

**0.0 Planning Application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club)**

File Number:	IN18/175
Responsible Director:	Director City Planning
Applicant:	Urbis Pty Ltd
Planning Controls:	Residential Growth Zone, Schedule 1 (RGZ1); Development Plan Overlay, Schedule 3 (DPO3); Environmental Significance Overlay, Schedule 5 (ESO5); and Heritage Overlay, Schedule 43 (HO43)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Statement of Heritage Significance 3 Legislative Requirements

**EXECUTIVE SUMMARY****Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 463-535 Doncaster Road, Doncaster and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

**Proposal**

2. The proposal involves the use and development of a two-storey restricted recreation facility (health club) comprising an indoor and an outdoor swimming pool, a gym and illuminated tennis courts. The proposal also includes the partial demolition of a building in a heritage overlay, with the structural remediation, repair, conservation and reconstruction works to the two-storey heritage building.
3. The land has a total area of approximately 11,000 square metres. The proposal has a site coverage of 23% and a maximum building height of 10.23 metres. A total of 172 car parking spaces are provided within a basement level and at ground level. Three bicycle spaces are provided.

**Advertising**

4. Notice of the application was given over a three-week period which concluded on 18 April 2018.
5. One objection has been received. The objection identities concerns relating to the design response to the heritage building, visual bulk and impact on the existing heritage building.

**Key issues in considering the application**

6. The key issues for Council in considering the proposal relate to:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Use;
- Design, built form and heritage;
- Car parking, access, traffic and bicycle facilities; and
- Objector concerns.

### Assessment

7. The development of the land for a two-storey health club is consistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 1 (RGZ1) and supporting policy relating to the Tullamore Estate.
8. The proposed development features a contemporary design, which subject to conditions, meets the purpose of the intent of the zone, the Eastern Golf Course Development Plan and the decision guidelines of all applicable overlays, resulting in a development that will not adversely affect the significance of the heritage place.
9. The proposal demonstrates a design approach that finely balances the need to:
  - retain, restore and provide a genuine end-use for the Tullamore homestead;
  - retain a protected tree;
  - establish a visual link between the homestead and the off-site stables building; and
  - provide a development and use that is sympathetic, complementary and integrated with the homestead, within an overall landscape setting.

### Conclusion

10. The proposal is in accordance with the broad requirements of the Eastern Golf Course Development Plan, as it relates to the existing heritage building. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the proposal and the submission of management plans for Council approval.
11. It is recommended that the application be supported, subject to conditions.

### RECOMMENDATION

#### That Council:

- A. **Having considered the objection issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027661 at 463-535 Doncaster Road, Doncaster for the use and development of the land with a two-storey restricted recreation facility (health club) comprising an indoor and an outdoor swimming pool, a gym and illuminated tennis courts, and partial demolition of a building in a heritage overlay, subject to the following conditions –**
  1. **Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved**

by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by dwp Australia, Job No. 503510, Revision D dated 27 February 2018, but modified to show the following:

#### **Design and built form**

- 1.1 Details of measures to soften the presentation of the exposed sections of the northern concrete wall of the basement. These walls must be 'feature' walls to achieve a high-quality aesthetic. This may or may not include the use of vertical garden elements, and sections of vertical timber or perforated Corten screens and must include the wall surface itself, having regard to 'Allotment Boundaries Adjacent to Road Reserves' from the approved Eastern Golf Course Development Plan.**

#### **Car parking, access and bicycle facilities**

- 1.2 The access to the at-grade car park off the proposed new road to be constructed in a future stage of the Tullamore subdivision modified in accordance with the swept path analysis plans shown in the Traffic and Transport Assessment report prepared by Cardno, dated 14 August 2017, including the widening of the accessway;**
- 1.3 Provision of a total of 22 bicycle parking spaces in accordance with Clause 52.34 (Bicycle facilities), including the design of spaces and signage;**
- 1.4 Allocation of bicycle parking for staff and visitors detailed on plan and in a schedule;**
- 1.5 All car parking space and accessway width dimensions, including for the tandem car parking spaces, demonstrated to comply with Design Standard 2 of Clause 52.06-9 (Car Parking) of the Manningham Planning Scheme;**

#### **Plan notations**

- 1.6 Location and size of a solar component for the hot water system, in accordance with the approved SMP.**
- 1.7 Location and size of a 12kW PV system, in accordance with the approved SMP.**
- 1.8 Notations indicating the size and location of rainwater tanks and connection to toilets, pool top-up, bin wash and irrigation connection.**
- 1.9 A schedule listing all sustainability features/commitments applicable to the approved development, as described in the approved Sustainability Management Plan; and**
- 1.10 All recommendations and design changes as required by the sustainability management plan, acoustic report, disability**

access report, detailed reconstruction drawings and any other report approved under conditions of this permit.

#### **Endorsed Plans**

2. The use and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans, must not be altered without the written consent of the Responsible Authority.

#### **Construction Management Plan**

3. Before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management.

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

#### **Sustainability Management Plan**

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the use of the restricted recreation facility (health club). The Plan must be generally in accordance with the plan prepared by Sustainable Built Environments Melbourne, dated 30 November 2017, but modified to show the BESS report submitted as a finalised report.

#### **Waste Management Plan**

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part

of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan prepared by Low Impact Development Consulting, dated 23 June 2017. The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

#### **Acoustic Report**

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, the Acoustic Report prepared by Acoustic Logic, dated 20 November 2017, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.

#### **Disability Access**

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but not be limited to:

- 7.1 Vehicular and pedestrian access into the building;
- 7.2 The provision of tactile indicators;
- 7.3 The provision of braille indicators for the lifts;
- 7.4 The use of contrasting paving materials to assist the vision impaired;
- 7.5 All emergency exits; and
- 7.6 All car parking areas.

#### **Management Plan Compliance**

8. The plans approved under Conditions 3, 4, 5, 6 and 7 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
9. Before the approved use starts, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures/commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the

approved plans and the planning permit.

#### **Heritage demolition and reconstruction**

- 10. Before the demolition or the development starts, the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016, must be approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit.**
- 11. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, detailed reconstruction drawings for works to house Tullamore must be prepared by an experienced conservation architect, supported as necessary by professional engineering advice, and must be submitted to and approved by the Responsible Authority. This documentation must be informed by available evidence of the original form of the homestead and in particular the verandah, which will form a significant component of the reconstruction works, as provided in the statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016.**
- 12. The scope of works related to the demolition and reconstruction of the existing heritage building and associated structures, must be completed in accordance with the detailed reconstruction drawings approved under Condition 11 of this permit and the approved statement of conservation practice prepared by Ray Tonkin, dated November 2017 and the associated structural engineering report prepared by MacLeod Consulting, dated February 2016. The works must be documented and supervised by an appropriately qualified conservation architect, to the satisfaction of the Responsible Authority.**

#### **Landscape Plan**

- 13. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plans prepared by mdg, Job No. 1658A dated 21 December 2017, but modified to show:**
  - 13.1 Species, locations, approximate height and spread of proposed planting, including within road reserves;**
  - 13.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
  - 13.3 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
  - 13.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**

- 13.5 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting;
  - 13.6 Advanced planting comprising canopy trees along Doncaster Road and Heritage Boulevard boundaries; and
  - 13.7 Tree Protection Zones and recommendations notated on plan for the *Quercus robur* (English Oak) tree, as derived from the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.
14. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.

#### Landscape Bond

15. Before the release of the approved plans for the development, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Completion and Maintenance

16. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
- 16.1 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;
  - 16.2 Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated; and
  - 16.3 All landscape areas must be fully planted and mulched or grassed.
17. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
18. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
19. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
20. If required by the relevant fire authority, external fire services must be

enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

#### Tree Protection

21. The *Quercus robur* (English Oak) tree must be retained to the satisfaction of the Responsible Authority by providing an appropriate tree protection zone, maintaining the tree and undertaking works within this tree protection zone only in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017.
22. All Tree Protection Zones on the subject land must be:
  - 22.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;
  - 22.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".
23. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, unless strictly in accordance with the Arborist report prepared by Galbraith & Associates, dated 16 August 2017, to the satisfaction of the Responsible Authority:
  - 23.1 The storage of materials or equipment;
  - 23.2 The disposal of any contaminated waste water;
  - 23.3 The use of a tree for temporary attachment of wiring or such like;
  - 23.4 Open cut trenching, or excavation works (whether or not for the laying of services); and
  - 23.5 Changes to the soil grade level.

#### Stormwater – On-site detention (OSD)

24. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 24.1 Be designed for a 1 in 5 year storm; and
  - 24.2 Storage must be designed for 1 in 10 year storm.



**Construction Plan (OSD)**

25. Before the development starts, a construction plan for the system required by Condition 24 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

**Drainage**

26. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
27. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

**Roadworks**

28. Before the development starts, a functional layout plan must be submitted to and approved by the Responsible Authority and will then form part of the permit. The plans must be dimensioned to show:
- 28.1 The left turn deceleration lane on the east approach on Members Drive, (into the basement carpark).
- 28.2 A traffic management device (to be agreed to by Council's Engineering and Technical Services Unit) at the intersection of Members Drive, Archer Road and the driveway into the basement carpark of the development.
- 28.3 Vehicle crossover details from the Proposed Road into the at-grade car park.
29. Before the works start:
- 29.1 A supervision fee equal to 2.5% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.
- 29.2 A plan-checking fee equal to 0.75% of the cost of construction of the road and drainage works must be paid to the Responsible Authority.
- 29.3 A maintenance deposit equal to 5% of the cost of construction of the road and drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months.

**29.4 A schedule of costs for the construction of road and drainage works must be submitted to the Responsible Authority.**

- 30. Subsequent to the approval of the functional layout plan, detailed engineering design must be submitted to the Responsible Authority for approval.**
- 31. Prior to the commencement of use or occupation of the development approved by this permit, the access works shown on the approved functional layout plan and detailed design plans must be completed to the satisfaction of VicRoads and at no cost to Council.**

#### **Use**

- 32. Except with the prior written consent of the Responsible Authority, the restricted recreation facility may only be open to customers on Monday to Sunday between 5:30am and 10:00pm.**
- 33. All delivery and collection of goods must be conducted within the subject land and within the operating hours approved under this permit.**
- 34. All noise emanating from commercial premises within the building must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.**
- 35. The façade must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.**
- 36. The use of the land must not adversely affect the amenity of the neighbourhood, including through:**
- 36.1 The transport of materials, goods or commodities to or from the land;**
- 36.2 The appearance of any buildings, works or materials; and**
- 36.3 The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;**
- to the satisfaction of the Responsible Authority.**
- 37. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste management plan.**

#### **Lighting**

- 38. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.**

#### **Underground Services**

- 39. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**

#### **Permit Expiry**

- 40. This permit will expire if one of the following circumstances applies:**

**40.1 The development is not started within four (4) years of the date of this permit;**

**40.2 The development is not completed within eight (8) years of the date of this permit; and**

**40.3 The use is not commenced within two (2) years of the development being completed.**

**The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning & Environment Act 1987.**

## **1. BACKGROUND**

- 1.1 A pre-application advice request was submitted to Council on 13 October 2016. Council obtained heritage advice that was distributed to the applicant.
- 1.2 The application was submitted to Council on 31 August 2017 and the proposal was presented to the Sustainable Design Taskforce meeting on 28 September 2017. A request for further information was sent on the same date. Issues raised include the visual heritage connection between the heritage building and the stables to the east, integration of the development with the heritage building and the wider estate, vehicle access, car parking and landscaping.
- 1.3 All requested further information was received by Council on 28 February 2018.
- 1.4 Notice of the application was given over a three-week period which concluded on 18 April 2018.
- 1.5 The statutory time for considering a planning application is 60 days, which lapsed on 28 April 2018.
- 1.6 The land title is affected by two Section 173 Agreements related to Tullamore Estate as a whole. Agreement AL849013P requires the preparation,

implementation and carrying out of a land management plan. Agreement AM749778C establishes requirements for development, including siting and setbacks, retaining walls and fencing. The proposal will not breach the Agreements.

## 2. THE SITE AND SURROUNDS

### The Site

- 2.1 The subject site forms part of the larger Tullamore Estate (formerly known as the Eastern Golf Course) and is located on the northern side of Doncaster Road, at the intersection with Heritage Boulevard, which is the entrance to Tullamore Estate.
- 2.2 The site has an area of approximately 11,000 square metres, with approximate boundary dimensions of 122 metres to the southern Doncaster Road frontage, 67 metres to the eastern Heritage Boulevard side road, 114 metres to the northern Members Drive side road and 106 metres to the western boundary.
- 2.3 The site contains house 'Tullamore', a two-storey brick and render heritage villa. The house has been enveloped by a series of single storey additions on all sides. Most recently, the buildings were used as the golf club house for the Eastern Golf Course. Access to the site is currently via a crossover and driveway at the western end of the frontage to Doncaster Road. The existing building is set back 20 metres from the Doncaster Road frontage, with the central, two-storey heritage building set back a further 18.5 metres.
- 2.4 House Tullamore and the associated stables building (which is located approximately 185 metres east of the subject site) were constructed in 1886-7 by Sir Thomas Naghton FitzGerald and were designed by well-known architect Lloyd Taylor. This place is of local historical significance as remnants of FitzGerald's country property and for its associations with FitzGerald, subsequent owner, William Stutt and with the architect. Heritage Overlay, Schedule 43 applies to the house, surrounding land, the stables building, the area of land between these buildings, as well as an English Oak tree to the west.
- 2.5 The site is not affected by any easements. The topography is undulating, generally rising from the west to east by 3 to 4 metres. Vegetation is located around the existing building, including the heritage English Oak tree, which is located approximately 44 metres west of the heritage building.

### The Surrounds

- 2.6 The site has the following abuttals:

Direction	Address	Description
North	Three residential properties including 22, 24 and 26 Members Drive	Land to the immediate north is within Stage 4 of Tullamore Estate. Two of the three residential properties opposite have been developed with double storey dwellings.
East	Higher density area of Tullamore	Land to the immediate east is within an area of Tullamore Estate designated for

	Estate	higher density development. A part five, part-six storey apartment building is currently under construction at the intersection of Doncaster Road and Heritage Boulevard.  To the north of the apartment building is a green belt, incorporating the stables heritage building.
South	460, 462, 464, 466, 468, 470, 472, 474, 476 Doncaster Road and 1 Pettys Lane	Land to the immediate south of Doncaster Road predominantly comprises existing single and two-storey housing stock on allotments with an average area of 600 square metres, with the exception of 1 Pettys Lane, which is a consolidated 1,900 square metre lot that has been redeveloped with a four-storey apartment building.
West	Stage 5 Tullamore Estate	Land to the immediate west is within Stage 5 of Tullamore Estate. This stage is currently in the early stages of infrastructure construction, including the continuation of the previously completed section of Members Drive that is to the immediate north of the subject site.

- 2.7 Tullamore Estate comprises six stages. Road infrastructure is in place for Stages 1, 2 and 3 (southern, central and eastern areas, respectively) with construction occurring for Stages 4 and 5 (western area). Stage 6, to the north, is currently undergoing planning assessment for its subdivision layout. Housing development is predominantly complete within Stage 1, in the southern section of the estate, while some dwellings have been constructed in Stages 2 and 3. The estate will comprise approximately 800 new dwellings and new public open space.
- 2.8 Land within Tullamore Estate and all land in the immediate vicinity that has an abuttal to Doncaster Road is zoned Residential Growth. Other surrounding residential land is zoned General Residential, with the exception of land located 400 metres to the east, within the Activity Centre Zone. The Doncaster Hill Principal Activity Centre forms a central hub of residential, commercial, retail and recreational facilities.
- 2.9 The site abuts Doncaster Road, an arterial road with three lanes of traffic in both directions, including a designated bus lane. The bus lane on the northern side of Doncaster Road converts to a deceleration lane providing access to the entrance to Tullamore Estate via Heritage Boulevard. The intersection of Doncaster Road and Heritage Boulevard is signalised to provide ingress and egress to the estate. A roundabout adjacent to the north-eastern corner of the subject site, at the intersection of Heritage Boulevard and Members Drive, can provide vehicle access along the northern boundary of the site.
- 2.10 In terms of public transport, the subject site is well serviced by bus routes operating along Doncaster Road, connecting activity centres and residential

areas within the municipality to Melbourne's Central Business District. Major bus interchanges are situated at Doncaster Park and Ride within 700 metres walking distance west of the site and at the Westfield Doncaster complex within 1.4 kilometres walking distance to the east. In addition to having access to the numerous retail, restaurant and entertainment venues within the shopping centre, the site is well serviced by other community and local facilities and parks.

### 3. THE PROPOSAL

- 3.1 It is proposed to develop the land with a two-storey restricted recreation facility (health club) comprising an indoor and an outdoor swimming pool, a gym and four illuminated tennis courts, with car parking provided within one basement level as well as at ground floor, occupying part of the existing at-grade car park. The proposal also incorporates the demolition of the existing single storey buildings that surround the existing two-storey house Tullamore. This will then allow the structural remediation, repair, conservation and reconstruction of the retained house Tullamore.
- 3.2 Ancillary uses include a crèche for a maximum 20 children that occupies 165 square metres, an administration and staff area occupying 130 square metres, a kitchen and bar occupying 95 square metres and a retail tenancy occupying 35 square metres. All uses are integrated with the club and are not intended to operate independently. Proposed hours of operation are from 5:30am to 10:00pm daily. A total of 10 staff would be on the premises during operating hours.

#### Submitted plans and documents

- 3.3 The proposal is outlined on the plans prepared by dwp Australia, Job No. 503510, Revision D dated 27 February 2018 and landscape plans prepared by mdg, Job No. 1658A dated 21 December 2017. Refer to Attachment 1.
- 3.4 The following most recently updated reports were submitted to support the application:
- planning report prepared by Urbis, dated 27 February 2018;
  - heritage impact statement prepared by Ray Tonkin, dated May 2017;
  - statement of conservation practice prepared by Ray Tonkin, dated November 2017;
  - arboricultural report prepared by Galbraith & Associates, dated 16 August 2017;
  - waste management plan prepared by Low Impact Development Consulting, dated 23 June 2017;
  - traffic report prepared by Cardno, dated 14 August 2017 and an addendum letter dated 27 February 2018;
  - acoustic report prepared by Acoustic Logic, dated 20 November 2017; and
  - sustainability management report prepared by Sustainable Built Environments Melbourne, dated 30 November 2017.
- 3.5 An additional document of relevance for this application is the Statement of Significance, Eastern Golf Club - Tullamore, 463 Doncaster Road, Doncaster, prepared by Lovell Chen, dated 2013, revised 2014. Refer to Attachment 2.

#### Development summary

3.6 A summary of the development is provided as follows:

Land Size:	11,000m <sup>2</sup>	Maximum Building Height:	10.236m
Site Coverage:			
Area of uses:		Street setback to Doncaster Road (south)	Basement – 39m Ground and first floor – 4.81m
<ul style="list-style-type: none"> <li>• Gymnasium: 1,300m<sup>2</sup></li> <li>• Swimming pools: 1,155m<sup>2</sup></li> <li>• Tennis courts: 2,550m<sup>2</sup></li> <li>• Kitchen and bar: 95m<sup>2</sup></li> <li>• Lounge/dining: 595m<sup>2</sup></li> <li>• Crèche: 165m<sup>2</sup></li> <li>• Office: 130m<sup>2</sup></li> <li>• Retail: 35m<sup>2</sup></li> </ul>		Setback to Heritage Boulevard (east)	Basement – 5.145m Ground and first floor – 5.12m
		Setback to Members Drive (north)	Basement – 0.47m Ground and first floor – 45m
Total car parking spaces:	172	Setback to western boundary	Basement – 0.24m Ground and first floor – 49.77m
<ul style="list-style-type: none"> <li>• Ground level: 38</li> <li>• Basement: 134</li> </ul>			

### Design layout

- 3.7 The proposed building is located in the south-eastern corner of the site. The ground level of the building comprises an indoor swimming pool, with associated spa and sauna areas, together with change rooms, a central kitchen and bar with associated lounge and dining area, a crèche and a small retail component. The ground floor of house Tullamore is incorporated into the development as a separate lounge and dining area.
- 3.8 The first floor of the new building comprises a gym and administration area. The first floor of the house Tullamore is also proposed for gym related uses and a board room, but will remain separate from the first floor of the proposed building, with access provided only by a stairwell from the ground floor below.
- 3.9 External to the buildings at ground level, an outdoor swimming pool and four tennis courts occupy the northern portion of the site over the basement car park. The central area of the site, to the west of house Tullamore, is set aside for landscaped garden, including the retention of the heritage-protected English oak tree. The south-west portion of the site is set aside for an at-grade car park, including a refuse and delivery area.

### Pedestrian and vehicle access and layout

- 3.10 Pedestrian entry is provided on the western side of the building. The entry is accessible from the at-grade car park, a pedestrian path from the Doncaster Road footpath, or from Members Drive, via a path that runs through the basement.
- 3.11 Two vehicle access points are proposed. Access to the basement car park is from Members Drive, providing 134 car parking spaces. Access is also provided to the at-grade car park from a future road along the western boundary, to be constructed as part of Stage 5 of the Tullamore Estate development plan. This

car park provides an additional 38 car parking spaces. A total of 172 car parking spaces are provided on site. The existing accessway from Doncaster Road will be made redundant.

### Landscaping

3.12 Canopy trees are proposed around the perimeter of the site, with dense planting to be provided along the northern boundary in an attempt to conceal basement walls that project above natural ground level. The landscape design is intended to integrate with the landscape outcome being provided to the public realm of Tullamore Estate. Within the site, the existing English oak heritage tree will provide a primary landscape feature.

### Design detail

3.13 The proposed building features a contemporary architectural design, which combines high levels of glazing broken up with varied materials, including vertical metal cladding and translucent glazing.

## 4. LEGISLATIVE REQUIREMENTS

4.1 Refer to Attachment 3.

4.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 32.07-2 (Residential Growth Zone) – use of the land for a restricted recreation facility;
- Clause 32.07-7 (Residential Growth Zone) – buildings and works associated with a Section 2 Use (restricted recreation facility);
- Clause 42.01-2 (Schedule 5 to the Environmental Significance Overlay) – construction or carrying out of works associated with a tennis court; and
- Clause 43.01-1 (Heritage Overlay) – demolish or remove a building and to construct a building or construct or carry out works.

## 5. REFERRALS

### External

5.1 There are no applicable determining or recommending referral authorities.

### Internal

5.2 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>• No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention.</li> </ul>
Engineering & Technical	<ul style="list-style-type: none"> <li>• No objection subject to conditions that have been included in the recommendation including the removal and reinstatement</li> </ul>



Service Unit	Comments
Services Unit – Vehicle Crossing	of any redundant vehicle crossovers.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• No objection subject to access to the at-grade car park, off the proposed new road to be constructed in a future stage of the Tullamore subdivision, modified in accordance with the swept path analysis plans shown in the Traffic and Transport Assessment report prepared by Cardno, dated 14 August 2017.</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>• No objection subject to a traffic management device at the intersection of the basement and Archer Road to safely manage traffic movement through this intersection and a functional layout plan requiring a footpath along Members Drive along the northern property boundary of the development to connect Heritage Boulevard and the proposed road to future stages of development of the Tullamore Estate. In response, the need for a footpath on the southern side of Members Drive is not considered necessary as there are multiple routes a pedestrian could take to get to the eastern side of the estate or to Doncaster Road. A footpath would also significantly reduce the amount of landscaping to be applied to screen the basement wall that projects from natural ground level. There is a more pressing need for landscape screening to soften the building in this location than there is for pedestrian access.</li> </ul>
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• No objection subject to a requirement for the provision of a construction management plan.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>• No objection subject to conditions that have been included in the recommendation including the requirement for private waste collection.</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>• No objection subject to a requirement for the submission of an amended Sustainability Management Plan and details provided on plan to correspond with the management plan.</li> </ul>
City Strategy Unit	<ul style="list-style-type: none"> <li>• No objection – Heritage matters are considered later in the report.</li> </ul>

Service Unit	Comments
– Heritage	
City Strategy Unit – Environmental	<ul style="list-style-type: none"> <li>• No objection subject to the recommendations in the submitted arborist report being undertaken. This has been included in the conditions of approval.</li> </ul>
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> <li>• No objection subject to a requirement to soften the presentation of the northern concrete wall of the basement. This has been included in the officer recommendation.</li> </ul>

## 6. CONSULTATION / NOTIFICATION

- 6.1 Notice of the application was given over a three-week period, which concluded on 18 April 2018, by sending letters to nearby properties and displaying three signs on site.
- 6.2 One objection was received. Although the objector did not identify an affected address, the concerns raised are related to heritage and the public realm. The grounds of the objection are summarised as inappropriate design response to the heritage building, visual bulk and impact on the existing heritage building.
- 6.3 A response to the grounds of objection are included in the assessment section of this report.

## 7. ASSESSMENT

- 7.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 7.2 The following assessment is made under the headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
  - Use;
  - Design, built form and heritage;
  - Car parking, access, traffic and bicycle facilities; and
  - Objector concerns.

### State and Local Planning Policy Frameworks (SPPF and LPPF)

- 7.3 At the SPPF and LPPF levels, policy emphasises Tullamore Estate as a key redevelopment site within Manningham and metropolitan Melbourne. The Eastern Golf Course Development Plan (Development Plan) has been implemented through local policy at Clause 22.17 (Eastern Golf Course Key Redevelopment Site Policy), with finer assessment tools provided through the implementation of the zone and overlay controls.
- 7.4 The primary consideration for any application within Tullamore Estate is whether the proposed development is “generally in accordance” with the approved Development Plan. The Development Plan describes built form and design outcomes and objectives, and the requirement that an application be generally in accordance with the Development Plan therefore builds in a certain degree of flexibility to allow the proposal to be refined during the ongoing design and

development phases. The determining factor in terms of whether the proposal is generally in accordance with the Development Plan is therefore how the proposed built form, design and particulars of development respond to the objectives set out in the Development Plan.

7.5 The Development Plan recognises this site will be redeveloped. This is to be combined with the restoration of the Tullamore homestead, to include suitable car parking facilities and be integrated within an overall landscape setting. Complementary uses associated with this development and restoration of the heritage building may be considered and be the subject of future planning assessment, which is the case through the consideration of this application. This application is considered generally in accordance with the Development Plan as it demonstrates an approach that finely balances the need to:

- retain, restore and provide a genuine end-use for the Tullamore homestead;
- retain a protected tree;
- establish a visual link between the homestead and the off-site stables building; and
- provide a development and use that is sympathetic, complementary and integrated with the homestead, within an overall landscape setting.

7.6 Policy also emphasises the need for non-residential uses to be located in appropriate residential areas. The use of the site for the purpose of a restricted recreation facility is appropriate within the zoning of the land and the strategic context of the site. The site's location places it within very good proximity to access to public transport and existing services.

### Use

7.7 A restricted recreation facility land use requires a permit within the Residential Growth Zone. The use is defined in the planning scheme as:

*Land used by members of a club or group, members' guests, or by the public on payment of a fee, for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming.*

7.8 All of the aspects that make up the use of this proposal are integrated with the restricted recreation facility. No individual aspect of the use will operate independently. For instance, the crèche will not operate as an independent child care centre. Instead, members may leave their child under supervision at the crèche while they attend the swimming pool. The use of a restricted recreation facility is considered suitable under the zone as it is of a scale and intensity that is compatible with the wider residential area and serves local community needs.

7.9 The use will provide community based facilities on a site that abuts a Road Zone and provides vehicular access off a separate road. The site is readily and safely accessible by public transport, bicycle and pedestrian networks. The site's location nearby the Doncaster Hill Activity Centre and at the entrance to the Tullamore Estate, places it in a position that enables it to serve the wider community.

7.10 The site is placed in a position where although it is highly accessible, it also provides substantial setbacks to the closest dwellings within Tullamore Estate.

This provides the opportunity for the use to operate at a higher intensity, with the benefit of minimal off-site amenity impacts.

### **Design, built form and heritage**

- 7.11 The design, height, setbacks and appearance of the proposed building and associated outdoor features are well considered having regard to the heritage significance of the site, which is detailed in the statement of significance. Refer to Attachment 3 for details. The heritage significance of this site relates to the Tullamore homestead, its visual connection to the off-site stables building and an English oak tree. Specific details of the scope of the structural remediation, repair, conservation and reconstruction works to the retained house Tullamore are described in the submitted statement of conservation practice.
- 7.12 The proposal incorporates the demolition of buildings within the heritage overlay, as distinct from the demolition of heritage building itself. Demolition is limited to the single storey buildings that surround the two-storey Tullamore homestead. The demolition of these unsympathetic buildings is required to reinstate the original heritage fabric, forming an essential part of restoring the heritage significance of this building, which is currently obscured by these single storey additions. A **condition** will require the proposed works to repair and conserve the heritage building as set out in the submitted scope of works to be undertaken, with the works documented and supervised by a suitably qualified conservation architect. The proposal will deliver significant benefits to the heritage place, including a suite of repair, conservation and reconstruction works (notably the reconstruction of the former verandah).
- 7.13 The heritage issues that arise with the application are related to the siting and form of the proposed new building relative to the retained and conserved heritage building. It is recognised that the environs of Tullamore and its presentation were previously significantly compromised by the unsympathetic golf club additions and the proposal has been assessed having some regard for these existing conditions. Both in this context and considering the design and siting of the heritage building, there is no expectation that unimpeded views would be provided to the house from all sides.
- 7.14 New buildings must be considered in the context of their impact on the significance of the heritage place. The design of the new building has demonstrated that the location, bulk, form and appearance will not adversely affect the significance of the heritage place. The new building, while attached to the heritage building on the south-eastern side at ground level, will be separate from the upper floor. The integration of the heritage and new buildings ensures that the heritage building will be utilised in the future. If the building were to be isolated, its usability would likely be limited, which is discouraged by policy.
- 7.15 Considering the context by which the heritage building is currently viewed, being surrounded by single storey additions, the proposal will result in a significant improvement, with a clear view to the heritage place from those angles it will be viewed. Importantly, the Tullamore homestead was never sited to be prominently viewed from Doncaster Road as it does not present to this interface. There will however, be a direct view to the south-western part of the heritage building from Doncaster Road, together with a view from the building to the heritage Oak tree. By providing a contemporary architectural style to the new building, the heritage building will be distinct without its heritage significance being diluted. A visual connection will also be maintained to the stables building to the east.

- 7.16 The purpose of the visual connection between the Tullamore homestead and the stables is to allow for an understanding of the relationship between the buildings and the origins and significance of this heritage place. The proposal purposefully locates its outdoor swimming pool on the northern side of the building to ensure that the two storey built form does not prevent this visual connection. The location of the building is also guided by the apartment development to the east that is currently under construction, as there would be no advantage in siting the proposed building further south than views would allow past the apartment building. The siting of the proposed building reasonably balances the need to redevelop the site while maintaining a reasonable visual connection between the heritage and stables buildings. Historically, there was a path between the two buildings in the location of the existing vegetated strip. Several conditions on the permit for the apartment building (PL16/026791) provide for a pedestrian path along this strip between the stables and Tullamore homestead.
- 7.17 The proposal provides a significant area around the existing heritage Oak tree, including substantial separation at both basement and ground levels, in accordance with recommendations stipulated in the submitted arborist report. Importantly, a clear connection is made between the tree and house Tullamore, whereby the tree is the main feature in the landscape setting.
- 7.18 Vegetation removal is required to facilitate the development of the tennis courts on the northern portion of the site. This vegetation removal has been approved by a previous permit. The tennis courts are designed to predominantly follow the line of the outer basement wall, including along the northern interface, where the basement wall projects above natural ground level. The tennis courts comply with the relevant sections of the *Development Guide for Areas of Environmental and Landscape Significance*, 2011. The interface of the basement and tennis courts to the north has been designed to rely upon screen planting. Given that some areas of these exposed walls are within 1 metre of curvilinear northern title boundary, a **condition** will require greater detail of the screening treatment to these walls.

### **Car parking, access, traffic and bicycle facilities**

#### Car parking and access

- 7.19 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined in Table 1 at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 7.20 The car parking rate and the total number of spaces required for each use is tabulated below. The scheme requires a total of 118 car parking spaces for the proposed uses. The provision of 172 spaces exceeds this requirement by 54 car parking spaces. However, the car parking requirement does not take into account the gym use, which is not specified in Clause 52.06-5. In this case, the number of car parking spaces provided for this use must be provided to the satisfaction of the responsible authority. It is considered that the excess 54 car parking spaces that will be provided on site can provide car parking spaces for the gym and that this amount is satisfactory.
- 7.21 As the proposal is for an integrated club where no one use is intended to operate independently, there is no requirement to allocate car parking for specific uses within the car parks. For instance, the crèche is an ancillary use, as club

members are expected to drop their children off while they utilise other facilities. The crèche service is only available to members attending the club. Similarly, the retail shop will be selling items such as sports equipment for use at the facility, and it would therefore be unlikely to be a destination trip. Despite these uses being included in the car parking assessment, functionally these ancillary uses are not anticipated to generate any additional car parking demand. Staff parking has been allocated on the plan. The car parking layout is well considered, providing for disability access within the at-grade car park, while the majority of parking spaces are provided within the basement.

Use	Area/ Number	Car parking requirement	Spaces required
Swimming pools	1155m <sup>2</sup>	5.6 to each 100m <sup>2</sup> of the site	64
Tennis court	4 courts	4 to each court	16
Child care centre	20 children	0.22 to each child	4
Office	165m <sup>2</sup>	3.5 to each 100m <sup>2</sup> of net floor area	5
Shop	35m <sup>2</sup>	4 to each 100m <sup>2</sup> of leasable floor area	1
Food and drink premises	700m <sup>2</sup>	4 to each 100m <sup>2</sup> of leasable floor area	28
Gymnasium	1300m <sup>2</sup>	N/A	N/A
Total			118 spaces

7.22 An assessment against the relevant car parking design standards at Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>• A <b>condition</b> will require the 5.3m wide passing area at the basement entrance to be widened to minimum 6.1 metre by 7 metre passing area.</li> <li>• All vehicles are able to exit the site in a forwards direction.</li> <li>• An adequate visibility splay area is provided along the exit lane.</li> <li>• Within the basement, a 4 metre internal radius is provided at changes of direction.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>• Car parking spaces appear to be provided in accordance with the requirements, however a <b>condition</b> will require that all dimensions are provided to demonstrate compliance with this standard.</li> <li>• Two sets of tandem spaces are proposed. A <b>condition</b> will require they be allocated to staff</li> </ul>

Design Standard	Assessment
	only.
3 – Gradients	<ul style="list-style-type: none"> <li>The existing access road provides appropriate driveway gradients. All other driveway gradients have been assessed as compliant with the standard.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>The development utilises existing access road infrastructure, which will not dominate the landscape.</li> <li>Parking areas are all incorporated into the basement levels and will not be visible from the street.</li> </ul>
6 – Safety	<ul style="list-style-type: none"> <li>Pedestrian access is clearly separated from the roadway within the basement.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>Landscaping is well-placed around the entrance to the basement.</li> </ul>

### Traffic

- 7.23 The submitted traffic report suggests a conservatively high traffic generation of approximately 348 vehicles per hour (i.e. all parking spaces were turned over once within one hour during the PM peak) and the signalised intersection would operate satisfactorily under proposed conditions. The traffic consultant has previously undertaken the design and modelling of the signalised intersection at Doncaster Road and Heritage Boulevard, showing that queuing and degree of saturation to be acceptable. Assumptions included that two-thirds of traffic movements would be via the signals, while the remainder of vehicles would approach via the local network, split up between internal movements, Burgundy Drive, Bordeaux Street, Fairway Road and Somerville Street. Once internal traffic is split up in various directions and inbound and outbound movements, the report indicates the traffic impact is likely to be negligible on the surrounding local streets.
- 7.24 The submitted traffic report considers that no future infrastructure works would be required as the traffic associated with this development has already been adequately addressed through the original traffic volume planning.
- 7.25 Overall, the traffic generated as a result of the proposed use and development, is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes.

### Bicycle Facilities

- 7.26 The submitted traffic report has considered the bicycle parking rate for ancillary uses including the shop and food and drink premises, equating to a bicycle parking requirement of 3 spaces. Shower requirements are considered met given the abundance of change room facilities within the building. However, the assessment has not taken into account the bicycle requirement for the primary use, being a restricted recreation facility (nested under minor sports and recreation facility). As this is a specified use in this clause, it is considered that this is the only use to be assessed for bicycle parking, and not the spaces required for the ancillary uses.

7.27 The bicycle parking rate and the total number of spaces required for employees and patrons of a restricted recreational facility is tabulated below. Only three bicycle spaces are provided adjacent to the building entry. This results in a shortfall of 19 bicycle spaces. Given the proposed use is a health centre, it is considered that the full amount of bicycle spaces should be provided, as it will encourage members to use alternative forms of transport. A **condition** will require an additional 19 spaces to be provided in accordance with Clause 52.34. This will likely require an expansion of the basement to the south, either between the heritage building and the English oak tree (allowing for its tree protection zone) or to the south of the pool plant room. It is agreed that no additional change rooms are required as the change room facilities provided are fit for purpose.

Purpose	Area/ Number	Bicycle space requirement	Spaces required
Employees	10	1 space for every 4 employees	3
Patrons	3,740m <sup>2</sup>	1 space to each 200m <sup>2</sup> of net floor area	19
Total			22

### Objector concerns

7.28 A response to the grounds of objection is provided in the below paragraphs:

#### Inappropriate design response to the heritage building

7.29 The new building adopts a contemporary design and materiality unrelated to the heritage building. This is a deliberate approach that is supported by Council's heritage advisor as it allows the heritage building to be distinct, maintaining its identity and significance, which will be contrasted by the new building.

#### Visual bulk

7.30 The obscuring of views from the main frontage on Doncaster Road to the south and east is acceptable, particularly as house Tullamore is not oriented to address Doncaster Road. Views will be opened out from Doncaster Road to the south-west. The demolition of the unsympathetic additions will likely provide a clearer view to the heritage building from Doncaster Road than has previously been available.

7.31 The location and extent of physical connection between the new building and the heritage building is also considered acceptable, including having regard to the unsympathetic buildings surrounding the heritage house at present. Deliberate design decisions have been made to provide significant viewing angles to the heritage building, to provide a connection to the associated stables building and provide for the retention of the heritage English oak tree to form a prominent landscape feature of the grounds.

#### Heritage significance



7.32 House Tullamore is of local historical significance. The development is considered to adequately respond to this significance for the reasons outlined in this report.

**8. CONCLUSION**

8.1 It is recommended that the application be supported, subject to conditions.

**9. DECLARATION OF CONFLICT OF INTEREST**

9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.