

0.0 Planning Application PLN18/0452 at 312-316 Springvale Road, Donvale for the use and development of the land for a retirement village with associated facilities, basement car parking, tree removal including native vegetation, and altered access to a road in a Road Zone, Category 1

File Number:	IN19/275
Responsible Director:	Director City Planning and Community
Applicant:	PLC Consulting
Planning Controls:	Low Density Residential Zone, Significant Landscape Overlay, Schedule 6, Public Acquisition Overlay, Schedule 4
Ward:	Mullum Mullum
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

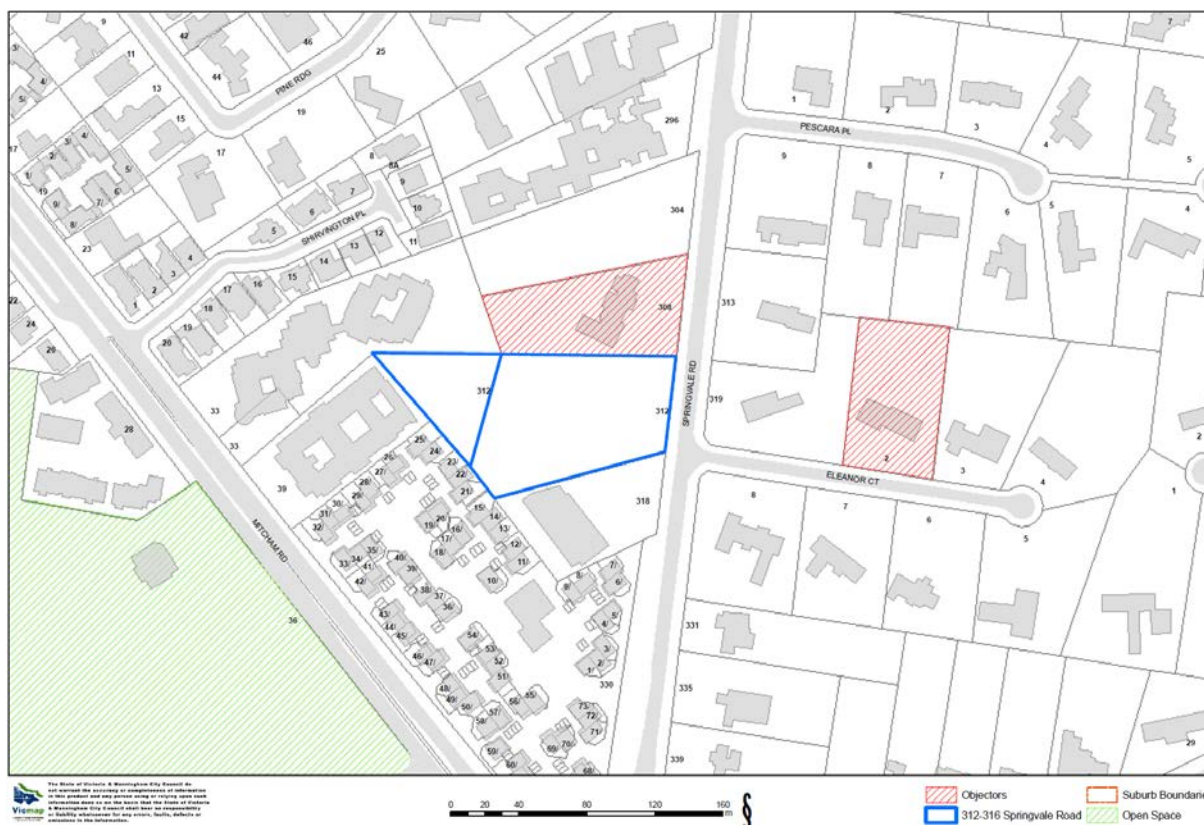
1. This report provides Council with an assessment of the planning permit application submitted for 312-316 Springvale Road, Donvale and recommends its approval, subject to amendments to be addressed by way of permit conditions. The application is being reported to Council as it is a Major Application (with more than 15 dwellings and a development cost of more than \$5 million).

Proposal

2. The proposal is for the development of the land for a multi-level "Seniors' Living" retirement village. There are 75 apartments comprising a mix of one, two and three bedrooms, along with associated communal facilities. The removal of native and exotic vegetation is proposed, in part to accommodate the development footprint, but moreover due to the overall poor quality of the trees. An altered vehicular access is created in more centralised location along the frontage, with the construction of a left-turn deceleration lane to facilitate traffic movements. Car parking is provided in the form of two basement levels and provides 118 car spaces, exceeding the statutory requirement by 22 car spaces.
3. The land has a total area of 10,274.11m². The building proposes a site coverage of 44% and the site permeability is 31%. There are three building modules which vary between two to three storeys above the natural ground level, and reach a maximum height of 10.8 metres. The western part of the site is to be excavated so as to assist with resident accessibility and to reduce overall building height in this area.

Advertising

4. Notice of the application was given over a three week period which concluded on 21 November 2018.
5. Two objections have been received to date. The grounds of objection relate to drainage matters and increased traffic pressures associated with the use and location of the vehicular access.



Key issues in considering the application

- 6. The key issues for Council in considering the proposal relate to:
 - Planning Policy Frameworks;
 - Use and location;
 - Siting, scale, design and built form;
 - Vegetation removal and landscaping;
 - Amenity;
 - Traffic, car parking and access; and
 - Objector concerns.

Assessment

- 2. The use and development of the land for a retirement village is appropriate having regard to relevant Planning Policy Frameworks of the Manningham Planning Scheme (the Scheme), including the requirements of the Low Density Residential Zone (LDRZ), Significant Landscape Overlay, Schedule 6 (SLO6) and supporting policy relating to residential accommodation.
- 3. Whilst a development of this particular form and intensity would not ordinarily be appropriate in a typical low density setting, the site sits within a unique context, located on the fringe of the Growth Zone and amidst established “like” facilities for retirement villages/aged care uses, as well as being immediately adjacent to a large purpose-built childcare centre. With the very large site area on offer and in the context of the surrounding built form, a more robust development can be reasonably accommodated without perceivable detriment to the low density character and landscape values defining this particular section of Springvale Road. This is further supported by the proposal’s consistency with the locational

requirements relevant to residential accommodation proposed in low density areas, as directed by Clause 22.14 of the Scheme.

4. The overall siting and design utilises differing treatments upon each building module to respond to its relevant boundary interface, with the third storey components set deep into the site as a design response to the more sensitive residential abutments. The intent of SLO6 is reflected in the large boundary setbacks, and building heights which are largely maintained beneath 8 metres in the appropriate locations.
5. There is a notable amount of vegetation being removed from the site in totality, however only 52 trees of the 113 to be removed require planning permission, with the remaining to be cleared through the permissible exemptions of the SLO6 and bushfire protection provisions. Many of the trees to be lost are of poor health and structure, and many inappropriate for their location (particularly the Monterey Pines). There are 40 existing trees being retained and protected which will uphold a "treed" frontage, and 84 additional canopy trees proposed to further enhance the overall landscape value of the site, and offset losses with more suitable species selections.
6. It is considered that the proposal constitutes a well-conceived development which is acceptable to the site/neighbourhood context and landscape setting, and will provide for increased housing choice for the Municipality's ageing population. The site is appropriately located in terms of its main road location and has a high level of accessibility to essential services. Approval of this development would achieve the desired "clustering" amongst other similar residential and community based facilities.

Conclusion

7. This report concludes that the proposal complies with the relevant planning policy in the Scheme and particularly with Council's Local Policy at Clause 22.04 - Residential Accommodation, which stipulates the essential criteria for residential accommodation. The proposal has been assessed against the merits of policy and planning scheme requirements and is supported for the reasons outlined in the detailed assessment subject to conditions requiring modest design changes and tree protection measures, and the submission of supporting plans for Council approval.
8. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

- A. **Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PLN18/0452 at 312-316 Springvale Road, Donvale for the use and development of the land for a retirement village with associated facilities, basement car parking, tree removal including native vegetation, and altered access to a road in a Road Zone, Category 1, subject to the following conditions -**

- 1. Before the development starts, amended plans drawn to scale and**

dimensioned, must be submitted via email 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 Thomson Adsett Pty Ltd, dated 10 October 2018, but modified to show the following:

Plan Detail

- 1.1. Full site contours transposed onto relevant site plans, with the location of all retaining walls and finished surface levels of pathways and modified outdoor spaces;
- 1.2. Scaled and dimensioned balcony measurements demonstrating the minimum areas of Standard B43 of Clause 55.07-9 are generally achieved;
- 1.3. Vegetation retention and removal accurately detailed;

Layout

- 1.4. The north-eastern elevation and any associated balconies of the western building module (Apartments LG.01, G.27 and L1.54) modified to achieve a minimum 5 metre setback from the northern boundary, with the third level (Apartment L2.75) to be setback a minimum of 5.5 metres. This could be achieved through internal layout configurations, and should explore the relocation of balconies to face toward the north-east, to the satisfaction of the Responsible Authority;
- 1.5. The deletion of Apartment G.21 and subsequent internal modifications to the satisfaction of the Responsible Authority, or as generally depicted on the discussion plans prepared by Thomson Adsett Pty Ltd, received 23 April 2019, which includes:
 - 1.5.1. Apartment G.20 modified to include two bedrooms with an increased balcony area;
 - 1.5.2. An increase in gym floor area and concealment of the bin room servicing this level to behind the lift core;
 - 1.5.3. The relocation of the service corridor connection to the external bin store and rationalising of the remaining pathway area within the southern setback;

Screening

- 1.6. Boundary fencing correctly depicted on elevation (as measured above natural ground level at the Title boundaries). Any trellis additions are to be erected in a sturdy manner and of a feature material/design with not more than 25% transparency;
- 1.7. Further detailing regarding the referenced "privacy screens", with any window and balcony screening to be clearly identified on elevation and accompanied by updated cross-sections to demonstrate that overlooking is suitably restricted. Any screening mechanisms deemed necessary are to be designed to restrict downward views whilst maintaining clear outward views (i.e. planters or extended lip screens etc.);

Pedestrian pathways and communal area

- 1.8. Doorway connections between the lower ground level and central communal open space to be identified on plan, and also provided (in a glazed manner) between the corridors servicing the northern and central building modules;
- 1.9. The pathway within the western boundary setback replaced with

terraced garden beds. The garden bed where at the natural ground level is to be increased to approximately 3.5 metres in width, and terraced with a secondary retaining wall to reduce the gradient of batter slopes adjoining the apartment terraces;

- 1.10. Subsequent modifications to the pedestrian pathway and communal open space area the satisfaction of the Responsible Authority, including:
 - 1.10.1. The rationalising of the pathway within the southern setback (generally adjacent to Apartment G.20) to adequately accommodate landscaping in addition to some service access to the rear garden bed;
 - 1.10.2. The creation of a usable communal open space area in the north-west corner of the site (to include facilities such as sheltered bbq/picnic facilities etc.) with a pathway connection to the central open space area and the treatment of any level differences to be appropriately detailed;
 - 1.10.3. The pathway system to include some curvature;
 - 1.10.4. Any modifications to the pathway system to ensure all trees to be retained in vicinity of the pathways are adequately protected, in accordance with the recommendations of the updated Arborist assessment required by Condition 7;
 - 1.10.5. The pathway termination to the north-east of the building modified to provide a stairway connection to the front terrace adjacent to the communal dining area, or other suitable design solution;

Materials and site services

- 1.11. Relevant plans detailing any solar panels or roof plant, with the meters/service cabinets upon the southern boundary condensed (or relocated if possible) in preference for planting;
- 1.12. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls, providing the following changes to the satisfaction of the Responsible Authority:
 - 1.12.1. The grey colouring of Material 1 modified to be of a warmer/earthier colour tone (such as a lighter brown);
 - 1.12.2. Timber materials further detailed and to be of a suitably durable material. If a reconstituted product is proposed, specifications of the make, style and colouring must be submitted to demonstrate a high quality appearance, to the satisfaction of the Responsible Authority;
 - 1.12.3. Hardstanding within the front setback area and internal pathways to be of a feature material/paver (not plain concrete) and including an alternate driveway finish for the drop-off area;
 - 1.12.4. Retaining walls constructed of a durable material such as stone, or blockwork finished in a colour which complements the overall scheme;
 - 1.12.5. Detailing of how site services will be screened/finished, so as to reasonably integrate into the overall development, including the design of cabinets where necessary. Where roof plant is proposed above the ridgeline of the main roof,

screening is to be of a light colouring;

General

- 1.13. The corridor width at the eastern end of the northern building module increased to achieve a minimum door opening of 850mm and deletion of circulation line-markings adjacent to doorways, as relevant;
- 1.14. All surplus car parking allocated to staff and visitors; and

Other Conditions/Plans

- 1.15. Any plans and design changes to satisfy VicRoads requirements at Condition 65;
- 1.16. A schedule listing all sustainability features and commitments, including any plan changes as per the Sustainability Management Plan required by Condition 4; and
- 1.17. Any plan changes as per the reports and plans required by Conditions 7, 12, 14 and 25.

Endorsed Plans

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

Easements

3. Prior to the commencement of the development, an approved plan of variation for the removal and creation of Easements on TP874804S must be lodged with the Land Titles Office to the satisfaction Responsible Authority.

Sustainability Management Plan

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) 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 occupation of any dwelling. The plan must be generally in accordance with the report prepared by Waterman Group, dated 30 May 2018, though updated to reflect any conditional changes and the following:
 - 4.1. Water 1.1 Water Efficient Fixtures: Amend BESS to state commitment to providing dishwashers and washing machines as part fit-out to correspond to basin tap commitment, or amended to default/unrated;
 - 4.2. Energy 4.2 Renewable energy systems – Solar: Plan detailing to show and notate the proposed 5kW PV system referred to in SMP;
 - 4.3. IEQ 1.4 Daylight access – Non-residential: Report to include daylight calculations (modelling or hand calculations) to demonstrate predicted performance of non- residential spaces in relation to BESS daylight benchmarks;
 - 4.4. Waste 2.1 Food & Garden Waste: Plan detailing to show facilities

- provided for management of food and garden waste; and
- 4.5. **BESS Assessment:** Formally published in the BESS tool, with categories updated as necessary and demonstrating the project meets the BESS minimums.

Waste Management Plan

5. **Prior to the commencement of the development, a Waste Management Plan must be submitted via email and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. Private waste collection must occur on site and no private waste contractor bins can be left outside the development boundary at any time on any street. The plan must be generally in accordance with the submitted Waste Management Plan (WMP) prepared by PCL Consulting, dated 3 April 2018, and updated to detail the collection times to occur outside of peak commuter hours affecting the road network, with dwelling/bedrooms numbers updated as necessary.**

Construction Management Plan

6. **Not less than three months prior to the commencement of the development, 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 must be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:**

- 6.1. **Element A1: Public Safety, Amenity and Site Security;**
- 6.2. **Element A2: Operating Hours, Noise and Vibration Controls;**
- 6.3. **Element A3: Air Quality and Dust Management;**
- 6.4. **Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);**
- 6.5. **Element A5: Waste Minimisation and Litter Prevention; and**
- 6.6. **Element A6: Traffic and Parking Management.**

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

Tree Protection Management Plan

7. **Prior to the endorsement of plans under Condition 1, an updated Arboricultural Assessment (generally in accordance with the reports prepared by Arboriculture Pty. Ltd. dated January and July 2018) must be submitted to address the following:**
 - 7.1. **An accurate assessment of the impacts associated with all proposed buildings and earthworks affecting the Tree Protection Zone (TPZ) of any tree to be retained. Specifically, the internal pathway and associated earthworks, and any access variations required to satisfy VicRoads condition 65;**
 - 7.2. **Any recommendations, including design/layout changes or tree sensitive construction methods, in response to the updated assessment to ensure any permissible encroachments will not compromise the health and stability of any tree to be retained;**
 - 7.3. **Any maintenance or remedial works required to maximise the health**

and longevity of all trees to be retained;

- 7.4. An updated schedule of all trees to be retained, including the specific protection measures relevant to each tree (ie. Arborist supervision, tree sensitive construction, remedial works etc);
- 7.5. Further recommendations to inform the location of TPZ fencing as shown on the Tree Protection Plan, when accounting for any approved building or works encroachments;

An updated Tree Protection Plan (generally in accordance with the Tree Protection Plan prepared Arboriculture Pty. Ltd. dated July 2018) must also be submitted for approval, but modified to reflect any changes above, and including:

- 7.6. A schedule listing the trees to be retained, including species, TPZ, SRZ, permitted encroachment, and all protection measures (both general and specific to any tree);
- 7.7. Any permitted encroachments into the TPZ's of retained trees to be generally highlighted on plan, with the nominated location for protective fencing updated or annotated to account for such encroachments; and
- 7.8. Notations listing the protection requirements of Conditions 16 to 24.

Disability Access Management Plan

8. Prior to the commencement of the development, 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 is not limited to:

- 8.1. Vehicular and pedestrian access into the buildings;
- 8.2. Access to the lifts;
- 8.3. The provision of tactile indicators;
- 8.4. The provision of braille indicators for the lifts;
- 8.5. The use of contrasting paving materials to assist the vision impaired;
- 8.6. All emergency exits; and
- 8.7. Car parking areas.

Car Parking Management Plan

9. Prior to the commencement of the approved use, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will then form part of the permit. The plan must be generally in accordance with the endorsed plans, and include further details of the ancillary café/wellness centre operations and how their hours, staff numbers etc., will be managed to ensure surplus parking can suitably cater for staffing and minimise conflict with peak visiting times.

Management Plan Compliance

10. The Management Plans approved under Conditions 4, 5, 6, 7, 8, and 9 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.
11. Before the occupancy of the development, 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 have been implemented in accordance with the approved plans and the planning permit.

Landscape Plan

12. Prior to the endorsement of plans under Condition 1, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the decision plans prepared by Site Image Landscape Architects, dated October 2018, but modified to show:
 - 12.1. Detailing of roof planting, including drainage and maintenance;
 - 12.2. Any changes specified under Condition 1 and Condition 14, in addition to a schedule listing vegetation management recommendations for bushfire protection;
 - 12.3. An updated tree retention/removal schedule and plan to accurately reflect the Arborist Report and Tree Protection Plan;
 - 12.4. The trees to be retained in the north-east corner to be depicted as an indigenous remnant patch (generally free from additional landscaping) and completed with understorey grasses. Should the removal of existing native grasses be sought, this must be included in the amended Native Vegetation Report required by Condition 25 and offset accordingly;
 - 12.5. Pine and cypress species to be concentrated in the following areas:
 - 12.5.1. In front of the drop-off area within the front setback, though clear of land within the Public Acquisition Overlay;
 - 12.5.2. Along the northern boundary (other than in the location of the Indigenous patch of trees being retained);
 - 12.5.3. Along the southern boundary, particularly in the vicinity of the frontage and where opposite the adjoining car park;
 - 12.6. Canopy trees with the main garden bed adjoining the western boundary to have appropriate regard to the proximity to the adjacent dwellings, and ensure such trees are appropriately placed and selected to consider size, spread, leaf litter etc. Daylight access to both the existing and proposed dwellings is also to be accounted for;
 - 12.7. The lower terraced garden bed within the western setback to incorporate shrubs approximately 1.5 metres in height to effectively screen the main retaining walls;
 - 12.8. Replacement planting selections to incorporate the above requirements, and be generally commensurate to a 1:1 replacement planting of the pines removed (requiring a permit) and to incorporate native *Cypress Callitris*; and
 - 12.9. Surface and paving details to be further detailed, and consistent with

overall material schedule.

Landscape Bond

- 13. Before the release of the approved plan for the development, a \$10,000 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.**

Bushfire Protection

- 14. Prior to the endorsement of plans under Condition 1, the Bushfire Design Assessment (generally in accordance with the report prepared by Terramatrix, dated September 2018) must be updated to include a review of the landscape plan (Section 5 of report) and any recommendations with respect to selections and ongoing vegetation maintenance to manage bushfire risk and hazard.**
- 15. Bushfire protection measures must be implemented commensurate with the low level of risk to the site, which comprises a BAL-12.5 construction, vegetation on the site managed in a low threat state, access for emergency services, and compliance with the National Construction Code/Building Code of Australia requirements for water supply for structural firefighting and development of a Bushfire Emergency Management Plan. This condition continues to have force and effect after the development authorised by this permit has been completed.**

Vegetation protection

- 16. All vegetation protection measures must be carried out in accordance with the endorsed Tree Protection Management Plan approved under Condition 7. Prior to the works commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), protective fencing must be erected around all vegetation to be retained in accordance with the approved Plan, with the following prohibited (unless where approved) from occurring within the TPZ of any retained vegetation:**
 - 16.1. Vehicular or pedestrian access;**
 - 16.2. Trenching or soil excavation/grade changes;**
 - 16.3. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;**
 - 16.4. Entry and exit pits for underground services; and**
 - 16.5. Any other actions or activities that may result in adverse impacts to retained native vegetation.**
- 17. Any damage or disturbance to trees' root zones within the TPZ must be reported to the Responsible Authority. Damaged tree root zones may deem the tree unviable and further approvals and offsets may be required.**
- 18. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant**

material before being taken to the works site and again before being removed from the works site (to prevent the spread of noxious weeds) to the satisfaction of the Responsible Authority.

19. Prior to the commencement of the development, the owner must arrange with Council's Parks and Recreation Unit for the removal of any street trees and any required replacement. All costs associated with this must be paid to the satisfaction of the Responsible Authority. The removal and replacement of street trees must only be undertaken by Council contractors to ensure quality and safety of work.

Vegetation removal

20. No vegetation (including trees, shrubs, grasses and herbs), other than as approved on the endorsed plans, shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
21. Vegetation removal and the provision of local offsets must be in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
22. Vegetation removal and disposal must not damage vegetation stands to be retained to the satisfaction of the Responsible Authority.
23. Any tree removal or remedial works are to be undertaken by a qualified Arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.
24. Within three (3) months of the felling of trees approved under this permit, all fallen trees must be mulched or removed from the site to the satisfaction of the Responsible Authority.

Native Vegetation Offset

25. Prior to the endorsement of plans under Condition 1, an Updated Native Vegetation Report is required to delete reference to planted tree Nos. 69, 85, 86, 87 and 98, with the gain of habitat units and strategic score of the offsets calculated and provided accordingly.
26. Within three (3) months of issuing this permit, evidence that the native vegetation offset has been secured must be provided to the satisfaction of the Responsible Authority. The native vegetation offset (as determined by Updated Native Vegetation Report) must meet the following requirements:
 - 26.1. Contribute the required amount of gain of general habitat units;
 - 26.2. Be located within the Port Phillip or Westernport Catchment; and
 - 26.3. Have the required minimum strategic biodiversity score.
27. Prior to the removal of any native vegetation, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be in the form of either:
 - 27.1. A credit extract allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by

the Responsible Authority and form part of this permit. Or;
27.2. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.

28. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning (DELWP).
29. In the event that a security agreement is entered into as a condition, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan each anniversary of the security agreement for ten years. An offset site condition statement, including photographs must be included in this notification.

Stormwater – On-site detention (OSD) and Flooding

30. The owner must provide an on-site stormwater detention system to the satisfaction of the Infrastructure Services Department, which limits the Site Discharge 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 OSD system must meet the following requirements:
- 30.1. Discharge must be designed for a 1 in 5 year storm; and
30.2. Storage must be designed for 1 in 100 year storm.
31. Prior to the commencement of the development (after the approval of the endorsed plans) a certified construction plan for the system required by Condition 30 of this permit must be submitted to and approved by the Infrastructure Services Department. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the Responsible Authority.
32. A backup source of power must be provided for the pump associated with the approved OSD system, to the satisfaction of the Responsible Authority.

Drainage

33. Prior to the commencement of the development (and in conjunction with the further approvals required by Condition 3), a certified engineering construction plan for drainage diversion works (generally along the alignment of the north-western and part northern boundary, to the existing drainage system within the easement at the rear of 308 Springvale Road) must be submitted to and approved by the Responsible Authority. Drainage must be designed for the 20% Annual Exceedance Probability (AEP) storm, or as required by the Infrastructure Services Department. Before the works commence:
- 33.1. A supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Infrastructure Services Department;
33.2. A plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Infrastructure Services Department;

- 33.3. A maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Infrastructure Services Department and retained thereafter for a minimum of three months; and
- 33.4. A schedule of costs for the construction of drainage works must be submitted to the Infrastructure Services Department, (if applicable).

All diversion works must be constructed in accordance with the approved plan, prior to the commencement of any works permitted under this permit (but not before all further approvals required by Condition 3 are submitted) to the satisfaction of the Responsible Authority.

34. 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 "Connection to Council Drain" Permit is first obtained from the Responsible Authority.
35. 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.

Footpath construction

36. Prior to the commencement of the development, detailed design and construction plans (with supporting longitudinal and cross sections) and associated traffic management plans must be submitted to and approved by the Responsible Authority for the construction of a footpath within the road reserve adjacent to the site, to Council standards. When approved, the plans will then form part of the permit. All works constructed or carried out must be in accordance with the approved plans and completed prior to the completion of the development, being at the full cost of the permit holder. The plans must be drawn to scale with dimensions and two copies provided. Before the footpath works commence:
- 36.1. A supervision fee equal to 2.5% of the cost of construction of the footpath must be paid to the Infrastructure Services Department;
- 36.2. A plan-checking fee equal to 0.75% of the cost of construction of the footpath must be paid to the Infrastructure Services Department; and
- 36.3. A maintenance deposit equal to 5% of the cost of construction of the footpath must be lodged with the Infrastructure Services Department and retained thereafter for a minimum of three months.

Completion and Maintenance

37. Before the occupation of the approved buildings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
38. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the buildings to the satisfaction of the Responsible Authority and maintained thereafter to

the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

39. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority
40. Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
41. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority

On-site car parking and bicycle parking

42. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
 - 42.1. Be completed, line-marked numbered and signposted to provide allocation to each apartment, to the satisfaction of the Responsible Authority prior to the occupation of the development hereby permitted;
 - 42.2. Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and
 - 42.3. Be drained and sealed with an all-weather seal coat where appropriate.
43. Surplus car parking spaces must be made available for resident visitor and staff vehicle parking free of charge at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.
44. Automatic basement door opening systems must be installed and maintained, so as to facilitate secure access to the allocated parking areas by residents, visitors and staff, to the satisfaction of the Responsible Authority
45. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

Lighting

46. 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.

General

47. All services, including water, electricity, gas, sewerage and telephone,

must be installed underground and located to the satisfaction of the Responsible Authority.

48. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
49. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
50. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
51. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas, unless otherwise agreed in writing with the Responsible Authority.
52. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise general visual impacts from off the site, and unless otherwise agreed in writing with the Responsible Authority, no air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
53. All building services and metering located in the front setback, including fire services, gas, water and electricity, must installed in accordance with the approved plans and must be positioned in discrete manner and be screened using landscaping or cabinets etc that integrate with the overall building design to the satisfaction of the Responsible Authority.
54. In the event of excavation or works causing damage to any other existing boundary fence, the permit holder must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
55. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority
56. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

Use

57. The Independent Living Apartments must be operated and managed in accordance with the *Retirement Villages Act 1986*.
58. The wellness centre must only be used to service the residents of the retirement village, to the satisfaction of the Responsible Authority.
59. The café must primarily be used for the purpose of persons associated with retirement village, to the satisfaction of the Responsible Authority.
60. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:

- 60.1. Transport of materials, goods or commodities to or from the land;
- 60.2. Storage of goods and wastes;
- 60.3. Appearance of any building, works or materials; and
- 60.4. Emission of noise, light, vibration, odour and dust.

61. The exhaust system of any cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.

62. All delivery and collection of goods associated with the ancillary cafe premises must be conducted within the subject land.

63. Any infectious or potentially infectious wastes (as defined by the EPA) associated with the wellness centre must be disposed of in accordance with Environmental Protection Authority (EPA) requirements, to the satisfaction of the Responsible Authority.

Construction Management

64. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.

VicRoads conditions

65. Prior to the commencement of works, amended plans to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan(s) will form part of this permit. The amended plans shall show:

- 65.1. The proposed 25m left turn lane modified to maximise storage;
- 65.2. Kerb and Channel matched to existing Kerb and Channel at 318 Springvale Road;
- 65.3. The PAO4;
- 65.4. Internal access arrangement, particularly the layout of set down/ pick up area modified allow future road widening; and
- 65.5. Access gradient to the underground parking from the edge of the road.

66. Vehicles must enter and exit the land in a forward direction at all times.

67. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

68. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;

69. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works, including service relocation, must be provided and available for use to the satisfaction and at no cost to VicRoads and the Responsible Authority.

Public Transport Victoria condition

70. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Springvale Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

Permit Expiry

71. This permit will expire if one of the following circumstances applies:

71.1. The development is not started within four (4) years of the date of this permit; and

71.2. The development is not completed within eight (8) years of the date of this permit.

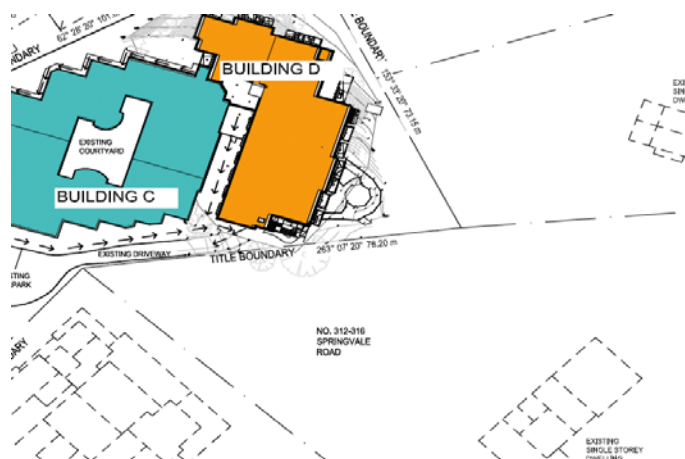
71.3. The use is not commenced within two (2) years of completion;

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 request relevant to the current application and design was submitted to Council on 29 May 2017, and presented to the Sustainable Design Taskforce meeting on 27 July 2017. The design evolved to what is currently proposed generally in response to those earlier meetings, resulting in the removal of the additional use for a medical centre, reduced apartment numbers and a lowered built form, particularly toward the northern interface.
- 1.2 The current application was submitted to Council in July of 2018, and a request for further information was issued on 1 August 2018. Upon submission of further information, the application was amended under Section 50 on 26 October 2018, with plan modifications generally made to increase daylight access to lower level apartments.
- 1.3 Notice of the application was given over a three-week period which concluded on 21 November 2018. Prior to this, the applicant held a voluntary “drop-in” information session on 20 October 2018 to offer the local community an opportunity to view the proposal and ask questions directly of the project team.
- 1.4 The statutory time for considering a planning application is 60 days, which lapsed on 25 December 2018.

- 1.5 Due to complexities surrounding potential flooding impact and the required removal/relocation of easements and associated drainage divergence, the Infrastructure Services Unit required a more extensive referral assessment to consult with the applicant's engineers. The removal and variation of the easements has not been applied for as part of this application (and will be applied for separately), however, it was imperative to resolve that suitable pipe diversions could be achieved without adverse impact upon current or future drainage conditions, and that the design response addressed the potential for flooding. Thus preliminary engineering plans were called for and reviewed. These matters have now been satisfactorily resolved.
- 1.6 Prior to the lodgement of the current application, Planning Permit PL17/028007 was approved on 29 June 2018 for works associated with the construction of a temporary vehicle access and associated vegetation removal, and alterations to access a road within a Road Zone, Category 1. This proposal sought to create temporary vehicular access for the "Allity" (aged care) site on higher land at 33 Mitcham Road. This access was to serve construction vehicles associated with an approved proposal for a 3 storey addition at the rear of this property (shown as Building D in image below). The crossover location proposed herewith reflects the approved location for this application. This permit will not be acted on as the owner of this adjoining facility has recently decided not to carry out the extensions.



2. THE SITE AND SURROUNDS

The Site

- 2.1 The subject site (known as Lots 1 and 2 on Title Plan 874804S) is situated on the western side of Springvale Road, generally opposite the roads intersection with Eleanor Court, and some 250 metres north of Mitcham Road.
- 2.2 The site is irregularly shaped (10,247sqm total site area) with frontage of 56.4 metres, a northern boundary length of 178 metres, southern boundary length of 104.5 metres, and south-western boundary of 88.2 metres (west for the purpose of this report).
- 2.3 The site contains a single storey dwelling which is centrally located and has outbuildings and an in-ground pool. Vehicular access is via an informal crossing at the southern end of the frontage, opposite the Eleanor Court intersection. The

site's landscape is equally characterised by a moderate coverage of well-established trees (some very large), and open grassed areas. Mature Monterey Pines are the predominant species, with these being generally concentrated along the front, south and rear boundaries. Native trees are found in scattered locations, with a "remnant patch" identified in the north-eastern part of the site.

- 2.4 The row of pines extending along the frontage and within the road reserve generally conceals views into the site from Springvale Road.
- 2.5 There are two 1.83 metre wide easements bisecting the land on either side to the existing dwelling, and connecting to two differing points along the northern boundary. The easement to the west of the dwelling contains assets.
- 2.6 Topographically, the land has gentle cross-fall of approximately 6.8 metres from north to south-west.



The Surrounds

- 2.7 Land surrounding the site is highly varied in character due to its contextual location where two very contrasting Zones meet.
- 2.8 Like the site, the land directly opposite and adjoining the eastern portion of the northern boundary are with the LDRZ and are characterised by larger residential allotments that are 4,000sqm or more in area. These properties are also covered by the SLO6, which acknowledges the "pine and cypress tree theme" that characterises the general landscape. Whilst land to the south is also with the LDRZ, its recent development with a purpose-built childcare centre is not typical of the above-said character, and more akin to typical urban development. To the rear of the site, and also wrapping around to the north is the Residential Growth Zone (RGZ), which is characterised by a mixture of low scale retirement living dwellings and multi-storey aged care facilities. The desired future character for land in the RGZ anticipates apartment style buildings with a more intense built form and density.

2.9 Properties fronting Springvale Road have also attracted an influx of alternative uses such as aged care and child care, amongst the otherwise residential properties. This is presumably due to the combined qualities of large site areas, full services availability and their wide, main road frontages.

2.10 The direct abuttals as described as follows:

Direction	Address	Description
South	318-320 Springvale Road (LDRZ)	<p>Immediately to the south of the site is a single storey childcare centre approved by Planning Permit PL15/025084, which has 150 places and operates from 6.30 am to 6.30pm. The building is sited toward the rear/western boundary, and is setback 1.1 metres from the subject site, with this space used as a “service area”. The front of the site is characterised by an open bitumen car park providing for 38 spaces servicing the centre. Play areas are located to the rear and front of the building and separated from the site by a recently constructed 2 metre paling fence which is above retained fill.</p> <p>Landscaping associated with the approval is still developing so at present, the building, playground and car park are highly exposed to the street.</p>
South-west	330 Springvale Road (RGZ)	<p>To the south of the child care centre, is the Aveo Pinetree Retirement Village. This is a very large allotment which occupies the entire Mitcham Road and Springvale Road “corner”, and therefore which results is an abuttal with the southern half of the site’s rear boundary.</p> <p>This older complex is characterised by typical “villa style” single-storey brick units, centred around a private internal roadway.</p> <p>There are four semi-detached units with a direct abuttal to the site. Setbacks are between 4 and 10 metres from the common boundary, with each containing their courtyard within this space.</p> <p>There is a 2.0m high divisional fence and approximately 0.5m higher level difference than the site.</p>
West	39-41 Mitcham Road (RGZ)	<p>The northern half of the site’s rear boundary is adjoined by TLC -The Heights, which incorporates residential Aged Care accommodation and also a Medical Centre. The building is 3 storeys in scale and setback some 5 metres from the shared boundary. The rear elevation generally contains windows associated with rooms and communal dining areas.</p>

North-west	33-37 Mitcham Road (RGZ)	<p>The western half of the site's northern boundary is adjoined by Allity Aged Care Living, which provides residential Aged Care accommodation in a series of two storey building modules. As previously, indicated a planning permit has been issued to for a three-storey addition to the rear, comprising of 25 additional rooms (total of 105 rooms on site). This permit may not be acted upon.</p> <p>At present, the area in the vicinity of the shared boundary generally comprises an open air car park and associated driveway access. A communal open space area with a gazebo is located to the rear of the car park. The building itself is setback over 8 metres.</p>
North	308 Springvale Road (LDRZ)	<p>The remainder of the northern boundary is adjoined by a large residential allotment developed with two attached single storey dwellings (both on the one Title and as permitted under Planning Permit PL11/022154). Both dwellings are setback over 30 metres from the frontage, with a tennis court located within this setback. The original dwelling is angled, with setbacks of between 5.1 and 15 metres from the shared boundary. Within this setback is the driveway servicing this dwelling, and a number of mature trees which provide for some screening of the dwelling and its south-facing windows, as viewed from the subject site. This dwelling effectively "blocks out" the second dwelling (constructed following the issue of the above-said permit) and has no window outlook facing the site.</p> <p>Beyond to the north at 304 Springvale Road is vacant, though has been issued a past approval to construct a childcare centre and removal of 47 trees. North of this is 296-302 Springvale Road, which contains a 2 storey aged care facility occupied by "Bupa".</p>
North	349 Springvale Road and Eleanor Court (LDRZ)	<p>The dwellings are typically positioned within landscaped gardens, most with tennis courts and/or swimming pools as a usual part of the development.</p> <p>The residential properties addressing Springvale Road almost all have high solid fencing along the frontage with supplementary planting, and therefore dwellings are generally well concealed from street view.</p>

- 2.11 Springvale Road, travelling north of the subject site, has a distinct landscape character created by the linear rows of mature trees on either side of the roadway. Whilst Monterey Pines are prominent, there is also a relatively high contribution made by other exotic and native vegetation. Many allotments have undergone a notable amount of clearing to accommodate dwellings and

outbuildings. This, however, is not evident to the streetscape due to an apparent preference to retain a treed environment toward the frontages, arguably to keep vegetation sufficiently clear of dwellings and their usable spaces, and provide a “buffer” from the main road environment.

- 2.12 Springvale Road as viewed looking south of the subject site has an entirely different character, as tree canopy significantly lessens and a more “urban” built form becomes a visible feature in the approach to the Mitcham Road intersection.
- 2.13 Springvale Road is a primary arterial road generally aligned in a north-south direction. In the vicinity of the site, there is one trafficable lane in each direction with no kerbside parking or formal pedestrian pathways. A Public Acquisition Overlay, Schedule 4 affects properties on either side of the road (generally between Mitcham Road and Cat Jump Road), in anticipation of the future widening scheme to provide an additional lane in each direction.
- 2.14 Being adjacent to a Growth Zone, the site benefits from the same level of access to essential services and facilities, including a number of bus routes (including a smart bus) which directly services Springvale Road. In addition to the small strip of shops at the nearby Mitcham Road intersection, Tunstall Square Activity Centre is within a 600 metre distance and offers numerous shopping/food service facilities, along with medical and office uses. The TLC Medical Centre also directly adjoins the rear boundary. Donvale Reserve is within a 300 metre distance, and the Municipality’s Principle and Major Activity Centres are 3.5km and 4.5km away respectively, and both directly accessible via bus routes servicing Springvale Road.

3. THE PROPOSAL

- 3.1 It is proposed to use and develop the land for the purpose of a “seniors’ living” retirement village, containing 75 apartments and associated communal facilities.
- 3.2 The proposal is outlined on the plans prepared by Thomas Adsett, Project No. 16.0031, dated 10 October 2018 and a landscape plan prepared by Site Image Landscape Architects, Job No. SM17273, dated October 2018. Refer to Attachment 1.
- 3.3 The following reports were provided in support of the application:
 - Town Planning report prepared by PCL Consulting, dated 12 October 2018;
 - Traffic Impact Assessment and addendum prepared by Cardno, dated 24 September 2018;
 - Waste Management Plan prepared PCL Consulting, dated 28 October 2018;
 - Sustainable Management Plan prepared by Waterman Pty. Ltd., dated May 2018;
 - Arboricultural Inspection Report prepared by Arboriculture Pty. Ltd, dated January 2018;
 - Arboricultural Tree Impact Assessment and Tree Protection Plan prepared by Arboriculture Pty. Ltd, dated July 2018;
 - Native Vegetation Impact Report prepared by Practical Ecology, dated June 2018;

- Bushfire Development Report prepared by Terramatix, dated September 2018;
- Daylight Assessment Report prepared by Waterman Pty. Ltd. and dated October 2108;
- Stormwater Assessment Report prepared by Murdue Engineering, dated 29 May 2018; and
- Endorsed Site Access Plan (as approved under P117/028007), endorsed 21 March 2018.

Development summary

3.4 A summary of the development is provided as follows:

Land Size:	10,247sqm	Minimum wall setback to west (Springvale Road):	24.4m
Site Coverage:	44%	Minimum building setback to north boundary:	8.2m: Northern module 4.6m: Western module
Permeability:	31%	Minimum building setback to south boundary:	9.1m: Northern module 3.5m: Western module
Density	1 per 137m ²	Minimum building setback to west (rear) boundary:	8.7m: Western module
Maximum Building Height:	10.8m: Central module 7.7m: Northern module 9.3m: western module	Maximum building height restrictions:	LDRZ: Nil SLO6: Nil – a permit is required for building heights exceeding 8m
Number of retirement living apartments:	75 • 1 bedroom: • 7 • 2 bedrooms: • 47 • 3 bedrooms: • 21	Total car parking spaces:	• 118 (96 required) • Residents: • 100 (96 required) • Visitors: • 18 (0 required)
		Total excess car parking:	• 22 spaces

Design Layout

3.5 The building massing is mainly concentrated in the centre and western portions of the site and comprises three connected building modules that follow the side and rear boundary alignments. The central module provides the primary entrance to the building. A porte cochere in front of the building defines the

entry, leading into the reception area and majority of communal facilities. These include a wellness centre for the residents, library, gym, cafe/dining area, bar, lounge, billiards room, and outdoor terrace seating areas. A cinema and cellar are also located at lower levels elsewhere in the building.

- 3.6 Two levels of apartments are located above these ground level facilities, giving this module a three storey scale reaching 10.8 metres in height (being the maximum height of the overall development). The third storey is set deep into the site; over 40 metres away from the frontage, more than 20 metres from the northern boundary and a minimum of 13 metres from the southern boundary. There are 14 apartments arranged in a double-loaded configuration with either a north-westerly or south-easterly aspect.
- 3.7 The northern building module follows the angled alignment of the northern boundary. This module is only two storeys in scale and setback over 8 metres from the northern boundary. It includes nine apartments in a single-loaded layout, all offering living areas and courtyard/balconies with a northerly aspect. A “green roof” is proposed atop of the building.
- 3.8 The western building module follows the angled alignment of the rear boundary, and is the more “robust” module, being set over three to four levels and containing the remaining 52 apartments. The apartments are arranged in a double loaded layout and mainly oriented to the north-eastern or south-western. From an external perspective, this building is only 2-3 storeys in height above the natural ground level, with the fourth storey essentially sunken into the natural ground by way of the earthworks in this general location.
- 3.9 The primary area of outdoor communal open space is located within the central “v” shaped area between the building modules, offering open lawns and recreational space. A pedestrian circuit pathway connects this area to front of the building, with a secondary path extending along the southern and western setbacks.

Car parking and vehicular access

- 3.10 The existing access point to Springvale Road will be removed, and a new access constructed more centrally along the frontage. The new accessway will provide access to both a circular drop off area in front of the main entrance and to a ramp leading down into the basement car park beneath the building. A left-turn slip lane is proposed along the frontage.
- 3.11 The two levels of basement car parking provide for a total 100 resident spaces and 18 visitor spaces. There are 32 bicycle spaces also incorporated.
- 3.12 The basement is connected to the building modules via adjoining corridor connections and two lift cores.

Vegetation removal and Landscaping

- 3.13 It is proposed to retain 40 trees on site, comprising a relatively even mix of Monterey Pines, Indigenous Candlebarks and other native/exotic species. These are generally located along the frontage and north-east corner of the site, where there is also a remnant patch of Indigenous grasses.

- 3.14 There are 52 trees to be removed which require planning permission, and a further 61 which can be rightfully cleared. Most are “weeds species” exempt under the SLO6, though there are also 24 Monterey Pines which satisfy the exemptions to provide defensible space under Clause 52.12, due to their close proximity to the retirement villa units to the west.

Trees:	Retained	Removed
Indigenous	13	15
Monterey Pine	13	31
Native/Exotic	14	6
Total:	40	52

Other removal:		
Exempt under bushfire provision (>10m to adjoining dwellings):		24
Exempt under SLO6:		37
Total tree removal not requiring permit:		61

- 3.15 Revegetation is proposed in the form of 84 canopy trees and complimentary understorey planting. Of the replacement trees, 42 are pine or cedar varieties.

Design detail

- 3.16 The buildings feature a contemporary architectural design, incorporating earthy coloured stonework and timbers upon a grey based colour scheme.
- 3.17 Roof forms are gently pitched, with the main entrance defined by battened pergola style porte cochere. Vertical fanning accents are provided to the projecting balconies. The buildings are highly modulated and consequently have varied setbacks to boundaries, including deep “cut-outs” within the elevations.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 2.
- 4.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.03 Low Density Residential Zone:
 - Use of the land for a retirement village
 - Buildings and works associated with a Section 2 (permit required) use
 - Clause 42.03 Schedule 6 to the Significant Landscape Overlay:
 - To construct a building or construct or carry out works
 - The removal of any Victorian native vegetation, or an exotic or Australian native tree with either a trunk circumference of more than 0.35 metres measured at a height of 1.3 metres above natural ground level, or a height of more than 6 metres.
 - Clause 45.01 Public Acquisition Overlay for a Category 1 Road:
 - Use of the land for a Section 2 use in the zone
 - To construct a building or construct or carry out works
 - To damage, remove, destroy any vegetation (other than where a listed exemption)

- Clause 52.17 Native Vegetation:
 - To remove or destroy native vegetation (other than as exempt)
 - Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road:
 - To create or alter access to a road in a Road Zone, Category 1 and associated POA.
- 4.3 A retirement village is defined in Clause 73.03 of the Scheme as - land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village

5. REFERRALS

External

- 5.1 Given the proposal involves the alteration of access to Springvale Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority. They are also the determining authority for the works and vegetation removal proposed within the PAO4.
- 5.2 VicRoads has no objection subject to conditions being included on any permit issued, requiring the provision of a functional layout plan and plan amendments to address the extension of the left-turn lane and modifications to the internal accessway, so as to have regard for future road widenings.
- 5.3 As the proposal involves a residential development comprising 60 or more dwellings, it is a statutory requirement to refer the application to Public Transport Victoria as a determining referral authority.
- 5.4 Public Transport Victoria has no objection subject to a condition on any permit issued requiring the permit holder take all reasonable steps to ensure that disruption to bus operation along Springvale Road is minimised during construction.
- 5.5 DELWP was notified of the application and had no objection, with advice that suggesting the offset requirements be applied in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation 2017*.
- 5.6 Whilst not a statutory authority, the MFB was consulted to ensure that Bushfire Report prepared in response to the sites location within a Bushfire Prone Area had adequately considered the bushfire risk as required by Clause 13.02-1S of the Scheme.
- 5.7 The MFB commented that they would not object to Council determining the application provided the comments in bullet point 6 of subsection 6.1.2 of the Bushfire Report were complied with. It was also noted that there is a distance of approximately 194 metres between the nearest hydrant to the furthest point of the allotment and would expect the implementation of a hydrant system that is compliant with relevant requirements.
- 5.8 **Conditions** to implement the relevant conditional requirements of the determining referrals and recommendations of the MFB will be required.

Internal

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

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> No objection subject to conditions for the provision of on-site storm water detention, with storage designed for 1 in100 year storm.
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> The proposed vehicle access arrangements from Springvale Road are generally acceptable and will be subject to VicRoad's requirements and final approval. Construction of new footpath required along frontage, with associated design and plans require for approval.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> Visibility splays must be provided adjacent to the accessway at the site's frontage in accordance with Design Standard 1: Accessways of Clause 52.06-9 Car Parking of the Manningham Planning Scheme.
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> The number of car parking spaces is in excess of statutory requirements and considered satisfactory. The proposed development adds 29 vehicle movements to Springvale Road during the peak hour and 214 daily vehicle movements. The increase in total daily traffic volumes along Springvale Road is considered to have a negligible impact on the operation of Springvale Road and the surrounding road network.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> Corrective manoeuvres required for some resident parking bays are acceptable.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> No objection subject to conditions for on-site private waste collection and for the provision of an approved waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> No objection subject to the construction of diversion drainage works along the alignment of the north-west and part of the northern boundary of the site to the existing drainage system within the easement at the rear of 308 Springvale Road. Drainage shall be designed for the 20% Annual Exceedance Probability (AEP) storm), or as required by the Infrastructure Services Unit in accordance with a certified engineering construction plan approved by the Responsible Authority. Drainage divergence works required prior completion. Prior to the commencement of works, an application to vary easements must be submitted and approved by the Responsible Authority.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> No objection subject to conditions. Large underground detention tanks have been designed to be able to handle the 1% AEP rainstorm events. System relies on pumping water to the water tank near Springvale Road. Condition required for approval of OSD plans, with storage deigned

Service Unit	Comments
	<p>for a 1 in 100 year storm. Such system is to include a backup power source for the event of a power outage during a 1% AEP rainstorm event.</p> <ul style="list-style-type: none"> • Flooding concerns have been satisfactory addressed.
<p>Integrated Planning Unit – Sustainability</p>	<ul style="list-style-type: none"> • No objection subject to a conditions. The application almost meets Council’s current expectations for ESD standards for a development of this type, although alterations report and plans required to address: <ul style="list-style-type: none"> • <u>Water 1.1 Water Efficient Fixtures</u> Amend BESS to state commitment to providing dishwashers and washing machines as part fit-out to correspond to basin tap commitment, or amended to default/unrated. • <u>Energy 4.2 Renewable energy systems – Solar</u> Plans required to show and notate the proposed 5kW PV system referred to in SMP. • <u>IEQ 1.4 Daylight access – Non-residential</u> Include daylight calculations (modelling or hand calculations) to demonstrate how non- residential spaces are predicted to perform in relation to daylight benchmarks outlined in BESS. Diagram provided in report is not relevant. • <u>Waste 2.1 Food & Garden Waste</u> Provide further information on plans showing facilities provided for management of food and garden waste. • <u>BESS Assessment</u> Assessment to be formally published in the BESS tool, with categories updated as necessary and demonstrating the project meets the BESS minimums.
<p>Environment</p>	<ul style="list-style-type: none"> • No objection to the application subject to conditions. • The development is similar to surrounding facilities, including those that extend north along Springvale Road within the LDRZ. • The removal of 24 pines and Pittosporum shrubs along existing fenceline are exempt of any permit requirements and vegetation offsets, under the bushfire exemptions. • The development is able to provide onsite 1-for-1 replacement of removed (non-exempt) pines as well as the native an indigenous trees proposed for removal. • The Landscape Plan makes sufficient gains with regard to the required replacement plantings to offset the loss of pines, as required under the SLO6. • Most of these plantings will utilise an array of conifer species, though not specifically <i>Pinus radiata</i> as is being removed. This is considered appropriate as the proposed species will be more suitable for this site use. • Of the Indigenous vegetation, Trees 69, 87, 85, 86, and 98 are “planted” and therefore exempt from offsetting under the requirements of Clause 52.17. An updated native Vegetation Removal Report is therefore required. • On-site planting on 16 indigenous canopy trees proposed, however retention of Trees 13, 55, 56 and 88 should be explored. • Retaining walls to consider Trees 17, 18 and 118. • Landscape plan to ensure that no non-indigenous plantings occur within the north-east corner of the property and remain generally exempt of any landscaping (retained as indigenous remnant patch,

Service Unit	Comments
	complete with indigenous understory grasses), with weed control following seasonal seed-set of native grasses.
City Parks – Street trees	<ul style="list-style-type: none"> • Pine tree removal within the road reserve was generally considered as part of Permit PL17/028007. City Parks had no objection to their removal (being deemed generally poor specimens of introduced weed species) subject to the appropriate payment associated with their removal and replacement.
Heath	<ul style="list-style-type: none"> • No objection. The proposed facility must connect and discharge all plumbing wastes to the available mains sewer. • An application to register the facility (kitchen and café etc.) under the Food Act must also be submitted to Council's Health Unit for approval, prior to the fit out of the food preparation areas. A Certificate of Registration must be held by the proprietor of the facility prior to the commencement of trade. (note required) • An application to register the beauty salon under the Public Health & Wellbeing Act must also be submitted to Council's Health Unit for approval prior to the fit out occurring. A Certificate of Registration must be held by the proprietor of the salon prior to the commencement of trade. (note required)

6. CONSULTATION / NOTIFICATION

- 6.1 Notice of the application was given over a three-week period, which concluded on 21 November 2018, by sending letters to adjoining and nearby properties and displaying a sign upon the frontage.
- 6.2 Two objections were received from the following properties:
- 308-310 Springvale, Donvale
 - 2 Eleanor Court, Donvale;
- 6.3 The main grounds of the objection are summarised into the following categories:
- Increased traffic associated with the use in addition to the three other facilities (child care and aged care) within a 300m distance;
 - The number of slip lanes, and proximity to the access point of No. 308-310 and associated impacts on access/egress;
 - The removal of the central easement extending into No. 308-310 and flooding/inundation impacts
- 6.4 A response to the grounds of objection will follow.

Planning Policy Framework

- 6.5 The proposal is supported by the broader high level policy directions, being within the urban growth boundary and in a location highly supported by established infrastructure. The site's proximity to Doncaster and Mitcham Roads supports the concept of the "20 minute neighbourhood" where shopping nodes are as little as 400 metres away. This is further reinforced by its location within the Principal

Public Transport Network, and Clause 18.02-2R which seeks to increase the diversity and density of development within the identified network area.

- 6.6 As the site is located within a Bushfire Prone Area, Clause 13.02-1S must be considered. The Bushfire Plan submitted suitably identifies bushfire risk, and the protection measures required to manage such risks to ensure the protection of human life is prioritised. Whilst evacuation plans and the maintenance and management of vegetation existing and proposed landscaping is required to reduce risk, the site overall is in a relatively low risk location. Minimum canopy separations (as required in a BMO) are therefore not required, ensuring bushfire protection measures can be implemented without unacceptable biodiversity impacts.
- 6.7 Of most relevance to this application is Clause 21.06 *Low Density* in the MSS and the *Residential Accommodation Policy* at Clause 22.04.
- 6.8 Clause 21.06 seeks to ensure that residential accommodation is appropriately sited and responsive to the significant landscape character of low density areas, recognising that these locations are constrained by land capability, environmental values, both narrow and unsealed roads, lack of kerbs and channels and lack of convenient access to public transport and physical and community infrastructure.
- 6.9 The primary objectives of Clause 22.04 seek to ensure that group accommodation, residential buildings and retirement villages are appropriately located close to activity centres, main roads, community facilities and public transport networks, to optimise convenient access to these services and facilities. Other objectives relate to the appropriate design and scale of developments, and minimising impacts with respect to access and car parking, neighbourhood character and landscape values. This is further informed by a number of pointed policy requirements.
- 6.10 Despite the Low Density zoning of the site, this particular context is quite different to the more typical “remote” low density areas of the Municipality. The site offers a direct connection to an arterial road and has public transport and other community infrastructure virtually at its “doorstep”. With exception of its residential abuttal to the north, the site is surrounded by other similar aged/retirement and community based uses. The proposed use in this contextual setting will provide for a “clustering” of like uses, which is both consistent with policy and orderly planning outcomes.
- 6.11 Council’s MSS identifies that the greatest change in Manningham’s age structure will be the increase in the ageing population. It is projected that by 2036, 28% of its population will be aged 60 years or over. The proposal offers a greater supply of retirement living housing to cater for the anticipated demographics, which is also supportive of the “age in place” concept for residents of the Municipality. It also provides a unique housing choice for people seeking to downsize amongst similar aged people, although amidst a more spacious and attractive environmental setting, which is quite different to what other facilities offer in a typical urban locale.
- 6.12 It is therefore submitted that the use is appropriate in this context, and that the proposal overall has been designed in a manner that is sensitive to the amenity and character of the surrounding low density area and landscape values. The more selected policy requirements of Clause 22.04 *Residential Accommodation* provide tools to assess the appropriateness of retirement village use with respect

to location, design and built form, open space and landscape, car parking and access, and these aspects are detailed in the assessment to follow.

Use and Location

- 6.13 Retirement villages are a land use that for the most part are located in residential zones. Whilst not considered a “dwelling”, they provide “independent living” within a dwelling context. By their nature, they usually require a significant parcel of land to successfully provide for both housing and facilities to create a sense of place and community. While the consolidation of lots within the growth zone may provide opportunity for the larger land parcels required, selected sites in the LDRZ are also a reasonable choice, especially when fully serviced and close to public transport. Alternative uses in the LDRZ have historically been supported by Council where the site is appropriately located, as evidenced by the other existing development along Springvale Road.
- 6.14 Whether or not a low density zoned lot will be considered suitable will depend on a number of criteria. In exercising the discretion to issue a permit afforded by the Zone, planning policy at Clause 22.04 *Residential Accommodation* provides strong guidance.
- 6.15 Policy has specific locational criteria for residential accommodation on land within the NRZ and LDRZ. Whilst it does state these are not the preferred locations, the specific criteria indicates that it may be acceptable where considering land that:
- *Has convenient access to an activity centre and community facilities external to the site;*
 - *Is located on a main road or collector road so that the use does not depend on a local road for main vehicular movements; and*
 - *Is on a public transport route and within 400m walking distance to public transport.*
- 6.16 The site meets all of these criteria. Springvale Road is a main arterial road, with increased carriageways intended in its future widening scheme. Tunstall Square Shopping Centre is a Neighbourhood Activity Centre and well serviced with a supermarket and complimentary shops. This is only 600 metres away, or accessible on foot in a 1 kilometre walk. Public transport is directly available by bus routes servicing Springvale Road, connecting the site to other major activity centres and the CBD.
- 6.17 The site also responds favourably to the locational criteria for residential accommodation located in the RGZ and GRZ (as the preferred locations). The frontage well exceeds 15 metres, the land is at suitable grade, and there is access to a sealed road and pedestrian path (noting footpath construction at the front of the property will be conditioned as part of any approval). Vegetation removal is required, though can be offset (and exceeded) with replacement planting.
- 6.18 The general requirements of Clause 21.06 *Low Density Residential* is silent on locational provisions for alternative land uses, though the proposal gives appropriate regard to vegetation, infrastructure provision, topography, waterways, landslip, wildfire, flooding and environmental and landscape significance as required. Land capability is also not of issue as the site has connection to sewer.

- 6.19 It is therefore considered that the site is appropriate for a retirement village use and is generally supported by the locational criteria specified, despite its low density zoning.

Siting, scale, design and built form

- 6.20 The locational criteria considerations of Clause 22.04 must be balanced with the importance of respecting the much valued landscape of Manningham's low density residential areas. The built form and site layout must therefore carefully respond to the low density character of the area and site attributes. This is enforced by the key objectives of the SLO6, which seek to minimise the visual impact of development, and ensure development is in keeping with the area.
- 6.21 A multi-level building is not what is typically anticipated in the LDRZ, where the character is more commonly defined by larger one to two-storey homes amongst landscaped settings. As described above, the site is somewhat different, forming a gateway between its low density setting to the north and east, non-residential use to the south and growth zoning to its north-west and west. Due to this and the extremely large site area, it provides opportunity to develop the land in a manner which balances and reflects these contrasting characters.
- 6.22 In a more general assessment, it can be said that the proposal has executed this balanced approach quite well, employing differing built form attributes to each of the three building modules, relevant to their interface. The 44% site coverage is inevitably higher than typically expected, though is reasonably offset by its centralised footprint and high concentration of space available for landscaping within the building setbacks. This is particularly reflective of the low density character with respect to building siting and vegetation coverage.
- 6.23 ResCode is not applicable to development into the LDRZ, however the SLO6 provides guidance with respect to height and setbacks by virtue of its permit triggers for dwellings which are more than 8 metres in height, or located less than 10 metres from a frontage or 5 metres from other boundaries. In addition, policy at Clause 22.04 requires side and rear setbacks that are generally reflective of those prescribed by ResCode, and building heights of up to 10 metres where no maximum heights are specified under another control. The following assessment is made with respect to each interface.

East (Springvale Road)

- 6.24 To Springvale Road, the building is setback a minimum of 23.5 metres which well exceeds the expected setbacks under both the SLO6 and Clause 22.04, and is consistent with the siting patterns along the western side of Springvale Road. The central building module does include a third storey element which reaches a height 10.8 metres, however, this element is recessed well behind the main two-storey façade and over 35 metres from the frontage. The appearance of the third storey is also disguised quite well through design elements and parapet projections. What is important to acknowledge is that the retention of significant trees and supplementary planting along the frontage will ensure vegetation continues to dominate the street presentation, in place of built form. The overall building height is also well beneath the prevailing canopy height of the retained trees, (which is the relevant "height" consideration in the decision guidelines of the SLO6) and suggestive that a development of this scale can still be considered "in keeping" with the character of the area.



North

- 6.25 The residential abuttal to the north has been sensitively treated through the stepping of the northern building module to a two-storey scale which is less than 8 metres in height. A building of this height is not dissimilar to the scale of housing in the surrounds and is afforded setbacks of more than 8 metres which will ensure that tree retention and further planting will in time screen direct views of the building.
- 6.26 The western building module is the more “robust” building in terms of overall height and scale. The three bedroom apartments at the northern-most end of this module (LG.01, G.27, L1.54 and L2.75) provide a replicated 4.5 metre setback to the northern boundary from their living rooms, and only a 2.9 metres setback from their projecting balconies. Whilst this element technically adjoins the communal area associated with No. 33 Mitcham Road (in the RGZ), it will be distantly visible to the rear yards of the two dwellings at No. 308 Springvale Road also. The proposed setback and treatment of this elevation is not considered appropriate in either context, and therefore a **condition** will require that these living rooms and balconies provide a minimum 5 metre setback from the northern boundary.
- 6.27 The 5 metre setback nominated is consistent with the minimum side setbacks recommended under the SLO6 to ensure the buildings and balconies can be sufficiently screened through the development of new boundary landscaping. Apartment 2.75 at the third storey will require a greater setback to address the sheer verticality of this elevation. The *design and built form* policy requirements of Clause 22.04 specify side and rear setback requirements which mirror those of Standard B17 of Clause 55.04-1. The first two levels well exceed the required figures, however the third storey would require a 5.5 metre setback, which will be required via **condition**. This distance will also achieve the desired level of articulation. A simple reconfiguration of the affected apartments could reasonably be satisfy these requirements. The exploration of relocating the balconies to the north-west of these dwellings will also be suggested to re-orient outlooks toward the communal garden adjoining and facilitate further “cut-outs” from the elevation.

South and west

- 6.28 There is little concern with the built form treatment as presented to the childcare centre to the south. Whilst within the LDRZ, its development with a non-

residential use has left the site with little landscape significance or sensitivities. The interface with the site characterised by the side of building, open car park and play spaces with high shade sail coverage. That aside, any aspects of visual dominance or loss of amenity is avoided through the large boundary setbacks of the central module. The western building module does propose a minimum setback of 3.47 metres from the southern boundary. Whilst less than the recommended 5 metres under the SLO6, it does exceed the expected setbacks of Standard B17 and can be justified in this location, which is generally adjacent to the 1 metre wide service yard area between the childcare building and shared boundary. There will be some views to the building from the rear play space, although will not be affected by shadowing and can be softened through boundary planting.

- 6.29 As viewed from the two adjoining developments to the rear, the western module will effectively appear as a two storey building (less than 8 metres in height) with setbacks 8 metres or more (or 6.6 metres to balconies). This will have little consequence to multi-storey TCL aged care aged facility partly adjoining the rear boundary, resulting in a “like-for like” outcome in terms of building heights and setbacks. The more sensitive outlook is from the four single storey retirement living villa units and courtyards also adjoining the rear boundary. The visible upper level elevation has been well treated to provide a highly modulated form, incorporating a series of recesses along the length of the building, in addition to material variations.
- 6.30 Whilst there will be an apparent change from the current “treed” character created by the dense Monterey Pine tree row along this boundary, it is not an unreasonable outlook for land which is within the growth zoning (which would not usually adjoin land in the LDRZ). Re-vegetation with more appropriate species provides opportunity to soften this elevation and provide a visual screen between the two properties.
- 6.31 It is therefore considered that in comparison to the adjoining land uses and building scales, the development compares favourably in terms of its siting, massing, setbacks and heights and achieves an appropriate built form response to accommodate the proposed use.

Vegetation removal and landscaping

- 6.32 The development seeks to retain vegetation where possible, having regard to the relative quality of the vegetation and its contributing value to the landscape character of the area.
- 6.33 It is proposed retain and protect 40 trees. Of these, 13 are Monterey Pines, 13 Indigenous Candlebarks, and the remaining 14 are a mixture of native and exotic varieties. Under the two determining considerations of the SLO6 and Clause 52.17, a planning permit is required to remove 15 Indigenous trees, 31 Monterey Pines, 6 exotic species.
- 6.34 A further 61 additional species (some being multi-stemmed weed clusters) will also be cleared from the site, however none of which requires planning permission. This includes the removal of 24 Monterey Pines, which are by exempt by virtue of the bushfire exemptions applicable to trees within a 10 metre distance of habitable buildings. The remaining trees are exempt due to being nominated “weed species” under the SLO6, or juvenile in height and/or trunk circumference.

- 6.35 There is some discretion between the trees nominated for retention and removal as indicated in Tables 2 and 3 of the supporting Arborist report, and as shown the plans and schedules submitted as part of the Landscape Plan. This is assumed to be an oversight (particularly with the omission of Trees 3, 10, 12, 15, 42, 43, 44, 45, 57, 58 and 68 from the retention schedule) and will require corrections via **conditions**.

SLO6 considerations

- 6.36 The largest loss of Monterey Pine trees will occur along the southern boundary and western boundaries. Whilst those aligning the western boundary (and the removal of other exempt species) cannot “technically” be considered for the purpose of offsetting, regards still needs to be given to the overall loss from the development in totality.
- 6.37 A key objective of the SLO6 seeks to protect the pine and cypress tree theme that characterises the area, however this needs to be balanced with the quality of the trees and the impact of their removal upon the landscape. The majority of the pine trees were assessed as having poor structure, and/or poor health. This was observed on-site, with many leaning and others clearly in decline. The childcare centre development appears to have impacted most pines along the southern boundary through soil disturbance in proximity, in addition to past canopy reductions which have created biased canopy leans toward the north. Similarly, the majority of “exempt” pines along the western boundary display alike characteristic in their overall form and health.
- 6.38 The location of these pines deeper into the site means that their removal will be less apparent from the key public realm of Springvale Road. Whilst their loss will change the landscape character as viewed from the direct abutments, these properties are “urban” in nature and do not share the same landscape setting. And when accounting for the proximity of the childrens’ play areas to the south and villa units to the west, advocating for their retention would not seem appropriate, as trees of this size are not usually expected or preferred where amidst a built up area. The applicant has also submitted that the residents of the adjoining retirement living units have made numerous requests for tree removal due to the dangers and risks associated with their proximity and high volumes of falling pine needles.
- 6.39 The proposed retention of the 13 pine trees along the frontage is an appropriate response to maintain their current contribution to the streetscape, where the pine theme character is strongest. This is also reflective of the surrounding landscape pattern, which tends to concentrate most tree coverage toward the street where suitably removed from buildings and habitable spaces. The Arborist report nominates these trees as fair in health and structure, though further review is suggested to ensure that remedial works be explored to recover any noted defects and improve their overall form.
- 6.40 The proposed clearing required to accommodate the access point (as already approved under PL17/02007) and the removal of some additional pines deeper into the site will result in a less continuous span of vegetation along the frontage to what currently exists, however the “glimpses” of built form thus created will not be out of place in context of the childcare centre to the south which is highly exposed to the street. The density of vegetation within the frontage will also increase with time, as fresh landscaping matures.

- 6.41 A **condition** will require that replacement pine species be concentrated forward of the driveway (though generally outside of the PAO4), and in selected sections along the side boundaries, so that they visibly enhance the landscape character as seen from the streetscape. Council's Environmental Officer encourages an alternate species in place of the Monterey Pines, including *Cypress Callitris* which are native to Australia.
- 6.42 Whilst the SLO6 does not impose offsets for other native vegetation, indigenous losses will be exceeded in the replanning of Eucalypts. These will complement the "patch" of native vegetation and remnant grasses within the north-east corner of the site. The internal pedestrian pathway may require some modifications to ensure no adverse impacts will occur to any tree being retained, which will be informed by the **conditional** requirement for an updated Arborist report and recommendation.
- 6.43 The selected tree retention is therefore considered an appropriate response to the objectives of the SLO6. The generous building setbacks will ensure that an equal canopy tree contribution can be made along the side and rear boundaries, with **conditions** to impose that the replacement species be carefully selected and positioned to respond to each particular interface. This is especially important to the west, where the selection must account for the proximity of the adjoining villa units and their associated open spaces.

Native vegetation considerations under Clause 52.17

- 6.44 It is acknowledged that there will be some loss to habitat value of the site through the removal of 15 indigenous trees. The objectives and decision guidelines seek to promote the retention and establishment of vegetation, and *avoid, minimise and offset* the removal of Victorian Native Vegetation to maintain trees characters. The application has sought to avoid removal (where possible) and appropriately offset what loss will occur.
- 6.45 The requirement to "avoid" loss was explored by the applicant in addressing the preferred retention of additional indigenous trees, particularly Trees 55 and 56. . It was ultimately not possible due to the restrictions associated with VicRoad's preferred location for access, together with the need to achieve the necessary gradients into the basement. The requirement to "minimise" loss is achieved by only removing indigenous trees that are directly within the footprint of the proposed building and driveway, and through protection of the remnant "patch" that includes an equal value of 11 indigenous trees being retained and protected.
- 6.46 A **condition** will require restrictions to new plantings in its location, in addition general protection measures for all vegetation to be retained. The tree loss will be appropriately "offset" through Clause 52.17 and the over-the-counter offset credit to be obtained by DELWP, and also at a local level through replacement planting. The offset credit will need to be recalculated with an amended Native Vegetation Removal Report to remove reference to five of the included trees, which were observed by Council's Environmental Officer as being "planted" and therefore exempt.
- 6.47 A specific **condition** will require that an updated Bushfire Design Assessment be prepared to include a review of the landscape plan, including plant selections and any recommended vegetation maintenance to manage bushfire risk and hazard. The assessor has already provided preliminary comment to this affect.

Earthworks

- 6.48 Another landscape aspect relates to the earthworks proposed and how they respond to the objectives of the SLO6 in particular. Aside from excavation required to accommodate the basement, the excavated area will extend out to encompass the footprint of the western building module. The depth of earthworks averages at 3 metres at this point, and lessens considerably in the approach toward the central and northern buildings.
- 6.49 Retaining walls will support the works, and are generally inset from the property boundaries. This in turn allows landscaping to be planted “at grade” where it has the soil volumes to properly establish and reach its viable height. Improvements to some garden bed widths and setbacks are recommended, in addition to a terraced approach along the rear boundary, as detailed further below.
- 6.50 The concentration of earthworks toward the rear of the site is an acceptable design response and is not resulting in any further impact to vegetation beyond what is lost by the building footprints. The objectives of the SLO6 seek to “*minimise visual impact of earthworks upon the landscape*” and this is achieved given they will not be visible external to the site, and be will treated appropriately internally with some minor variations.

Amenity*External*

- 6.51 The design and built form requirements of Clause 22.04 require consideration be given to existing residential amenity with respect to overlooking, overshadowing and visual bulk. The section above addresses matters relating to building bulk and recommends changes to the northern elevation of the western building module.
- 6.52 With respect to overshadowing, the shadow diagrams prepared for the September Equinox indicate that shadows cast will not extend beyond the fence shadows or cause a loss of sunlight to the adjoining properties during the control period. The existing retirement village units adjoining the rear boundary will receive a significantly improved level sunlight through the removal of the large pine trees along this interface.
- 6.53 The elevations indicate that screening will be applied to balconies as necessary, though plans do not clearly distinguish where screening is proposed. Frosted glazing to a 1.2 metre height is shown to upper level balconies facing north or west to prevent downward views from adjacent living rooms, in addition to trellis additions to boundary fencing. ResCode is not applied to retirement village uses, however a **condition** will require that that any screening be clearly identified on plans and demonstrate that overlooking to the north and west is reasonably limited to the satisfaction of the Responsible Authority.
- 6.54 It will also be required that any screening measures ensure that residents are afforded with an outlook for a higher quality amenity, whilst preventing downward views into sensitive spaces. Through conditions, the elevations will also be required to accurately demonstrate the boundary fencing and trellis additions above the natural ground level, with such trellis to be not more than 25% transparent to have reasonable effectiveness.

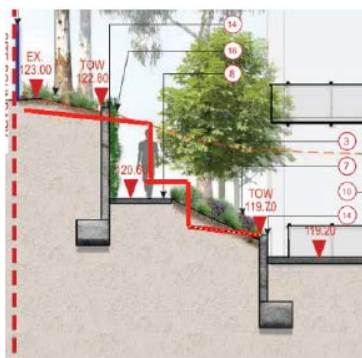
Internal

- 6.55 Clause 55.07 and the Better Design Guidelines (although not applicable) provide a useful tool to measure the level of internal amenity afforded to future residents, particularly with respect to functional layout and open space. The apartments overall are well dimensioned, many also having multiple aspect rooms which is a positive attribute for this style of housing. All have generous living rooms areas and dimensions and good sized main bedrooms. However, the third bedroom of the three-bedroom apartments are smaller than the minimum recommendations. In considering the land use at hand and specific demographic of retired people or the aged (as defined by the Scheme), it is considered unreasonable to require these third bedrooms to be enlarged, given they are likely to be used as guest rooms or studies.
- 6.56 The one bedroom dwellings at the southern end of the western building module have the back wall of their kitchens slightly further than 9 metres from a single-aspect slight source, however daylight access will still be reasonable. These are the smaller, more affordable apartments within the complex, and will receive some easterly sunlight. The two apartments at the ground level, however will not have the benefit of a raised balcony, with G.20 also unseasonably close to the external bin room offering a poor level of amenity overall. A **condition** will require that this apartment be deleted. As per the sketch plan provided by the applicant, G.21 can be increased to have two-bedrooms with a dual aspect living space to improve daylight. It also facilities an increased gym size for residents and a more suitable service connection to the bin area (and additional one car space surplus).
- 6.57 The lower ground apartments facing south-west (in the western building module) are excavated deeply into the ground. Whilst below-ground apartments are not generally encouraged, these apartments do have the benefit of being located approximately 8 metres away for the rear boundary. Accordingly there is sufficient space between the boundary fencing and the primary living areas to support appropriate terracing and for clear access to daylight. This has been supported in the submitted daylight assessment report. The dwellings also have very wide terraces with multiple windows adjoining, which again ensures reasonable amenity.

Communal areas

- 6.58 The communal areas offer residents the convenience of complementary facilities that are directly accessibly from within the complex, including health and recreational services aimed at supporting the lifestyle needs of its residents. Whilst these are ancillary to the primary use, the facilities such as the café could be utilised by visitors or nearby residents. The wellness centre offers the residents immediate access to medical based services.
- 6.59 Some modifications are recommended to improve the functionality of the communal open space, with the first being the removal of the walking path from the rear setback. The pathway's design/location lack intrinsic appeal being cramped by fencing and wall construction and basically ending in a remote corner location. The path is unlikely to be used to any great extent and would appear to compromise the privacy of the adjoining lower ground apartments.
- 6.60 A **condition** will require it be deleted, which will also facilitate a widened landscape buffer at grade to the rear boundary to better accommodate canopy

tree root establishment and improve the amenity of adjacent dwellings. A secondary terraced garden bed can adjoin the open spaces areas to remove any battering, and provide low shrubbery to conceal the main retaining wall, generally as pictured below.



- 6.61 Other **conditional** changes will require a usable communal area to be provided in the north-west corner (and include shelters, bbq/picnic facilities etc.) with direct connection made to the central area. Additional facilities are to be further detailed on the landscape plan. Some curvature in the paths alignment and the adequate protection of retained trees adjoining is also required. To improve the connectivity of the path, it is recommended that the path be connected to the front terrace area adjoining the communal dining space.
- 6.62 Overall, it is submitted that the proposal's good level of design, together with the implementation of the above modifications will ensure a high level of internal and external amenity is achieved.

Traffic, car parking and access

- 6.63 Pursuant to Clause 52.06-5, car parking for a retirement village is calculated at the rate usually applied to dwellings. The 75 dwellings (54 x 1 to 2 bedrooms and 21 x 3 bedrooms) require 96 car spaces. Due to the site's location within the Principal Public Transport Network (PPTN), no visitor car parking is required.
- 6.64 The on-site parking provision of 118 spaces well exceeds the required rate, with 100 spaces allocated to residents and 18 to visitors. The 12 tandem spaces would be allocated to the three bedroom apartments which is a reasonable approach. The circular driveway offers a convenient standing area for pick-up and drop-off vehicles, or other short-term deliveries or stays.
- 6.65 The ancillary nature of the café and wellness centre consulting suites does not require a separate allocated parking rate, particularly given they will only service on-site residents. Not being an assisted living facility, 13 staff are anticipated (generally for the wellness centre and cafe), with the 18 excess spaces nominated for visitor parking able to accommodate the staff parking on a shared basis, given peak demands would generally occur at differing times.
- 6.66 To ensure car parking demands are appropriately managed, a **condition** will require a car parking management plan to satisfactorily demonstrate that these uses be managed in a manner that will reduce conflict between staff and visitor peak periods, and that all excess on-site car parking be allocated to this purpose. The restriction for the wellness centre to be for the purpose of the residents of this facility will also be imposed to ensure it does not operate as an "independent" medical centre with separate parking demand. The café/dining room is

anticipated to largely cater for the residents and their visitors (given its remote setting with no street exposure), and therefore a general condition will require that it operate in this manner, the satisfaction of the Responsible Authority.

- 6.67 The centrally located access eliminates any potential conflict points, such as the Eleanor Court intersection and child care centre access to the south, and will be supported by a proposed slip lane to reduce the impact of left-turning vehicles accessing the subject site. The **conditional** requirements of VicRoads include amendments to for a slip lane, and modifications to the alignment of the internal accessway, particularly for the “left-turn” toward the porte cochere, to account for future road widening and swept paths. Officers are now satisfied that the changes needed to achieve this will have little impact upon the overall development layout, as potential design options have since explored and “in principal” agreement from VicRoads obtained.
- 6.68 The submitted traffic report concludes that the peak traffic generation for independent living retirement villages occurs on weekdays between 10am and 11am and at weekends. Peak commuter periods of the adjacent road network were nominated as between 7.00am-9.30am and 3.30pm-6.30pm weekdays. During the peak periods, the development is estimated to add a total of 29 vehicle movements to or from Springvale Road (with 21 movements inbound at AM peak and 21 outbound at the PM peak). The majority of these movements are expected to be generated by staff.
- 6.69 A lower traffic generation can be reasonably expected for a retirement village use. As its residents are generally of a “retired” age, the need to commute during the peak traffic periods would be significantly less than what they might otherwise be for a residential development. The resident peak is anticipated at 10am-11am (and generally throughout other times of the day), when traffic volumes along Springvale Road would be considerably lighter. Whilst there are up to 13 staff expected to service the ancillary uses, arrivals and departures are likely to be staggered to accord with differing start and finishing times, and would be much less than the traffic volumes generated by an aged care facility and their associated staff rostering requirements.
- 6.70 Council’s Infrastructure Services Unit has raised no concern in relation to the expected traffic generated by the proposed development as indicated in the submitted report. Overall, the proposed use and development will not generate any unreasonable traffic congestion within the surrounding street network.
- 6.71 Bicycle parking requirements exceed the statutory requirements for 16 spaces.
- 6.72 Waste collection (and loading facilities) will be catered for via the allocated bay adjacent to the circular driveway in vicinity of the southern boundary. The method/frequency of collection and associated hours will be controlled by a Waste Management Plan.
- 6.73 An assessment against the car parking design standards in Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> • The accessways to the basement car parks meet the minimum width and height clearance requirements. • Minimum passing areas are provided within the

Design Standard	Assessment
	site frontage. <ul style="list-style-type: none"> All vehicles are able to exit the site in a forward direction. Adequate visibility splays are provided along the exit lane of the driveway.
2 – Car parking spaces	<ul style="list-style-type: none"> Car parking spaces are provided in accordance with the dimensions and clearance areas required.
3 – Gradients	<ul style="list-style-type: none"> Driveway gradients are compliant with the standard, though a further longitudinal section is required between the roadway and entry to satisfy VicRoad's requirements.
4 – Mechanical parking	<ul style="list-style-type: none"> No mechanical parking is proposed.
5 – Urban design	<ul style="list-style-type: none"> The main accessway areas do not dominate the streetscape, with a condition to require pavement colouring to incorporate a feature pattern (other than plain concrete) in a darker colour shade to better blend into the landscape. The development limits the projection of basement areas above natural ground level.
6 – Safety	<ul style="list-style-type: none"> The car parking areas are secured by gates. Pedestrian access is clearly separated from the roadways.
7 – Landscaping	<ul style="list-style-type: none"> Landscaping is well-placed within the frontage to largely screen views of the accessway areas.

Objector concerns

6.74 A response to the grounds of objection is provided as follows:

Traffic impacts

6.75 Issues raised relate to the additional traffic created by the use (in addition to other similar uses along Springvale Road), and the more direct impacts of the left-turn lane and access location upon the property adjoining to the north.

6.76 The potential traffic impacts have been assessed by the applicant's traffic consultant and Council's Infrastructure Services Unit. Both concluded that the traffic associated with the proposal can be accommodated within the immediate road network without creating any adverse traffic safety or capacity issues, as discussed in further detail above.

6.77 The accessway has been designed to enable safe ingress and egress of vehicles, as specifically determined by VicRoads as the road authority. The proximity to the property to the north is not expected to create access issues for the adjoining residents, given the creation of a left-turn slip lane to remove traffic from the main carriageway. The traffic report determined that the majority of peak movements are likely to be heading from or toward the freeway connection to the south.

6.78 Springvale Road is an arterial road with the current capacity to accommodate the additional vehicle movements associated with the development without

compromise to its functioning, noting its capacity will be further increased upon its widening.

Drainage

- 6.79 There are two easements which will require removal and variation to accommodate the building footprint. Concerns related to the central easement intended for removal which currently continues into the property to the north.
- 6.80 The applicant has been in consultation with Council's Infrastructure Services Unit to demonstrate how the proposed on-site systems and re-divergence works can satisfactorily manage stormwater and drainage requirements.
- 6.81 Council's Engineers have determined that there is ability to retain stormwater and drainage works which ensure that the property to the south is not impacted as a result of the development. New drainage is planned to extend around the perimeter or the side/rear boundaries, before reconnecting to No. 308. Subsequent application to vary the affected easements will be required.
- 6.82 The C109 flooding risks identified on the site was largely remediated following the similar drainage re-divergence that occurred for childcare centre development to the south, however plans submitted to date indicate that the underground detention system will have capacity to manage store the 1% AEP rainstorm event, and will require alternative power sources to back up the included pumps for the event of a power outage.
- 6.83 Further specifications and plans will be required to support a final drainage design and on-site detention.

7. DECLARATION OF CONFLICT OF INTEREST

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