification where this is specifically encouraged by the relevant zoning schedule.
- with multi-storey development significantly set back from boundaries;
 - Garages are incorporated into the villa units;
 - Although the villas along Jacksons Road are oriented to the internal road, the villas will afford passive surveillance opportunities to the public realm;
 - The front setback will have the capacity to accommodate significant native tree canopy and understorey vegetation;
 - The proposed buildings will be well-articulated with robust and low maintenance materials/finishes that complement the neighbourhood;
 - Existing trees have been retained, where possible, and more so than within the approved scheme.

As demonstrated by the Landscape Masterplan, the development will sit within a landscaped setting and maintain a 'garden city' character.

Street setback

- Set back buildings from street frontages consistent with surrounding buildings to visually unify the streetscape.
 - Provide spacious and well vegetated street setbacks capable of supporting canopy trees that soften the appearance of the built form and contribute to landscape character.
 - Exclude garages, carports and car spaces from street setbacks.
- Complies.
- A minimum front setback of 5 metres is proposed (measured from the existing and proposed footpaths). If measured from the Jacksons Road title boundary, the proposal will have a front setback of approximately 7.5 metres, which then transitions to approximately 12 metres to the southern end of the site.
- The proposed setback is less than the front setbacks of the adjoining properties facing the same street, noting that the front setback of the





- Recess garages and carports from the façade of the building to ensure that they do not compromise the appearance of new and existing buildings and are not a dominant element as seen from the street.
 - Recess walls on boundaries from the façade of the building to reflect spacings between dwellings in the neighbourhood and to ensure appearance of new and existing buildings is not compromised.
 - Ensure development on corner blocks incorporates side street setbacks that provide an appropriate transition to the street setback of adjoining buildings.
- northern adjoining property at 30 metres is an anomaly within this context.
- Looking more broadly, the setbacks of properties fronting Jacksons Road in the immediate area generally range between 2.6 metres (located on the opposite side of Jacksons Road) to 9 metres. In this varied context, it is submitted that the proposed setback is generally consistent with the established character. Furthermore:
- The proposed setback will allow for meaningful landscaping and provision of canopy trees;
 - The proposed built form along Jacksons Road is only single storey in scale and will sit comfortably with the streetscape, aided by the proposed landscape setting and front boundary treatment; and
 - There are significant landscaped 'breaks' between the single storey villa units along the length of the Jacksons Road frontage, including at the main entry to the site where it is now proposed to retain a number of existing established trees.

The proposed setback will make more efficient use of the land in delivering high-quality and generous accommodation for ageing in place.

Site coverage and permeability

- Ensure the extent of site coverage and hard paving respects the neighbourhood character.
 - Exclude hard paving such as car parking, turning circles,
- Complies.
- The amended development will have a site coverage of 69% and site permeability of 31%, an improvement on the approved site coverage of 73.5% and site permeability of 26.5%.





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| <p>driveways and basement car parking within street setback areas.</p> <ul style="list-style-type: none"> • Minimise hard paving throughout the site by limiting driveway widths and lengths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas. • Maximise on-site stormwater infiltration and urban cooling, and minimise overland stormwater flow by limiting hard paved surfaces and synthetic or man made surfaces. | <p>Although the proposed site coverage exceeds the NRZ4 variation of 50% (noting that Clause 55 does not technically apply to this application), Clause 53.17 acknowledges that aged care buildings are necessarily more robust as evidenced by its site coverage variation of 80%.</p> <p>The extent of hard paving is kept to a minimum and landscaping provided, where possible. No car parking, accessways are provided within front setbacks to buildings.</p> |
|---|---|

Landscaping

- | | |
|--|--|
| <ul style="list-style-type: none"> • Provide sufficient and well located private open space, primarily unencumbered by easements, to provide for vegetation and large trees to be retained or planted within front, side and rear setbacks and secluded open space areas. Environmental weeds and artificial grass should be avoided. • Site buildings to minimise the need to remove significant trees, and protect significant trees on the site and adjoining properties. • Ensure development is adequately set back from existing and proposed trees to ensure their protection and longevity. • Retain or plant canopy trees, particularly within front setbacks to soften the appearance of the built form and contribute to the landscape character of the area. • Retain or plant canopy trees in rear setbacks to screen built form | <p>Complies.</p> <p>As demonstrated on the included landscape masterplan, sufficient room has been provided for the provision of vegetation including canopy tree plantings.</p> <p>A total of sixty-two (62) trees are proposed to be retained on the site, more than under the permitted scheme.</p> |
|--|--|



from adjoining backyards and any surrounding creek environs and contribute to garden character.

- Provide trees and vegetation that improve the environmental sustainability of buildings.
- Ensure street trees are retained and protected.

Side and rear setbacks

- Provide side setbacks that maintain an open, spacious streetscape character and separation of dwellings.
- Design buildings to reflect the spacing and rhythm of existing streetscapes.
- Provide side and rear setbacks capable of supporting canopy trees.
- Provide rear setbacks that support a green corridor of open space created by backyards in the neighbourhood.
- Minimise the impact of visual bulk to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to the adjoining properties.
- Provide a separation between dwellings constructed on the same site to break up built form and support additional landscaping.

Complies.

The proposed development will be set back a minimum of 5 metres from side and rear boundaries, maximising retention of existing trees located along the perimeter of the side and enabling new canopy tree planting.

The amended development is predominantly low rise (single storey villas), with only one multi-storey complex, which is located at least 35 metres from shared boundaries to effectively manage any visual bulk impacts to adjoining residential properties.

A minimum separation distance of 10 metres is provided between the multi-storey buildings to avoid continuous built form massing.

Walls on boundaries





- Ensure walls on boundaries are consistent with neighbourhood character, including spacing between dwellings and the character of open vegetated backyards. Not Applicable.
No boundary walls are proposed.
- Limit the length of walls on boundaries to ensure landscaping space is provided around buildings, and the amenity of adjoining properties is not adversely impacted.

Private open space

- Provide private open space areas of sufficient size and width to enable the retention and provision of canopy trees and other vegetation that reflect landscape character. Part Variation.
The proposed development is set back a minimum of 5 metres from all side and rear boundaries, enabling the retention and provision of canopy trees while providing useable recreational areas for residents. The proposed setback is consistent with the side and rear setback variations set out in the NRZ4 schedule.
- Limit hard surface paving and decks that occupy a large proportion of private open space areas.
- Exclude the provision of secluded private open space within the street setback. A variation is required to the provision of secluded private open space within the street setback. The requirement for privacy and landscaping to the street is managed through the provision of 1.5 metres high brick and metal palisade fencing with 25% transparency and a 600mm landscape buffer between the fence and roadway. The landscape buffer will provide for screen planting.
- Ensure private open space areas are sufficient for the recreation needs of the likely future residents, including useable dimensions, direct access to living space. The location of the private open spaces is logical, as access to these villas is provided from an internal accessway. This is a preferred design outcome to having the dwellings front on to Jacksons Road with an internal accessway within the street setback, or multiple access points from Jacksons Road.





The proposed private open spaces to the villas will be of useable dimensions, noting that generous communal indoor and outdoor spaces will also be accessible to residents.

Fences

- Provide no front fence where more than 75% of properties in the immediate neighbourhood have no front fence (immediate neighbourhood is the five properties on either side of the proposed development on both sides of the street, or five properties on either side of the development on both sides of the street, including intersections and if the proposed development is on a corner lot with dwellings fronting the side street, five properties in the side street).
- Ensure front fences complement the architecture of buildings and the neighbourhood character in terms of height, style, materials and colour.
- Limit the height of front fences to:
 - Maintain the character of open streetscapes and low fencing patterns.
 - Retain views of the architecture of the building.
 - Ensure buildings address and connect to the street.
 - Facilitate passive surveillance and social interaction between the street, front yards and the dwelling.

Complies.

The immediate neighbourhood comprises a mix of no, low and medium height front fencing. The dwellings on the opposite side of Jacksons Road side on to the road and therefore have tall side fencing.

A 1.5 metres high brick and palisade (with maximum transparency of 25%) front fence is proposed along Jacksons Road, which maintains streetscape views to planting and is consistent with the mixed fence character in the area. The maximum transparency of 25% is required to balance the need for privacy to secluded private open space areas and through views.

Not having any front fencing is not a viable or practical outcome for the use and development of a retirement village / aged care facility due to security and access concerns.

Vehicle crossings





- Locate and minimise vehicle crossovers to prevent traffic disruption, and preserve nature strips and street trees.
- Maximise landscaping in front setback areas by minimising the number of crossovers.

Complies.

Consistent with the approved development, only one vehicle access point is proposed (from Jacksons Road). Existing trees along the frontage will be retained where possible, and the front setback will be generously landscaped. Refer to the Landscape Plan prepared by Papworth Design.

Built form and scale of development

- Development outside of the activity and neighbourhood centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway) will generally be low rise.
- Respect the height, scale and massing of existing dwellings in the neighbourhood.
- Ensure taller buildings incorporate sufficient articulation, including recessed upper levels, to respect the prevailing scale of the adjoining dwellings and the neighbourhood.
- Incorporate higher degrees of articulation for double storey development in streetscapes where the prevailing built form is single storey.
- Retain human scale, and by the inclusion of significant breaks and recesses in building massing, avoid large block like structures dominating the streetscape.
- Ensure buildings respect the built form, rhythm and proportions of

Some Variation.

- It is submitted that the proposed buildings are considered to have been appropriately designed having regard to the specific site context.
- The amended development is predominantly low rise (single storey villas), with only one multi-storey complex located centrally to minimise visual bulk impacts to adjoining residential properties. Consideration of the appropriateness of the proposed building height has is presented earlier in this assessment.
- The design of the multi-storey complex (2 to 5 storeys) incorporates a high level of articulation through the extent of fenestration and provision of balconies and variation in materials and finishes. The built form is significantly set back by at least 35 metres from adjoining residential boundaries.
- A minimum separation distance of 10 metres is provided between the multi-storey





existing dwellings in the neighbourhood.

- Respect the roof forms and pitches of existing dwellings in the neighbourhood.
- Discourage reproduction or mock-historic building styles incorporating superficial detailing whilst promoting contemporary designs of the present era.
- Utilise robust and low maintenance building materials and finishes that complement the neighbourhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials). Use muted tone materials and finishes within the creek environs.
- Minimise the visual and amenity impact of utility areas, such as electricity and gas facilities, waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letter boxes.
- Preserve backyard character by ensuring multi-storey development at the rear of properties incorporates generous articulation and setbacks including ground floor setbacks sufficient in width to support screening trees.
- Complement the landscape setting of adjoining public open space areas and the creek environs by minimising the scale and massing of the development, and incorporating landscaping, which ensures vegetation is the

buildings to avoid the appearance of continuous built form massing.

- A minimum 5 metres setback is provided from adjoining residential properties to the north, east and south which allows meaningful opportunity for tree retention and substantial replacement landscaping. It is noted that an elevated deck extends into the 5 metres setback along the northern and southern boundaries, however this is required on account of the fall of the land and tree retention requirements.
- The proposed development is contemporary in style and will utilise a variety of flat and pitched roof forms, consistent with the roof pitches in the surrounding neighbourhood.
- The proposed material palette, comprising brick work, render, glazing is neutral in tone and complements the masonry found predominantly in the area.
- Utility and services areas are located away from the public realm and the internal accessway, where possible. It is noted that a substation is required next to the Jacksons Road entry as a result of service engineering requirements, however the area around the substation will be well landscaped.
- With respect to building height, the maximum building height of 2 storeys set out in the Neighbourhood Residential Zone does not apply to the





dominant element when viewed from the public open space, the creek reserve, the street and adjoining properties.

- Ensure the front doors and windows of buildings face the street and entrances are legible, accessible and sheltered to maximise accessibility, safety and amenity for occupants, visitors and those using the public streets.

proposal as this requirement relates only to dwellings and/or residential buildings. The proposal for 'accommodation (retirement village)' and 'residential aged care' is neither a dwelling nor a residential building and is not bound by the mandatory height limit, as evidenced in the grant of the existing Permit, and as found in *LCM Calvary Health Care Holdings Lt v Glen Eira CC (Red Dot) [20180 VCAT 655 (1 May 2018)]*.

- It is submitted that the proposed scale of 2 to 5 storeys is appropriate for the following reasons:
- The subject site's significant area of approximately 4.6 hectares.
- The proposal will sit within a landscaped setting on account of the generous spacing between proposed buildings and setbacks from boundaries, consistent with the 'garden city' character.
- The proposal complies with the 'Standard B17' line from all side and rear boundaries. Although the Standard does not technically apply in this instance, it is frequently used as a guide for visual bulk impacts on adjoining properties.
- The residential aged care facility sits under the maximum height of 16 metres set out in Clause 53.17 (Residential Aged Care Facility).





- Taller built form is located a significant distance from sensitive residential interfaces to the north, east and south.
- Single storey villas are proposed adjacent to residential interfaces, where the permit typically allows 2 and 3 storey development at comparable distances from shared boundaries.
- The proposal will not result in any additional shadow impacts on adjoining properties.
- It is noted that Clause 53.17 recognises that residential aged care facilities have a different scale and built form to the surrounding neighbourhood, being typically more robust on account of the nature of the use.

Car Parking

- Design development to minimise parking, traffic and pedestrian impacts in adjacent residential areas including ensuring cars can exit the site in forward direction. Complies.
The accompanying Traffic Engineering Assessment prepared by TraffixGroup confirms that the car parking, pedestrian and traffic arrangements are satisfactory.
- Design and locate car parking spaces to ensure they have minimal impact on pedestrian and vehicle movements both on-site and within the street.

Environment

- Design development to achieve best practice environmentally sustainable development in terms of energy efficiency, water Complies.
The accompanying Sustainability Management Plan and Stormwater





resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. Management Strategy confirms that the proposal will achieve best practice environmental sustainable development.

- Separate residential development from incompatible use and development. The proposal is for a residential use within residentially zoned land. There are no incompatible uses proposed or existing within the surrounding area.

Table 1: Assessment against Clause 22.02 (Residential Neighbourhood Character Policy) design objectives

On the basis of the above assessment, it is concluded that the amended proposal responds well to the objectives and policies set out in Clause 22.02 and will make a positive contribution to the neighbourhood character of the surrounding area.

6.3 WILL THE AMENDED PROPOSAL DELIVER REASONABLE ON-SITE AMENITY?

Each retirement village unit is provided with an open plan living area and bedrooms with a balcony/terrace. More broadly, it is considered that each unit will be provided with a good level of internal amenity due to generously sized living areas, practical floor layouts, provision of internal storage, secure car parking, as well as access to generously sized areas of privately accessible and communal open space.

Although Clauses 55 and 58 do not technically apply to retirement village developments, the requirements of Clause 55.05 (On-Site Amenity and Facilities) and Clause 58.07 (Internal Amenity) can be used as a guide for the assessment of the internal amenity of the proposed villas and apartments, respectively. The proposed villas and apartments will generally be able to meet the Standards, noting the following:

- The proposed villas will have a minimum 25 square metres of secluded private open space area, and the apartments a minimum 8 square metres of balcony area. Future occupants will also have access to indoor and outdoor communal facilities.
- The proposed apartment-style accommodation will generally meet the functional layout dimensions for bedrooms and living areas.
- A number of the apartment bedrooms have a saddleback arrangement, however the secondary area dimensions meet Standard D26 (windows). None of the apartments rely on borrowed light.
- Additionally, internal overlooking opportunities between the multi-storey buildings have been appropriately mitigated through setbacks. As result, the proposed retirement village will provide secure, comfortable and easily manageable, high quality retirement accommodation.





6.4 WILL THE AMENDED PROPOSAL HAVE ANY UNREASONABLE OFF-SITE AMENITY IMPACTS?

From an amenity perspective, the key issues for consideration are visual bulk, overlooking and overshadowing.

From a visual bulk perspective, as noted within the site elevation diagrams, the residential aged care component fully complies with the preferred side and rear setbacks set out in Clause 53.17 (equivalent to Clause 55's 'Standard B17'). There are no walls on the site's boundaries proposed and hence compliance with Standard B18 is also achieved. Whilst compliance with 'Standard B17' alone does not guarantee that there will be no visual bulk impacts associated with the proposal it is often used as a reliable benchmark.

Notably, single storey built form is proposed to replace approved multi-level buildings at all residential interfaces. Proposed setbacks create opportunities for deep soil planting around the perimeter of the site, which together with the reduced built form scale, will provide a more comfortable relationship with neighbouring dwellings by comparison to the approved development.

The multi-storey complex is located centrally with significant setbacks from all boundaries, approximating 35 metres from the eastern boundary, 38 metres from the southern boundary, 99 metres from the northern boundary and 75 metres from the western boundary.

The interface analysis diagrams prepared by Via Architecture provides a useful comparison of the proposed built form interface with adjoining residential properties, compared with the approved development arrangement (refer to excerpts below in Figure 19 and 20 below).



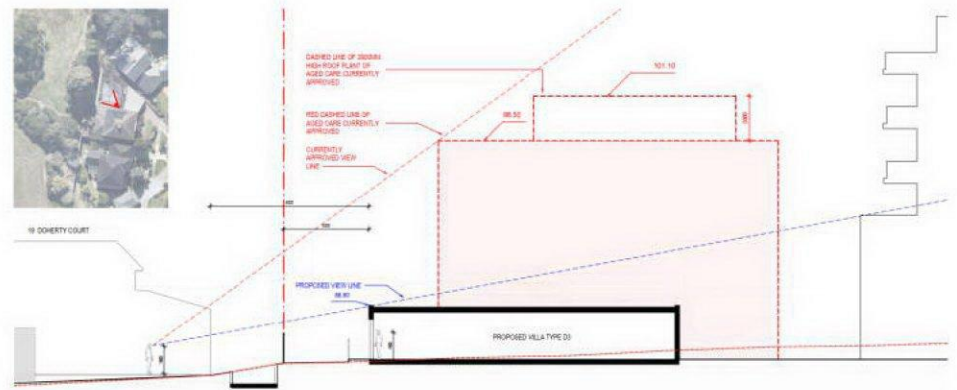


Figure 19: Section C showing views from 18 Dougherty Court (Source: Via Architects)



Figure 20: Comparison of views from 18 Dougherty Court between proposed and approved scheme without landscaping (Source: Via Architects)

The diagrams demonstrate that the visual bulk impacts are significantly reduced from all sensitive view points, despite the tallest element of the amended design being 3.6 metres higher than the tallest element in the approved design. On balance, the proposed built form interfaces with neighbouring properties are more comfortable and neighbourly than the permitted scheme.

On account of the reduced height of buildings proximate to boundaries, and the significant setback of taller building elements, there are no additional overshadowing impacts on neighbouring properties, as demonstrated on the shadow diagrams.

The proposed buildings within the central complex are also designed to be spaced at least 10 metres from other buildings, internally, to avoid continuous built form massing.



Overlooking is considered to have been appropriately addressed through the siting of the proposed multi-storey buildings at least 35 metres from title boundaries, ensuring that there are no unreasonable overlooking impacts on existing adjoining properties. Potential views from the proposed single storey villas will be mitigated by boundary fencing or by planters and horizontal shelves where there are possible views on account of the land fall. Refer to TP91-02 and TP91-12.

In terms of potential noise arising as a result of the development, noise emissions from mechanical plant on the site will be required to comply with relevant EPA requirements. This can be further enforced via way of permit conditions if considered necessary. As the land is zoned for residential purposes, any noise associated with the use of the retirement village and aged care, by future occupants, is entirely appropriate given it will be residential noise associated with the residential use of residentially zoned land.

**6.5
IS THE AMENDED PROPOSAL
CONSISTENT WITH THE
DEVELOPMENT
REQUIREMENTS OF CLAUSE
53.17 (RESIDENTIAL AGED
CARE FACILITY)?**

Clause 53.17 (Residential Aged Care Facility) sets out development requirements for an application to carry out works for a residential aged care facility in the Neighbourhood Residential Zone.

It is noted that the requirements of Clause 53.17 applies only to the residential aged care facility component and does not apply to the assisted living component or retirement village buildings.

The table below provides an assessment against the development requirements set out in Clause 53.17.

Building Height	In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.
Assessment	The ACR has an overall building height of 8.1 metres.
Compliance	✓ Complies
Street Setback	Walls of buildings should be setback from streets: The average distance of the setbacks of the front walls of the existing buildings on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochere.
Assessment	The application requires a front setback in the order of 30 metres to comply with the standard due to the large setback of the northern adjoining property (the Theological College). The proposed aged care building is





set back 75 metres from the Jacksons Road frontage and exceeds the requirement.

Compliance

✓ Complies

Side and Rear Setbacks

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Assessment

As demonstrated on the section plans, the overall development (including the aged care building) is fully compliant with the 'B17 line'.

Compliance

✓ Complies

Walls on Boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

For a length of more than the distance specified in a schedule to the zone; or

If no distance is specified in a schedule to the zone, for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length or the existing or simultaneously constructed walls or carports, whichever is greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would





	<p>result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>
Assessment	No walls on boundary are proposed.
Compliance	Not applicable
Daylight to Existing Windows	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>
Assessment	The proposal is clearly compliant with this clause with the level of daylight into existing habitable room windows unaffected by the proposal. The proposed aged care building is set back at least 38 metres from its closest residential interface.
Compliance	✓ Complies
North-Facing Windows	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.





Assessment There are adjoining north-facing habitable room windows along the subject site's southern interface however, the proposed aged care building is located a minimum 38 metres away from the southern boundary.

Compliance ✓ Complies

Overshadowing Open Space

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Assessment

The shadow diagrams demonstrate that there are no additional shadow impacts (from the aged care building or from the overall development) on adjoining properties between 9AM to 3PM.

Compliance ✓ Complies

Solar Panel Overshadowing

Buildings should be sited and designed to ensure that the capacity of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced.

Assessment

A review of aerial photography shows that there are existing solar panels located on the roofs of No. 20, 21 Morawa Drive, Nos. 9, 10 Renee Close, No. 20 Dougherty Court, No. 96 Jacksons Road and Nos. 5, 7, 9 Carboni Court. The shadow diagrams demonstrate that the proposed development (including both the aged care building and the other buildings) will not have any shadow impacts on the roofs of adjoining properties.

Compliance ✓ Complies

Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at





	<p>ground level). Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.
Assessment	All proposed habitable room windows within the aged care building will be located at least 10 metres from existing habitable room windows.
Compliance	✓ Complies
Noise Impacts	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.
Assessment	Noise emissions from mechanical plant will be required to comply with relevant EPA requirements. This can be further enforced via way of permit conditions if considered necessary.
Compliance	✓ Complies
Daylight to new windows	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space open to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or



	<ul style="list-style-type: none"> • A carport provided it has two or more open sides and is open for at least one third of its perimeter
Assessment	All habitable room windows will have an outlook to an outdoor space open to the sky or a light court of minimum 3 square metres and minimum width of 1 metre.
Compliance	✓ Complies
Site Coverage	The site area covered by buildings should not exceed 80%
Assessment	The overall site coverage of the proposed development is 69%. The site coverage of the RACF building itself forms a small portion of the overall site coverage.
Compliance	✓ Complies
Access	<p>Access ways should be designed to:</p> <ul style="list-style-type: none"> • Provide direct access to on-site designated areas for car and bicycle parking. • Provide direct access to the building for emergency vehicles. • Provide access for service and delivery vehicles to on-site loading bays and storage areas. • Ensure vehicles can enter and exit a development in a forward direction. • Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction. • The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority. • Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Assessment	The aged care building will be accessed from the upgraded intersection from Jacksons Road. The proposed upgraded



intersection has previously been reviewed and approved by VicRoads.

Vehicular access and circulation to / from and within the site is assessed in the accompanying Traffic Engineering Assessment prepared by TraffixGroup. The Assessment confirms that the proposed car parking layout and access arrangements accords with the requirements of the Planning Scheme and AS2890 (where relevant).

Ground level habitable rooms are set back a minimum of 1.7 metres from shared accessways or car parks, or window sills are at least 1.4 metres above the accessway.

Compliance ✓ Complies

Building Entry

The main pedestrian entry to a building should:

- Have convenient access from a street.
- Be sheltered from the weather.
- Have convenient access from on-site car parking.
- Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

Assessment

A porte cochere provides easy and convenient access to the aged care building. There are also disabled car parking spaces in front of the entry (accessed from the porte cochere). The entry area will be sheltered from weather by way of a canopy.

Compliance ✓ Complies

Communal Open Space

Accessible and useable communal open space should be provided for residents and staff.

Assessment

Overall, the proposed development comprises a significant area of overall communal open space area in the order of 8,145 square metres. Communal open space is provided in the form of a bowling green, pickleball courts, putting green, plazas and courtyards.

Indoor communal areas are also provided in the form of a café, theatre, gymnasium and lounge. These areas are ancillary to the overall aged care facility and retirement village.





Compliance	✓ Complies
Front Fence	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • 2 metres in height in streets in a Road Zone Category 1; and • 1.5 metres in height on all other streets.
Assessment	<p>The subject site fronts on to Jacksons Road, a Category 1 Road Zone. A 1.5 metres high palisade and brick fence is proposed along the frontage of the site. The proposed fence height is less than the 2 metres set out along Category 1 Road Zones.</p>

Table 2: Assessment against Clause 53.17 (Residential Aged Care Facility) development requirements

Compliance	✓ Complies
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It is clear that the proposal complies with all the development requirements of Clause 53.17 (Residential Aged Care Facility).

6.6 IS THE PROPOSED EXTENT OF NATIVE VEGETATION REMOVAL ACCEPTABLE?

The Biodiversity Assessment prepared by Ecology & Heritage Partners finds that the subject site currently comprises a total of 1.452 hectares of native vegetation patches, one (1) large scattered tree and three (3) small scattered trees.

It is proposed to remove all of the native vegetation patches and the large scattered tree as part of the redevelopment of the site. The three (3) small scattered trees will be retained. This is consistent with the approved development.

Please refer to the Biodiversity Assessment prepared by Ecology & Heritage Partners for details with respect to the offset strategy.

6.7 HAVE MATTERS OF TRANSPORT BEEN ADEQUATELY ADDRESSED?

A detailed Traffic Engineering Assessment has been prepared as earlier identified. Whilst it is not proposed to repeat the contents of this report, the following points are noted:

- No reduction in the required car parking rate is sought. A total of 367 car parking spaces are provided, meeting the statutory provision of 356 car spaces.
- A total of 12 bicycle spaces are provided (noting that the amended proposal does not trigger a statutory requirement of under Clause 52.34).





- A Waste Management Plan is included which details that waste collection will be undertaken by a private contractor. The swept path diagrams in the Traffic Engineering Assessment demonstrate that the proposed waste trucks will be able to enter and exit the site in a forwards direction. A 6.4m long mini truck is proposed to collect waste from the basement and a 9.7m long truck proposed to collect waste from ground level.
- The car parking layout and access arrangements comply with the relevant requirements of Clause 52.06 and AS2890.1:2004 (Off-Street Parking).
- The level of additional traffic generated will have minimal impact on the capacity or operation of the surrounding road network. The SIDRA Analysis undertaken demonstrates that the Jacksons Road intersection will perform at acceptable operating conditions, including short delays and queues.

As a result of this assessment, it is concluded that matters of transport have been adequately addressed by the proposal.





7.0 CONCLUSION

The amended proposal will continue to successfully provide for an integrated aged care and retirement village facility on a large, underutilised site, as supported by relevant planning policy.

The amended proposal will deliver:

- a high quality contemporary development that is respectful of the existing and preferred neighbourhood character;
- the infrastructure obligations set out in the Permit, where still relevant, comprising the signalised intersection, deceleration lane and bus stop upgrades;
- a higher extent of tree retention (56 trees) compared to the approved scheme (40 trees);
- improved use and presentation of the southern easement through the provision landscaped communal areas in lieu of extensive car parking; and
- more comfortable built form relationships with sensitive residential interfaces.

As matters of car parking, transport and waste have also been comprehensively addressed, it is considered that the proposed development appropriately integrates itself with the neighbourhood and landscape character and will make a positive contribution to surrounding area for which an amended town planning permit should be granted.

