

**1.3 62-94 JACKSONS ROAD, MULGRAVE
AMENDMENT TO PERMIT ISSUED FOR THE STAGED DEVELOPMENT OF THE LAND
FOR PURPOSE OF A RETIREMENT VILLAGE AND RESIDENTIAL AGED CARE
FACILITY
(TPA/47359/A)**

EXECUTIVE SUMMARY:

Planning Permit TPA/47359 was issued on 1 April 2020, following consideration at the Council meeting of 25 February 2020 where it was determined to issue a Notice of Decision to grant a permit.

This current application proposes an amendment to the existing planning permit TPA/47359 and associated plans for the approved retirement village and residential aged care facility.

The amendment seeks to reconfigure the approved development of seven multi storey buildings across the site (with an approved height of 3-5 storeys) including a stand-alone medical centre. The amended design replaces the majority of the approved living apartments with 70 individual single storey villa units around the northern, western and eastern boundaries of the site and four multi storey buildings (ranging in height up to 5 storeys) to provide for retirement living units with one building providing for residential aged care and assisted living. A medical centre is no longer proposed.

The application was subject to public notification. Twelve (12) objections to the proposal have been received.

Key issues to be considered relate to building scale, setbacks, neighbourhood character, amenity impacts, the removal of vegetation and the increased traffic generation to and from the site.

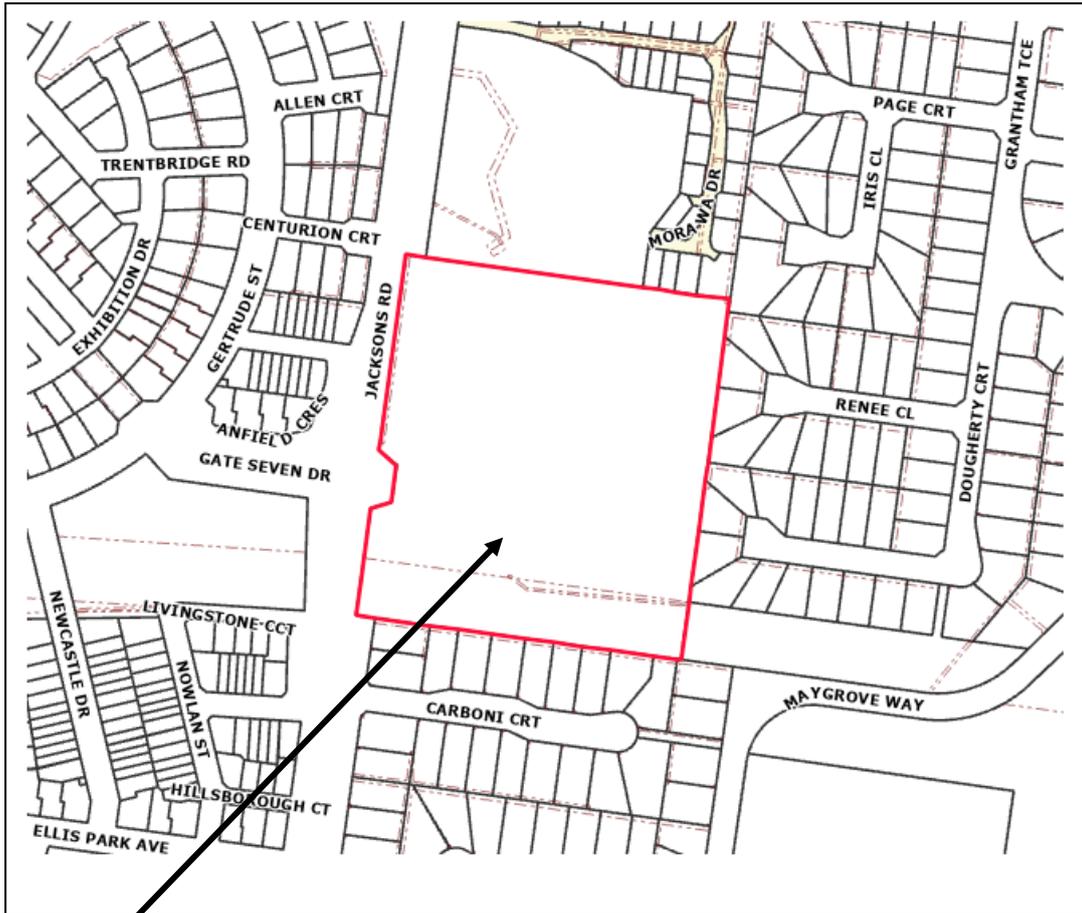
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$140 Million.

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

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Anne Maree Roberts
WARD:	Mulgrave
PROPERTY ADDRESS:	62-94 Jacksons Road, Mulgrave
EXISTING LAND USE:	Vacant (Former Seminary)
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Twelve (12)
ZONING:	Neighbourhood Residential, Schedule 4
OVERLAY:	N/A
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13 Planning for Places Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.01-5S- Neighbourhood Character Clause 15.02-1S- Energy and Resource Efficiency Clause 16.01-1S &R- Housing supply Clause 16.01-2S- Housing affordability Clause 16.015S – Residential Aged Care Facilities Clause 18.01-1S- Land Use and Transport Integration Clause 18.02-1S & R- Sustainable Personal Transport Clause 19.03-3S- Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development Clause 21.08- Transport and Traffic Clause 21.13- Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.17- Native Vegetation Clause 52.34- Bicycle Facilities Clause 53.17 – Residential Aged Care Facility Clause 53.18- Stormwater Management in Urban Development Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	12 June 2022
DEVELOPMENT COST:	\$140 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Amend a Planning Permit (TPA/47359/A** for the Staged development of the land for purpose of a Retirement Village and Residential Aged Care Facility (up to 5 storeys in height), alteration of access to a Transport Zone 2 and removal of native vegetation, at 62-94 Jacksons Road, Mulgrave subject to the following conditions:

1. Prior to the commencement of the development, an Early Works Plan must be drawn to scale and submitted to the Responsible Authority. The Early Works Plan must provide details of all works which comprise the early works, and must include:
 - a. A Tree Management Plan prepared in accordance with Condition ~~8~~ 9;
 - b. A Construction Management Plan prepared in accordance with Condition ~~10-11~~; and
 - c. Any changes required by Conditions 24, 25, 26, 35, 36, 37, 38, 40, 41, 42, and 43.

The plans must be to the satisfaction of the Responsible Authority and when approved shall form part of this Permit. “

2. Before the development starts, excluding works detailed in any endorsed Early Works Plan amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by ~~CHT~~ VIA Architects, Plan no. TP0.00- TP05-06 ~~Rev B dated 15 November 2019~~ Rev C dated 29 March 2022 and but modified to show:
 - ~~a. The envelope of Unit 2 and associated terrace on the second floor of Building E to be deleted. This area may be replaced with a terrace space, however must be set back a minimum of 5 metres from the building envelope of the first floor.~~
 - ~~b. Any revisions to the proposed footpath and fencing to allow for the retention of Street Tree No. 6.~~
 - ~~c. Reference to boundary fencing materials deleted.~~
 - ~~d. Provision of a minimum 1.0m blind aisle extension on the northern parking aisles of Building F basement car park.~~
 - a. Privacy screening measures as proposed on the sketch plan TP91-02 prepared by VIA Architects (Revision D, dated 20 July 2022) along the northern interface to provide a 1.6 metre high screen (with a maximum transparency of 25 %) along the northern edge of the

- decks associated with villa units adjoining No 20, 21, 22 and 23 Morawa Drive
- b. Deletion of the 500mm boundary trellis and replacement with a 1.7 metres high screen (with a maximum transparency of 25%) along the eastern edge of the decks associated with the villas along the eastern interface.
- c. Provision of at least 14 residential visitor spaces associated with the villa units to be provided and allocated on the site plan (exclusive of spaces provided within driveways
- d. The two resident apartment spaces located in the south west at-grade car park are to be reallocated as visitor spaces associated with the villa units. The two residential apartment spaces relocated to the Main Building basement car park to improve residential access and amenity.
- e. Internal footpaths modified to provide improved pedestrian connectivity across the site, the satisfaction of the Responsible Authority and to include the sections of footpath :
- North of villa units 42;
 - West of villa unit 52;
 - South of villa Unit 63 (west of the pedestrian plaza);
 - South of villa unit 70 (north of the at grade car park);
- f. Provision for a shared path, which incorporates the existing footpath where practical, on the east side of Jacksons Road from the site access to the Jacksons Road service road (opposite No 96 Jacksons Road) and include a widened pram crossing to the service road to the satisfaction of the Responsible Authority
- g. A notation on the site plan and landscaping plan to provide all boundary fencing with a minimum height of 1.8 metres.
- h. Additional landscaping throughout the site, particularly pedestrian accessways and adjacent to vehicle accessways by way of additional small to medium sized planting and the use of arbours, green walls or creeping plants where appropriate to provide shade.
- ~~e.~~ i. Designated staff and visitor parking spaces in accordance with the endorsed Car Parking Management Plan.
- ~~f.~~ j. A notation indicating that the supply and installation of the bus shelter to be in accordance with Council's current bus shelter contract.
- ~~g.~~ k. Any changes to the development as a result of the Functional Layout Plan prepared in accordance with Condition ~~3533~~.
- ~~h.~~ l. A Waste Management Plan prepared in accordance with Condition 5.

- ~~f. m.~~ A Sustainable Management Plan prepared in accordance with Condition 6.
- ~~n.~~ A Stormwater Management Strategy in accordance with Condition 7
- ~~j. o.~~ A Car Parking Management Plan in accordance with Condition ~~7~~ 8
- ~~k. p.~~ A Tree Management Plan prepared in accordance with Condition ~~9~~ 10.
- ~~f. q.~~ A Landscape Plan prepared in accordance with Condition ~~12-13~~.

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

Management and Landscaping Plans

Waste Management Plan

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

The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by LID Consulting dated 20 March 2022 must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

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

The provisions, recommendations and requirements of the endorsed Sustainable Management Plan prepared by Bestec dated 17 December 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Stormwater Management Strategy

7. The provisions, recommendations and requirements of the endorsed Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec dated 16 December 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Park Management Plan

~~7.8.~~ Concurrent with the endorsement of any plans pursuant to Condition ~~1-2~~, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) The number and location of car parking spaces allocated to each building for residents;
- b) The location and number of any staff car parking spaces;
- c) The location and number of any visitor car parking spaces;
- ~~d) The number and location of car spaces for shared use, including time of shared~~
- d) Details of way-finding, cleaning and security of end of trip bicycle facilities; and
- e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.

Tree Management Plan to facilitate works detailed in the Early Works Plan

~~8.9.~~ Prior to any demolition or site works associated with the early works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of trees within and adjacent to the early works area. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a. A Tree Protection Plan drawn to scale that shows:

- b. Tree protection zones and structural root zones of all trees to be retained,
- c. All tree protection fenced off areas and areas where ground protection systems will be used;
- d. The type of footings within any tree protection zones.
- e. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- f. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- g. Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- h. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- i. Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j. No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- k. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- l. That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

Tree Management Plan for the balance of works

~~9-10.~~ Concurrent with the submission of amended plans required by Condition 2 and prior to any demolition or site works for the balance of works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Trees identified on the Plan prepared by Axom Tree Management Pty Ltd dated 31 March 2022 ~~John Patrick Pty Ltd dated 2 October 2019~~ (with the removal of Trees No. 170, 171 and 172 ~~and retention of Tree No. 6~~). The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development

Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a. A Tree Protection Plan drawn to scale that shows:
 - i. Tree protection zones and structural root zones of all trees to be retained,
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of footings within any tree protection zones;
 - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b. Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- c. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d. Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- e. No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- f. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- g. That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

Construction Management Plan to facilitate works detailed in the Early Works Plan

- ~~10.~~ Prior to the commencement of any site works associated with the early works (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible
- 11.

Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must address the following issues:

- a. Hours for construction activity in accordance with any other condition of this permit;
- b. Measures to control noise, dust and water and sediment laden runoff;
- c. Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d. Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f. Cleaning and maintaining surrounding road surfaces;
- g. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h. Public Safety and site security;
- i. A plan showing the location of parking areas for construction and sub-contractors vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j. Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
- k. A Traffic Management Plan showing truck routes to and from the site;
- l. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- m. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- n. Contact details of key construction site staff;
- o. Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- p. Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) — 7.00am to 6.00pm;

- Saturday — 9.00am to 1.00pm;
- Saturday — 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Construction Management Plan for the balance of works

~~11.~~ Prior to the commencement of any site works associated with balance of works, a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust and water and sediment laden runoff;
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Public Safety and site security;
- i) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages to demonstrate that construction parking demand can be accommodated wholly on the site ;
- k) A Traffic Management Plan showing truck routes to and from the site;

- l) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- m) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- n) Contact details of key construction site staff;
- o) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- p) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) — 7.00am to 6.00pm;
 - Saturday — 9.00am to 1.00pm;
 - Saturday — 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Landscape Plan

~~12.~~ Concurrent with the endorsement of any plans pursuant to Condition ~~1~~ 2, ~~13.~~ a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority for every Stage of the development (excluding the early works). When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Masterplan and Level 1 Activity Areas Plan prepared by Papworth Design Pty Ltd dated 21 March 2022 ~~Concept Plan dated 13 November 2019, Prepared by John Patrick Pty Ltd~~, except that the plan must show:

- a) Existing Trees 170, 171 and 172 removed and ~~the proposed citrus grove to be extended into this space with the provision of a minimum of three additional citrus trees~~ replaced with three (3) Fir Trees;
- b) ~~Retention of Existing Street Tree No. 6;~~ The changes required by Condition 2 of this permit.
- c) Further details of pavement materials / finishes.
- d) Deletion of reference to boundary fencing materials.
- e) Full details of all soft and hard landscaping including soil depth for planting above the basement areas.
- f) Existing Trees 170, 171 and 172 removed and replaced with a minimum of three (3) fir trees

- g) Schedule of all proposed trees, shrubs, creepers and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
- h) Provision of appropriate species suited to low water use and low ongoing maintenance.
- i) Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces; and
- j) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

~~13.~~ The provisions, recommendations and requirements of the above
~~14.~~ endorsed Management Plans related to in Conditions ~~4-9~~ 5-13 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

General Conditions

Use Conditions

- ~~14.~~ Prior to the use commencing, the owner of the land at 62-94 Jacksons Road, Mulgrave, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the Independent Living Villa and Units identified as Buildings A, B, C, D, E and part of Building F as shown on the plans prepared by ~~CHT Architects dated 15 November 2019~~ VIA Architects Rev A dated 21 December 2021 must only be used for the purpose of a retirement village in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.
- ~~15.~~ The Retirement Village must be operated and managed in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act.
- ~~16.~~ The amenities and other communal facilities ~~(with the exception of the~~
~~17.~~ ~~medical centre)~~ must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.
- ~~17.~~ ~~No more than 70 persons providing health services including 18 doctors and allied health practitioners and 52 case managers shall be permitted on the premises at any given time without the further written consent of the Responsible Authority.~~
- ~~18.~~ ~~The Medical Centre may operate only during the following hours:~~

~~• Monday to Friday (except Public Holidays) – 8:30am – 6:00pm~~

~~• Saturday – 9:00am – 12:00pm (noon)~~

~~• Sunday and Public Holidays – Closed~~

~~Except in the case of emergency. Unless with the written consent of the Responsible Authority.~~

Car Parking Conditions

~~19.~~ Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- ~~18.~~
- (a) constructed to the satisfaction of the Responsible Authority;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
 - (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

~~20.~~ No less than ~~520~~ 367 car spaces must be provided on the land to the satisfaction of the Responsible Authority prior to the occupation of the last stage of the development.

~~21.~~ Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

~~22.~~ Concrete kerbs or other suitable barriers must be provided to prevent damage to fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the nominated access, to the satisfaction of the Responsible Authority.

~~23.~~ All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Construction of Bus Shelter and Public Footpaths

~~24.~~ Details of the proposed bus shelter and bus stop are required to be submitted to Council's Engineering Department for approval prior to the works commencing. The full cost of the provision of the bus shelter is to

be funded by the developer and is to be arranged in consultation with Council.

~~25. Prior to the commencement of the use of the development, the existing footpath on the north side of the development access road is to be set aside for Road and vested in the name of the appropriate Road Manager.~~

~~26.~~ Plans for the proposed shared path on Jacksons Road are to be submitted
24. to Council's Engineering department for approval. The proposed shared path is required to be constructed to Council standards.

Landscaping and Tree Retention

~~27.~~ All landscaping works shown on the endorsed landscape plan(s) must be
25. maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

~~28.~~ Prior to the completion of any stage of the development allowed by this
26. permit, landscaping and urban design works as shown on the endorsed plans forming part of the that stage of the development must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

~~29.~~ Lighting must be provided to the satisfaction of the Responsible Authority
27. to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.

~~30.~~ An in-ground, automatic watering system linked to rainwater tanks on
28. the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Drainage Engineering Conditions

~~31.~~ All stormwater collected on the site from all hard surface areas must not
29. be allowed to flow uncontrolled into adjoining properties or the road reserve.

~~32.~~ A new 525 mm drain is to be constructed at stage 1 of the project
30. between a new junction pit at the north-western corner of 62-94 Jacksons Road and the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.

Other

~~33.~~ No equipment, services, architectural features or structures of any kind,
31. including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

- ~~34.~~ Any required fire services, electricity supply, gas and water meter boxes
~~32.~~ as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.

Section 55 Referral Conditions

Department of Transport VicRoads Conditions (Ref: 21526/17-1)

- ~~35.~~ Unless otherwise agreed in writing by VicRoads, and before the development starts, a revised Functional Layout Plan (FLP) must be submitted to VicRoads for review and approval. The revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:
- ~~a)~~ Signage and Line Marking;
 - ~~b)~~ Swept path analysis for all movements associated with the proposed access point, including how the largest design vehicle that could be reasonably anticipated to access the subject land can turn in and out of the subject land from Jacksons Road;
 - ~~c)~~ Functional Stage Road Safety Audit;
 - ~~d)~~ Revised functional layout plan as per the findings of the road safety audit.
- ~~36.~~ Subsequent to the approval of the Functional Layout Plan and functional stage Road Safety Audit, the permit holder must submit a copy of the Traffic Signal Layout Plan to VicRoads for review and approval.
- ~~37.~~ Subsequent to the approval of the traffic signal layout plan, and prior to the commencement of any roadworks required by VicRoads under this permit, the permit holder must submit the detailed engineering design plans, public lighting plan, along with a detail design stage Road Safety Audit, to VicRoads for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road safety Audit must be addressed in the detailed design plans to the satisfaction of and at no costs to VicRoads;
- ~~38.~~ Where the proposed roadworks lies within private property, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare a Plan of Subdivision and submit to the Responsible Authority for certification under the Subdivision Act 1988 to show:
- ~~a)~~ Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.

~~b) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads) upon certification of the Plan of Subdivision, without any encumbrances.~~

~~39. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:~~

- ~~a) All roadworks as required by VicRoads must be completed generally in accordance with the approved Functional Layout Plan (FLP) and detailed design plans;~~
- ~~b) The permit holder must reimburse VicRoads and the Responsible Authority with all the costs associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to Road Zone Category 1 (RDZ1) pursuant to the provisions of the Planning and Environment Act 1987.~~
- ~~c) All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.~~

~~33. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of any works, a revised Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:~~

- ~~a) Signage and linemarking.~~
- ~~b) Swept path analysis for all movements associated with the proposed access point, including the largest design vehicle that could be reasonably anticipated to access the site.~~
- ~~c) Functional Stage Road Safety Audit.~~
- ~~d) Any revisions as which result from the findings of the Road Safety Audit.~~
- ~~e) Shared User Path~~
- ~~f) Bus shelter which is DDA compliant, including associated seating and walkways in plan and cross section form, and allocated space for wheelchairs~~
- ~~g) Bus stop identification linemarking on Jacksons Road~~
- ~~h) The proposed substation to be fully contained within the site~~

34. Subsequent to the approval of the Functional Layout Plan and prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with a detailed design stage Road Safety Audit to the Head, Transport for Victoria for review and approval. The detailed design plans and any traffic signal modification plan must be prepared generally in accordance with the approved Functional Layout Plan and functional stage Road Safety Audit.
35. Prior to the occupation of the development, all roadworks as per the approved Functional Layout Plan must be completed and available for use.
36. Prior to the occupation of the development, all land to be vested as road or reserve, for which the Head, Transport for Victoria is to be responsible, must be vested in the name of the Head, Transport for Victoria.
37. Prior to the occupation of the development, any disused or redundant vehicle crossings on Jacksons Road must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
38. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.
39. Prior to the occupation of the development, all bus stop works must comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002 to the satisfaction of the Head, Transport for Victoria.
40. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

Department of Transport Conditions (Ref: HTFV2019/451)

- ~~40. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:~~

- ~~a) A Disability Discrimination Act 1992 compliant bus stop and all associated infrastructure located generally in the location of the existing stop on the Jacksons Road frontage;~~
- ~~b) Bus turning circles which demonstrate all buses can stop at the bus stop;~~
- ~~c) A bus shelter, associated seating and walkways in plan and cross section form;~~
- ~~d) Allocated space for wheelchairs within bus shelters; and~~
- ~~e) A bus stop identification line marking to identify the bus stop on Jacksons Road.~~

~~41. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.~~

~~42. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. All bus stop works must comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002 to the satisfaction of the Head, Transport for Victoria.~~

~~43. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.~~

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

~~44.~~ Before works start, the permit holder must advise all persons undertaking ~~41.~~ the vegetation removal and works on site of all relevant conditions of this permit.

~~45.~~ Before works start, native vegetation protection fencing must be erected ~~42.~~ around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

~~46.~~ The protection fencing must be constructed to the satisfaction of the ~~43.~~ responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible

authority. Except with the written consent of the responsible authority, within this area:

- a) No vehicular or pedestrian access, trenching or soil excavation is to occur,
- b) No storage or dumping of tools, equipment or waste is to occur,
- c) No entry and exit pits for underground services are to be constructed.

~~47.~~ In order to offset the removal of ~~1.452 ha~~ ~~1.461~~ hectares of native ~~44.~~ vegetation and one scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*: The general offset must:

- Contribute gain of ~~0.050 general biodiversity equivalence units~~ ~~263~~ General Habitat Units,
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
- Have a strategic biodiversity score of at least ~~0.111~~ 0.131.

~~48.~~ Before any native vegetation is removed, evidence that an offset has been ~~45.~~ secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

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

AusNet Conditions (Ref: 40110-2)

~~49.~~ No part of the proposed buildings, including eaves, awnings, canopies, ~~46.~~ shelters and the like, is permitted on AusNet Transmission Group's easement.

~~50.~~ The proposed car park must be used only by domestic and small

- ~~47.~~ commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
- ~~51.~~ The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.
- ~~48.~~
- ~~52.~~ Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
- ~~49.~~
- ~~53.~~ Scaffolding is not permitted on the easement.
- ~~50.~~
- ~~54.~~ All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
- ~~51.~~
- ~~55.~~ The storage of flammable materials, including that within waste bins, is not permitted on the easement.
- ~~52.~~
- ~~56.~~ Natural ground surface levels on the easement must not be altered by the stockpiling of excavated materials or by landscaping within prior written approval from AusNet Transmission Group.
- ~~53.~~
- ~~57.~~ All services traversing the easement must be installed underground.
- ~~54.~~
- ~~58.~~ The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.
- ~~55.~~
- ~~59.~~ All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
- ~~56.~~

Time for Starting and Completion

- ~~60.~~ Once the development has started the approved development must be continued and completed to the satisfaction of the Responsible Authority.
- ~~57.~~
- ~~61.~~ This Permit will expire if one of the following circumstances applies:
- ~~58.~~
- The first stage of development has not commenced within 3 years of the date of this Permit; or

- The first stage of development is not completed within 2 years from commencement of the first stage; or
- Subsequent stages of development are not completed within 6 years from the completion of the first stage of development.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

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

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

NOTES

- A. ~~The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.~~

The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current DoT/VicRoads policy, procedures and standards and at no cost to the Head, Transport for Victoria. In order to meet the requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.

- B. The Functional Layout Plan may need to be amended to accommodate any changes that may arise during the detailed design stage review, in response to the Road Safety Audit, in relation to services and their relocation, vegetation, drainage, treatment of hazards within clear zones and other matters.

- C. The proposed development requires works within in the road reserve. Separate approval under the Road Management Act 2004 may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

- ~~B.~~ D. The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- ~~C.~~ E. Road Safety Audits must be undertaken by an independent VicRoads prequalified road safety auditor and be conducted in accordance with Austroads – Road Safety Audit (Second Edition 2002) requirements. Any identified issues must be addressed to VicRoads 'satisfaction.
- ~~D.~~ F. No work must be commenced in, on, under or over the road reserve until all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts have been obtained. Please contact VicRoads prior to commencing any works.
- ~~E.~~ G. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- ~~F.~~ H. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval.
- ~~G.~~ I. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.
- ~~H.~~ J. Please apply via Council's online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business
- ~~I.~~ K. The design and fit out of the food premises must comply with Food Standard Australia New Zealand's 'Food Safety Standard 3.2.3 -- Food Premises & Equipment'.
- ~~J.~~ L. The premises must not create a nuisance under the Public Health and Wellbeing Act and must comply in all respects with EPA noise legislation.

- ~~K~~ M. The private on-site drainage system must prevent stormwater discharge from the internal roads and parking over the footpath and into the road reserve. The internal drainage system may include either:
- a trench grate (minimum internal width of 150 mm) located within the property boundary; and/or
 - shaping the internal roads and parking so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
- ~~L~~ N. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.
- ~~M~~ O. The nominated point of stormwater connection for:
- Stage 1 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected and free drained via a pipe to the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.
 - ~~Stage 2, 3 and 4 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary).~~
 - Stage 2: To direct the entire site's stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to the Council pit in the easement via a 900 mm x 900 mm junction pit to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the Point of Connection cannot be located then notify Council's Engineering Department immediately. Please note, since this stage is discharging into an easement through other neighbours – the drainage design is to cater for a 1 in 100 year storm event.
 - Stage 3, 4 & 5: To direct the entire site's stormwater drainage to the north-west corner of 62 - 94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary)
- ~~N~~ P. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of ~~\$40,000~~ \$55,000 is to be paid prior to the drainage works commencing.

Q. Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.

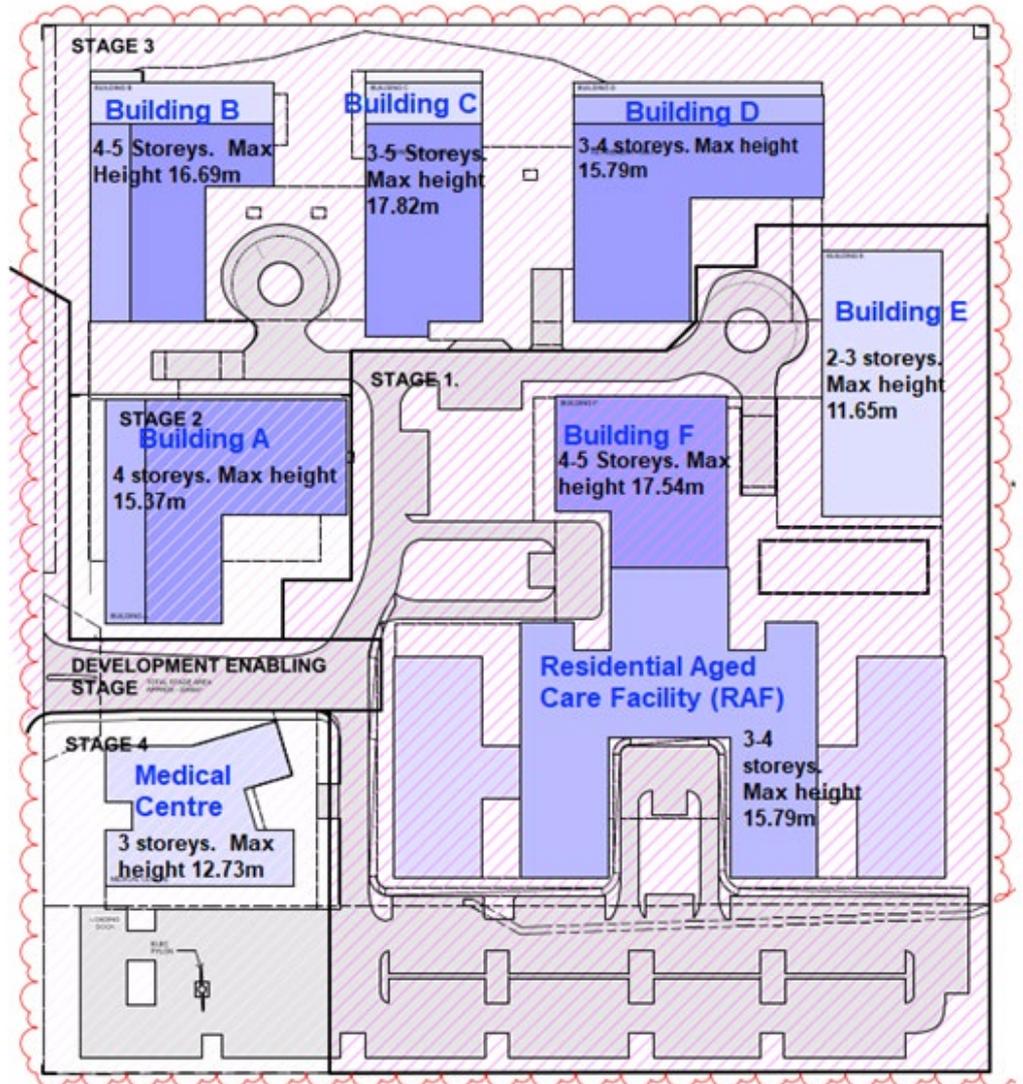
BACKGROUND:

History

Planning permit TPA/47359

Planning permit TPA/47359 was issued for the staged development of the land for a retirement village and residential aged care facility (3-5 storeys in height), to develop and use part of the land for a medical centre, alteration of access to a Road Zone Category 1 (now known as Transport Zone 2) and removal of native vegetation. The uses would occupy seven buildings proposed across the site. More specifically, the permit allows:

- A total of 128 Residential Aged Care Rooms within a Residential Aged Care Facility Building;
- A total of 216 retirement village units within 5 buildings (Buildings A, B, C, D, E, F) with a mixture of 1, 2 and 3-bedroom configurations.
- A medical centre located to the south-west corner of the site.
- A total of 520 car parking spaces are proposed (294 spaces allocated to residents within a basement car park and 226 spaces allocated to visitors / patrons / staff in the ground level car parking areas).
- Three access points to the basement car park.
- An upgraded signalised intersection which includes a southbound deceleration lane from Jackson's Road requiring the removal of street trees.
- A total of 74 bicycle parking spaces (66 located within the basement for residents and staff and 8 located at ground level).
- Buildings range in height across the site, with the tallest being 5 storeys with a maximum height of 17.82 metres.
- Buildings to be constructed with a range of materials including white concrete finish, red brick, white brick, metal cladding and glass.
- A 1.8-metre-high brick fence with 1.6 metre high palisade infill along the Jackson's Road frontage. The fence to be staggered.
- Removal of native vegetation across the site. A total of 1.532 hectares of native vegetation is proposed to be removed and 42 trees are to be retained.
- A number of ancillary facilities throughout the site for residents and their visitors including a bowling green, café / function area, cinema, community square including playground equipment, chapel and men's shed.
- A site coverage of 44.4%.



Above - Site plan of approved development

The permit was subject to numerous conditions requiring further submission of plans and reports for endorsement, including the requirement for revised development plans under Condition 1. To date these conditions have not been satisfied.

The Permit is still valid with works requiring commencement on 1 April 2023.

Planning permit TPA/47359/B

Planning Permit TPA/47359/B was recently issued under Delegation on 8 June 2022 and is a further and separate amendment to the permit while the current major amendment for the redevelopment (TPA/47359/A) is being assessed.

Permit TPA/47359/B amends the original permit TPA/47359 to facilitate the commencement of the approved “early works” comprising the construction of a deceleration lane, shared paths and bus shelter as required by the Department of Transport. This also required amendment of several permit conditions on the

permit. The amendment essentially stages the application to allow the applicant the opportunity to start preparing to deliver the public realm improvement works previously approved, whilst Council considers the current request to reconfigure the site.

The Site and Surrounds

The subject land is located on the eastern side of Jacksons Road, approximately 650 metres north of the intersection with the Monash Freeway. The site is large in area with a frontage of approximately 230 metres to Jacksons Road and a depth of 205 metres, yielding a total area of approximately 4.6 hectares.

The land has a considerable fall and slopes approximately 10 metres from the south-west corner to the north-east corner of the site. A number of easements are located within the site including a 36.58-metre-wide electricity easement along the southern boundary. An overhead electrical transmission line runs along this easement.

The site is largely vacant other than an outbuilding and several trees. Access to the site is via a signalised intersection from Jacksons Road. The title boundaries of the site reflect this access point.

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

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

On the opposite side of Jacksons Road is a recent residential development by Mirvac known as Waverley Park. The development is nearing completion however, a section opposite the site is still under construction.

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

PROPOSAL:

This application has been lodged on behalf of Ryman Healthcare, seeking to continue to use and develop the site for an integrated retirement village / residential aged care in stages, however the retirement living product type, built form and site layout is proposed to be reconfigured. Overall, the proposed scale and intensity of the use and development of the site will generally be reduced.

Details of the development are summarised as follows:

- The development of 70 single storey retirement villa units with individual garages. The villas are to be located around the northern, eastern and

western boundaries with a setback of 5 metres. Occupants will have access to a minimum 25 square metres of secluded open space;

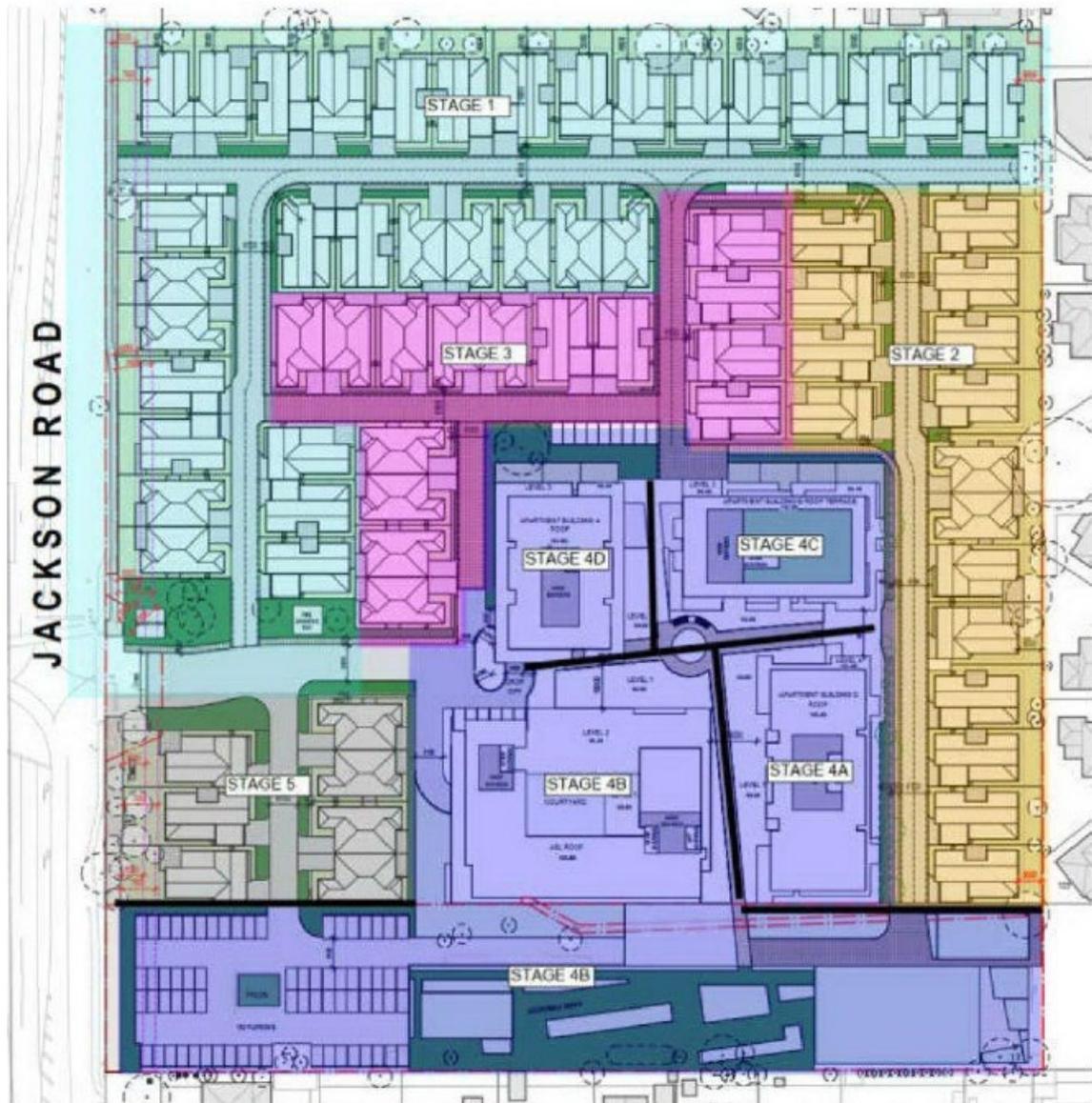
- Development of a centrally located residential aged care / retirement village complex comprising four buildings (2 to 5 storeys in height) located in the centre of the site. Three of the buildings will accommodate retirement living units, and one building will accommodate residential aged care beds across two levels and three levels of assisted living units above.
- Retirement Village - A total of 175 retirement living units are to be provided comprising:
 - 63 X 2 bedroom apartments
 - 42 X 3 bedroom apartments
 - 70 X 3 bedroom apartments
- Aged Care - 60 residential aged care beds and 54 assisted living units will be provided within the complex;
- The development is contemporary in style with a combination of flat and pitched roof forms. Construction materials include brick, rendering, glazing and metal cladding in neutral tones;
- Ancillary shared communal facilities include a gym, pool, dining, lounge, theatre, games room, library, plaza and café within the central complex. The main areas of communal open space are along the southern boundary (within the easement) providing for a bowling green, four pickleball courts, bocce court, assisted memory garden and putting green. Facilities will only be available for residents and their guests;
- Basement car park for the aged care complex for 145 car spaces and a total of 367 car spaces provided across the whole site;
- Vehicle access is proposed from the existing entrance to the site from Jacksons Road;
- A 1.5 metre high brick and metal palisade fence will be constructed along Jacksons Road;
- Removal of Native Vegetation - A total of 1.452 hectares of native vegetation is proposed to be removed with retention of 62 existing trees on the site. This is 800 metres square less than the original removal of 1.532 hectares;
- A site coverage of 69% which is an increase from the approved site coverage of 44.4%; and
- Deletion of the approved medical centre.

The development provides for the external works along Jacksons Road as per the original development comprising:

- An upgrade of the existing bus stop on the east side of Jacksons Road, including the DDA compliance, bus shelter and pedestrian accessibility,
- A 3.0m wide share path along the east side of Jacksons Road, extending from the service road at the south end of the site to the signalised pedestrian crossing of the eastern leg of the Jacksons Road / Gate Seven Drive intersection, and

- A left turn deceleration lane on the north approach of the Jacksons Road / Gate Seven Drive intersection including associated traffic signal works and footpath realignment.

The development is proposed across five stages shown below:



Attachment 1 details plans forming part of the application.

A comparison of the key components of the approved and proposed developments is summarised below:

	Approved Development TPA/47359	Proposed Development TPA/47359/A	Difference
Maximum Overall height of highest building	17.820 metres (Building C)	19.83 metres	+ 2.01 metres at highest part of Building 4
Residential Aged Care Beds	128	60	-68
Assisted living units	0	54	+54
Retirement Village Units	216	175	-41
1 bed apartment	12	0	-12
2 bed apartment	149	67	-82
3 bed apartment	55	38	-17
3 bed villa	0	70	+70
Medical Centre	3,114 m2	Deleted	Deleted
Car parking	520	367	-153
Bicycle Parking	74	12	-62
Site Coverage	44.4%	69%	+ 24.6 %
Trees retained	40	62	+22
Area of Native Tree Removal	1.532 hectares	1.452 hectares	-800m2

A comparison of the setbacks of the approved and proposed is shown below

Setbacks	Approved Development TPA/47359	Proposed Development TPA/47359/A
Front (western)	10 metres from title boundary and 7.6m from edge of new pedestrian footpath	7.6 metres from title boundary and 5m from edge of new pedestrian footpath
Rear (eastern)	10 metres	5 metres
Side (northern)	15 metres	5 metres
Side (southern)	36.58 metres	36.58 metres

PERMIT TRIGGERS:

Zoning

There are no new planning permit triggers under the proposed amendment.

Use

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

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

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

Building and works

Pursuant to Clause 32.09-9, a Permit is required to construct a building or construct or carry out works for use in Section 2 of Clause 32.09-2 (Retirement Village).

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

It is noted that the provisions of Clause 32.09-4 (Minimum garden area requirement) and Clause 32.09-10 (Maximum building height requirement for a dwelling or residential building) apply only to a ‘residential building’ or ‘dwelling’. A retirement village is not classified as a residential building. These provisions therefore do not apply. These requirements also do not apply to a Residential Aged Care Facility

Overlays

The subject site is not affected by any overlays.

Particular and General Provisions

Clause 52.06: Car Parking

Clause 52.06-5 requires 354 car spaces to be provided on the land. As 367 car spaces have been provided and allocated appropriately, a requirement for a planning permit is not triggered under this provision.

Clause 52.17-1: Native Vegetation

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

Clause 52.29: Land Adjacent to a Transport Zone 2

A Permit is required for alteration of access to a road in a Transport Zone 2 and is required to be referred to the Department of Transport.

Clause 52.34: Bicycle Parking Spaces

Under Clause 52.34 a 'Retirement Village' or 'Residential Aged Care Facility' are not required to provide for bicycle parking. However, a total of 12 bicycle spaces are proposed.

Clause 53.17: Residential Aged Care Facility

A development for a Residential Aged Care Facility must meet the requirements of Clause 53.17 which specifies that the building height must not exceed 16 metres.

Clause 66.02-4: Major Electricity Line or Easement

An application to construct a building or carry out works on land within 60 metres of a major electricity transmission line is required to be referred to AusNet.

Clause 66.02-11: Integrated Transport Planning

An application for a residential building comprising 60 or more lodging rooms is required to be referred to the Department of Transport.

Section 72 Amendment (Planning and Environment Act)

An application for amendment to a planning permit (including plans) is subject to the provisions of Section 72 of the Planning and Environment Act.

Sections 47 to 62 of the Act (with any necessary changes) apply to an application as if the application were an application for a permit.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 19 January 2022. In this letter, officers also raised that several issues discussed at an earlier pre-application meeting had not been addressed in the submitted application:

- It is recommended that a setback of 7.6m from Jacksons Road is provided in lieu of the 5m setback.
- The plan provides a large communal area to the south of the aged care building with minimal other communal spaces throughout the site. Consideration to be given for increasing the green square to the north of the building and providing greater communal areas.
- The design does not provide for a shared pathway link and connection through the site as recommended the Monash Open Space strategy.

The Permit Applicant responded to this letter on 6 April 2022 by submitting the requested information and amended plans proposing additional landscaping and an increase in the communal square by relocation of three car spaces. In relation to the preliminary concerns, the Applicant provided additional justification for the

proposed front setback and location of the communal space. The revised plans do not provide for a shared pathway link as suggested and this will be discussed in the report.

The Applicant was advised that this application was coming to the August Council meeting, and a letter was sent to the Applicant with the details of the Council meeting. The Applicant has been advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and four (4) signs displayed along the frontage of the site.

Twelve (12) objections were received. Issues of objection included the following concerns:

- Building bulk / height / setbacks;
- Traffic generation;
- Removal of vegetation and impacts on birdlife and carbon emissions;
- Lack of car parking;
- Boundary fencing repair / details;
- Retention of trees on site adjacent to objectors property causing overshadowing;
- Overlooking from villa units;
- Prolonged noise due to length of construction;
- Drainage issues; and
- Retaining walls not shown on the plans.

Public information session

An online public information session was held on 19 May 2022 and two (2) residents attended.

Attachment 4 details the location of objector properties.

Referrals

External Referral

Department of Transport

The application was referred to the Department of Transport as determining referral authority pursuant to Clause 52.29 to create or alter access to a road within a Transport Zone and Clause 66.02-11 due to the number of dwellings exceeding 60. The Department advised of no objection to amend the permit subject to revised conditions.

Department of Environment, Land, Water, Planning (DELWP)

The application was referred to DELWP for the removal of native vegetation in accordance with Clause 52.17-1 of the Planning Scheme. The Department advised of no objection subject to minor amendment of existing permit conditions that relate to the protection of native trees and offset requirements for the removal of native vegetation.

AusNet

The application was referred to Ausnet pursuant to Clause 66.02-4 to undertake building and works within an electricity easement. The Authority advised of no objection subject to conditions. Conditions relate to the height of structure and nature of materials stored within the easement

Internal ReferralsStrategic Planning

Council's Strategic Planning Department reviewed the pre-application plans and identified the possibility of providing a pedestrian connection through the site as identified within the open space strategy. Understanding the security and safety issues that often accompany aged care facilities, there is sufficient public access from Waverley Park to Gladeswood reserve around the site and via Carboni Court.

Traffic Engineer

Council's Traffic Engineers have advised that overall the development is not expected to result in any major traffic impacts. The traffic generated by the development is expected to have a minimal impact on the local street network due to its location on an arterial road. Additional permit conditions have been recommended including the need for improved pedestrian connectivity in some sections of the site and an additional 2 visitor parking spaces being provided.

Drainage Engineer

No concerns subject to standard conditions including submission of a drainage plan for approval.

Waste Services

Council's Waste Services advised that the submitted Waste Management Plan proposing private collection is satisfactory and has met Council's requirements.

DISCUSSION:**Planning Policy Framework (PPF)**

There has been no substantive change in planning circumstance since the issue of the permit other than the introduction of the new Transport Zone 2 to replace the previous Road Zone. The land remains zoned Neighbourhood Residential, Schedule 4 and there are no additional permit triggers requiring consideration. As with the previous proposal "*Plan Melbourne Metropolitan Strategy 2017-2050*" is

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

“Understand and plan for expected housing needs.”

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

“Facilitate the supply of affordable housing.”

Initiatives seek to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas. Plan Melbourne also encourages varied types of housing such as low cost rental properties and aged care centres, providing a greater choice and diversity of housing.

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

Clause 16.01-5S seeks to facilitate the development of well-designed and appropriately located residential aged care facilities. This policy identifies that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area. This policy also recognises that residential aged care facilities are different to dwellings in their purpose and function and will have a different built form with respect to height, scale and mass. The proposal, comprising a mix aged care, assisted living, as well as 2- bedroom and 3-bedroom retirement unit configurations, caters to a variety of different needs and is consistent with Clause 16.

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

Clause 15 aims to ensure urban environments are safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity. Specifically, Clause 15.01-1S also seeks to ensure urban environments contribute positively to the local context, enhance the public realm and provides a high quality design.

Development should be appropriately located and minimise its impact on residential amenity of established residential areas. In this case it has already been

determined the large site is able to support higher densities than the immediate surrounding area as it is able to provide sufficient buffers from adjoining residential properties. However, approval of the amended design would be based on the development responding to the context of the area with a built form that sits comfortably within the streetscape and surrounding neighbourhood. The site's location on a main road with a large frontage allows for a more robust presentation to Jacksons Road. The southern portion of the site is located within an electricity transmission easement which limits development adjacent to this boundary. The site also has a largely non-sensitive interface with the adjacent College to the north. Therefore the greatest emphasis is placed on an appropriate transition and integration to the adjoining residential properties to the north and east.

There is limited native vegetation on the site which is in good quality due to the lack of maintenance over a period of time. Much of the vegetation on the land is likely to be self-sewn. The removal of vegetation is slightly less in areas than the previous approval, and trees are proposed to be retained close to the entrance of the site which has a higher retention value. The application has been referred to the Department of Environment, Land, Water and Planning (DELWP). The Department is supportive of the application subject to minor amendments of existing conditions.

The requested changes satisfy the objectives of the Planning Policy Framework.

Local Planning Policy Framework (LPPF)

The local planning policy framework seeks to ensure new development has regard for overarching Garden City Character principals consistent with Council policy. The provision of appropriate landscaping elements in new development being fundamental in implementing these policies.

Clause 21.01-1 – Municipal Profile - '*Garden City Character:*' this clause mentions that:

"The City of Monash is known for its garden city character, consisting of leafy, low-rise suburbs with well vegetated private gardens and wide streets with street trees. This characteristic is highly valued by the community and visitors to the municipality. High canopy trees are a dominant feature, particularly towards the east of the municipality.....The garden city character of Monash reflects the historical development of the area and contemporary community values. It therefore has strong cultural and community significance for Monash residents."

Clause 22.01 (Residential Character Policy) applies to all residential land and identifies the site is within Character Area "Dandenong Valley Escarpment." The policy identifies the area presents limited redevelopment potential and the "*neighbourhood character of this area will evolve within a landscape that has a large number of native trees spread throughout both the public and private realm. This provides an overhead canopy which unifies the diverse built-form of some*

neighbourhoods and provides a strong relationship with the semi-natural landscape of the Dandenong Valley. An important characteristic of the area is the view lines to the Dandenong Ranges, along streets and between buildings. New dwellings, or additions to dwellings, will seek to maintain these views.

Building scale, height and bulk will continue to enhance and reinforce the existing landscape and built form character and will generally be similar within neighbourhoods. Large scale contrasts between buildings will be discouraged except where existing trees and shrubs soften the junction between buildings or where there is a graduated change in scale.”

Clause 22.04 – (Stormwater Management Policy) requires all designs have consideration of increases in hard surface areas and consequential impacts on the drainage system and water quality. It is policy that developments are designed and managed to minimise the impact of urban stormwater runoff on waterways. The submitted Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec (WGA) provides details for the development to achieve best practice. This includes provision individual rain water tanks for the villa units and a 100,000 litre rain water tanks within the main complex.

Clause 22.05 – (Tree Conservation Policy) applies to all land in Monash with key objectives in maintaining and enhancing the Garden City Character of Monash and ensuring new development provides for new canopy trees with spreading crowns. It is policy that:

- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy.*
- *Existing street trees be retained and protected.*
- *Semi-mature canopy trees with spreading crowns be planted as part of any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of this size a Sustainable Management Plan (SMP) is required to be prepared and submitted. The submitted assessment prepared by BESTEC concludes that the proposal achieves best practice standards for design standard, stormwater quality, energy rating and water sensitive urban design (WSUD).

Built form, scale and Neighbourhood Character

Height

The amended design proposes a reduction in the overall building massing and density from the approved development by providing predominantly low rise (single storey villas) along three boundaries with an interface to residential properties with one multi-storey complex located centrally. The revised layout reduces the number of units from 216 to 174 and results in a more traditional

domestic scale around the perimeter of the site to minimise visual bulk impacts to adjoining residential properties. However, the maximum overall height of the multi storey complex within the centre of the site is to increase by 2.31 metres from the maximum height of the approved development.

The approved plan provided for seven buildings across the site of varying heights ranging from 2-3 storeys with a height of 11.65 metres to five storey with one building proposing a maximum height of 17.82 metres. These buildings were spread across the site with large areas of separation between buildings allowing for strong visual separation and the provision of landscaping throughout the site.

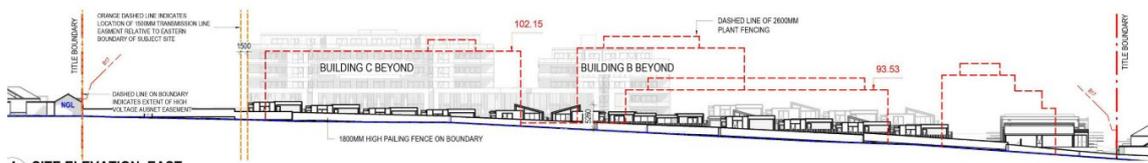
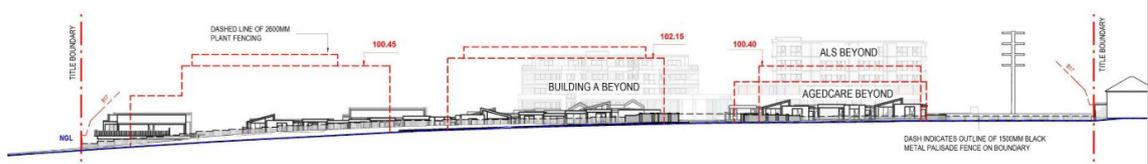
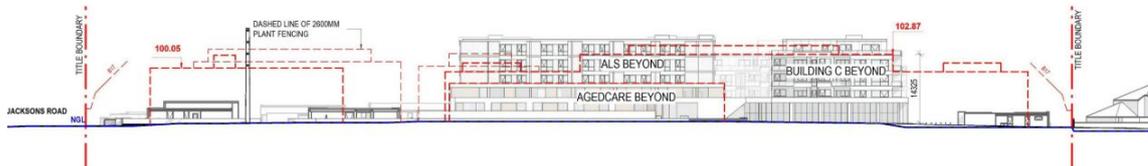
The revised proposal provides for four multi storey residential buildings that range in height from 2 to 5 storeys. Three of the buildings are to accommodate a total of 105 retirement living units and one building known as Building 4 will provide 60 residential aged care beds across the ground and first floors and 54 assisted living units in floors two -five. This building has the maximum height on the site of 19.380 metres with the height varying due to the fall over the site. The location of the four buildings in the centre of the site and away from the sensitive residential interfaces provides the following setbacks:

- 75 metres from the western (front) boundary
- 99 metres from the northern boundary
- 35 metres from the eastern boundary
- 36 metres from the southern boundary

The proposed setbacks of the highest buildings are significantly greater along the western (frontage), northern and eastern boundaries and remain as approved along the southern boundary due to the easement. The additional setbacks will reduce the potential of any visual impact associated with the increase in height after considering the setbacks of the approved development:

- 7.6 metres from the frontage with three buildings ranging in height from 3 – 5 storeys.
- 15 metres from the northern boundary with three buildings ranging in height from 3-5 storeys.
- 10 metres from the eastern boundary with two buildings ranging in height from 2-3 storeys.

In the supporting documents the applicant provided a series of overlays comparing the two developments. These demonstrate a significant reduction in the number and overall length of multi storey buildings presenting to the residential interfaces from the approved plans. The additional height proposed and the siting of the tallest buildings in the centre of the site will have a negligible visual impact external to the property and is site responsive.



The development has been provided with articulation through a combination of materials and finishes of brick and render with timber look cladding in a soft colour palette in neutral tones and a combination of flat and pitched roof form found in the area. The multi storey buildings have been provided with a minimum 10 metre separation between buildings and will avoid continuous built form. This also results in upper floor windows not requiring screening which is a better outcome for future residents.

Front Setback

A further key difference in the proposal is the reduction in the front setback that was approved with a minimum of 10 metres from Jacksons Road, measured to the title boundary. However, when accounting for the new public pedestrian footpath within the title boundary of the site, this was reduced to 7.6 metres. The approved setbacks were to three (3) buildings (including a medical centre) which ranged in height from 3 storeys to 5 storeys fronting Jacksons Road.

The amendment proposes to provide a setback of 7.6 metres to the title boundary and a 5 metre landscape strip when measured from the footpath. The presentation to the street will now be only single storey villa units and therefore a 5 metre landscape buffer is considered appropriate. The setback will provide for planting of canopy trees with single storey development presenting along the

frontage and will ensure that the buildings sit comfortably within the streetscape. The fence height satisfies the requirements of Clause 53.17 (Residential Aged Care Facility) which allows for a height of 2 metres in streets adjoining a Transport Zone 2. The design of the fence will provide for appropriate security for residents, whilst also providing an element of transparency and visibility of landscaping within the front setback of the site. The proposed footpath will continue to align with the Jacksons Road Service Road to the north and the south of the site as previously approved.

Site Coverage

The proposed site coverage of 69% is significantly higher than the approved development of 44.4% but remains substantially below the 80% maximum permitted by Clause 53.17. This however does not satisfy the schedule to the Neighbourhood Residential Zone which seeks 50% but will satisfy the permeability requirement of the Schedule of 30%. Although the requirements of the schedule relating to site coverage and permeability are not applicable to this application, the purpose of the site coverage objectives is to ensure that site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The additional site coverage will still allow for setbacks from all boundaries to provide for deep soil planting and sufficient landscaping opportunities throughout the site and therefore satisfies the objectives to the Schedule to the zone:

- *To ensure development is defined by its spacious and generous garden settings, tall canopy trees and consistent built form and setbacks.*
- *To encourage open gardens to the street, and the planting and retention of significant trees.*

External Amenity Impacts

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

The development does not propose any walls on the boundary and complies with the required wall setbacks of Standard B17 (side and rear setbacks) set out by Schedule 4 of the Neighbourhood Residential Zone and are the same setback expectations that would apply to a 'conventional' residential development. Due to the proposed setbacks and the location of the higher buildings in the centre of the site, all overshadowing cast from the development falls across the site with no additional impact to adjoining properties. The visual bulk of the amended proposal when viewed from adjoining properties is also significantly reduced from the approved plan.

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

Southern Interface

A 36.58 metre wide transmission of electricity easement is located along the southern boundary of the site width of 36.58 metres which limits development in this portion of the site. The original plan proposed this area to accommodate a carpark with landscaping buffers in the range of 3.0metres – 4.5 metres width around the perimeter.

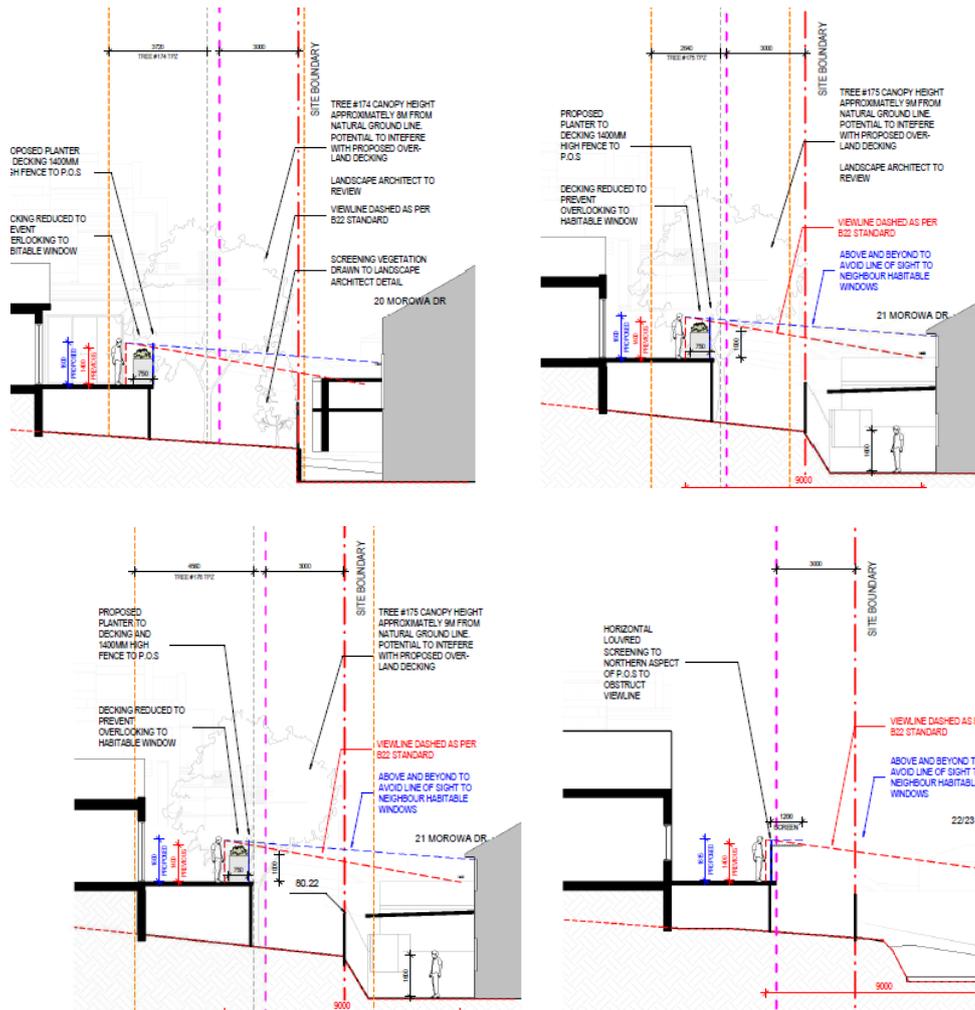
The revised design provides a reduction in the number of car spaces to be provided in this area to 56 from 207 due to the deletion of the medical centre and reduced number of units. The plan provides a softer presentation of the development to the south with the majority of the area to be landscaped to provide communal open space to accommodate the bowling green, pickleball courts, putting green and assisted memory garden with a landscaped buffer along the southern boundary. Due to conditional requirements from AusNet any landscaping along the boundary is limited in height to be less than 3m.

Northern Interface

The development proposes a row of single storey villas along the northern boundary and will replace the approved three buildings known as Buildings B, C and D that range in height from 3-5 storey.

Land use adjoining the majority of the length of the northern boundary is the car park of the Theological College at No 44-60 Jacksons Road which is not a sensitive interface. However, equitable development potential must be considered, particularly due to the size of the adjoining land. The proposal has been designed ensuring that no amenity is borrowed from the adjoining property by providing sufficient setbacks and landscaping within the site.

Toward the north east corner of the site the development will face the rear of dwellings with a frontage to Morawa Drive. Three properties (21, 22 and 23 Morawa Drive) sit approximately 1 metre below the level of the subject site including associated secluded open space areas. Due to the difference in the level of the site being significantly higher than the adjoining properties, the decks associated with the adjacent villa units are elevated and raise overlooking concern from neighbours. The design is relying on a separation of 9 metres between the deck and the windows of adjoining properties, boundary fencing of 1800mm, planter boxes and horizontal screening up to a height of 1400mm on the decks to reduce the impact of overlooking. However, in response to the objections concerning overlooking into the secluded open space areas within the 9 metres, the applicant has undertaken further surveys and prepared additional sectional diagrams for the layout of each affected property and proposes increasing the screening to 1600mm as shown below:



It is considered that the additional screening is appropriate and justified given the level of difference between the properties. This can be required as a condition on permit to be generally in accordance with the above discussion plan known as TP91-02 dated 20 July 2022 (prepared after the application had been advertised) but require the screening to be raised to 1.7 metres and consistent with the standards of Clause 55.04-6.

Eastern Interface

The row of single storey villa units, setbacks 5 metres from the eastern boundary will adjoin the rear of four properties with a frontage to Renee Close (No 7, 8, 9 and 10) and four properties with a frontage to Dougherty Close (No 17, 18, 19 and 20). This will replace approved Building E that had a height of 11.65 metres and setback 12 metres and part of the Residential Aged Care Facility with a maximum height of 15.79 metres and setback 10 metres.

Along the eastern boundary differences in levels between the subject site and adjoining properties is not to the same extent as along the northern boundary. The design proposes a 500mm high trellis above the 1800mm high boundary fence

but given the fence would adjoin the rear of eight individual properties, consent would be required from all owners.

The reliance of trellis was raised by some objectors and specifically requested screening in lieu of trellis. In response the applicant has suggested the trellis be deleted and replaced with screening to the decks that adjoin the rear of No. 8, 9 and 10 Renee Close and No. 20 Dougherty Court as a condition on permit. This is a satisfactory approach, however, will also be required for 17, 18 and 19 Dougherty Close as overlooking is not adequately addressed by deleting the trellis and relying on the boundary fence.

Internal Amenity

The proposal continues to provide for a high level of internal amenity, noting the following:

- Access to the development is provided for car, mobility scooter and bicycle parking. Provision of a drop off / pick-up area at the main entrance to the central complex is provided at the ground floor which is required for emergency vehicles and can also be used by community buses. Individual garages are provided for the villa units with spaces provided within the basement and at grade for residents for visitors / staff. Car parking within the basement is accessible to and from each of the buildings via a lift and stair.
- Each retirement village unit is provided with an open plan living area and bedrooms with a balcony/terrace. Each unit will be provided with a good level of internal amenity due to generously sized living areas, practical floor layouts, provision of internal storage, secure car parking, as well as access to generously sized areas of privately accessible and communal open space.
- The proposed villas will have a minimum 25 square metres of secluded private open space area, and the apartments a minimum 8 square metres of balcony area.
- Future occupants will have access to over 10,000 square metres of communal space comprising of indoor (2,450 square metres) and outdoor communal facilities (7,780 square metres). Indoor areas include a gym, pool, dining, lounge, theatre, games room, library, plaza and café within the central complex. The main areas of communal open space are along the southern boundary providing for a bowling green, pickleball and bocce courts, assisted memory garden and putting green.
- The proposed apartment-style accommodation have functional layout dimensions for bedrooms and living areas. Windows will receive appropriate access to daylight as all windows are located to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1 metre clear to the sky.
- Each building has its own clearly identifiable pedestrian entry.
- New habitable room windows are appropriately set back from the common accessways which may be impacted by noise generation.

- The Aged Care Facility is provided with multiple sitting spaces and numerous bedrooms facing an internal landscaped courtyard.
- The multi storey buildings are separated greater than 9 metres from each other, therefore minimising internal overlooking between buildings and eliminating the need for screening of windows.
- No window screening is required to the windows of the single storey villa units with screening limited to the edge of the deck areas to prevent overlooking to adjoining properties, and providing quality internal amenity and outlook for residents.
- Internal corridors have been designed to be provided with appropriate light and ventilation.
- A footpath network is provided within the site which connects the private villa units around the site with the main building, Jacksons Road and the open space at the southern end of the site. Council's Traffic Engineers have advised of several areas throughout the site than pedestrian connection needs improvement to be discussed later.

Clause 53.17 - Residential Aged Care Facility

The Residential Aged Care Facility (RAC) is to occupy two levels of Building 4 in the centre of the site and will provide 60 residential aged care beds across the ground and first floors of the five storey building. The facility satisfies the purpose and requirements of Clause 53.17 after consideration of:

- The proposed building height of 8.255 metres of the RAC satisfies the maximum height allowance of 16 metres.
- The building satisfies setback requirements, with the building set back a minimum of 75 metres from the front (west) and rear (east) boundaries, 38 metres from the southern boundary and over 140 metres from the northern boundary.
- No walls are proposed on the boundary.
- Overshadowing cast by the building does not affect adjoining properties.
- The building complies with setback requirements relating to daylight to existing windows on adjoining properties.
- The building will not result in any unreasonable overlooking as it is set back greater than 9 metres from any boundary of the site.
- Potential noise sources have been located away from adjoining properties.
- The proposed site coverage does not exceed 80%.
- The front fence of 1.5 metres satisfies the height allowance of 2 metres adjoining a Transport Zone 2.
- The building provides for communal facilities.
- The main pedestrian entry:
 - Has convenient access from a street.
 - Is sheltered from the weather.
 - Has convenient access from on-site car parking.

Use	Number of Units	Car parking Requirement	Car spaces required	Car spaces provided
Residential Aged Facility and Assisted Living Suites	114	0.3 space to each lodging room	34	34
Two bedroom Retirement Village Apartment	63	(1 spaces/ two bedroom	63	63
Three bedroom Retirement Village Apartment	42	2 spaces/ three bedroom	84	84
Three bedroom Retirement Village Villa Unit	70	2 spaces/ three bedroom	140	150
Visitor Parking per 5 Retirement Village Units	35	1 space for every 5 dwellings	35	36
Total	289		356	367

- Has a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

The RAC building and the overall retirement village complex satisfies the purpose of the provisions:

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

Car Parking, traffic and access

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

The application is not seeking a dispensation in the parking requirements of Clause 52.06 as a further ten spaces above the required number of parking spaces have been provided. Bicycle parking is provided on the site although it is noted that the use of the land for a residential aged care facility and retirement village does not have a specified rate for bicycle parking.

All vehicle access to the site remains as approved via a single accessway, in the same location as the existing access and utilising the existing signalised intersection. Council's Traffic Engineers have advised of no objection to the revised proposal subject to the same conditions addressing the public works to Jacksons Road as contained on the existing permit. These conditions also include providing details of the bus shelter and bus stop at the cost of the applicant. The existing permit also requires modifications to the access including the provision of a deceleration lane (in accordance with the requirements of Department of Transport) proposed to Jacksons Road and utilising some of the site which will minimise impacts to through traffic on Jacksons Road.

Overall the Engineers are satisfied that traffic generated by the development is expected to have a minimal impact on the local street network due to its location on an arterial road. The development is estimated to generate 49 trips in the PM peak hour and 55 trips in the site's peak hour. The analysis provided in the Traffic Report with the application does not indicate any major traffic impacts associated with the development. The swept path analysis for the apartment ramp, the village bus movements and waste management vehicle movements are satisfactory.

Further conditions have been recommended including:

- Improved pedestrian connectivity is required across the site at various locations including providing a footpath connection along the southern side of the main access road and connected footpaths along the frontage of some villa units. The footpath to the main pedestrian plaza directs pedestrians into the main vehicle drop off area at the front of the central complex which may put vision impaired pedestrians at risk.
- The requirement for an additional two visitor spaces associated with the villa units as the design is relying on tandem spaces in the driveway of ten villa units that are not considered to be satisfactory for visitors.
- Clarification is required to show the shared path to extend along the whole section along the site frontage and connecting into the south and east crosswalks at the intersection of Jacksons Road and the Gate Seven Drive into the Waverley Park development.

The applicant has been advised of these concerns and it is considered all issues can be addressed as permit conditions.

Removal of Native Vegetation and Landscaping

Within the site there are currently approximately 240 trees plus additional shrubs and native grasses. The vast majority of these trees are not indigenous to the local area and are likely to have been planted within the last 50 years. Many of the trees are in poor condition due to their limited life span and lack of maintenance.

The approved development proposed a total of 42 trees to be retained across the site. The revised development proposes to retain 62 trees, 4 of which have been identified with a high retention value. Most of the trees to be retained are around

the perimeter of the site and the front entrance. The proposal has also been designed to ensure retention of a number of trees located on adjoining properties. An existing condition of the Permit requires a Tree Management Plan to be submitted detailing how trees to be retained on the site and adjoining properties will be managed during construction.

A Planning Permit is required for removal of native vegetation from the land pursuant to Clause 52.17 whether they be trees, shrubs or grasses. A revised Biodiversity assessment has been prepared by Ecology and Heritage Partners which suggests that the subject site currently comprises a total of 1.46 hectares of native vegetation patches, one (1) large scattered tree and three (3) small scattered trees. The amended permit proposal is for the removal of the same amount of vegetation in a single patch and the large scattered tree as previously but will now retain the three (3) small scattered trees. Overall this is less in area than the extent of removal in the original permit by approximately 800 square metres. The vegetation to be removed has been assessed as low contribution value in terms of the quality and contribution to the local and regional biodiversity. Accordingly, an offset approach is maintained, as per the original approval..

The application was referred to the Department of Environment, Land, Water and Planning (DELWP) who had no objection to the removal of native vegetation subject to amended conditions relating to the protection of native vegetation to be retained and identifies the offset requirement of 0.263 General Habitat Units to be attributed to Port Phillip Westernport Catchment Management Authority or Monash City Council.

An objection was received from the owner of 9 Renee Close, adjoining the subject site to the east. The objection included a request that three trees on the site adjoining the property be removed given their poor structure and overshadowing of their pool and solar panels. These trees are identified as No. 170, 171 and 172 within the Arborist Report and were already approved to be removed under the existing permit as they were not identified as significant fauna species within the Biodiversity Report prepared by Ecology and Heritage Partners. These trees are also identified as being in poor condition due to their structure. The applicant has been involved with ongoing discussions with the objector and has agreed to the planting of 3 fir trees as replacement. This can be addressed as a permit condition for the landscape plan.

A revised landscaping master plan has been submitted proposing landscaping within all areas of the site. Canopy tree planting of various species and sizes is proposed around the perimeter of the site and the communal area “town square” at the central complex. The revised proposal has reduced the extent of hard surfacing and carparking areas from the previous approval with provision for the communal open space areas within the electricity transmission easement along the southern boundary. Although planting is limited to species that will not reach over 3 metres in height in accordance with requirements from the Power Authority, the revised layout will provide a much softer presentation than the

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

With regard to planting within the site, canopy planting is limited in the centre of the site due to the development layout and internal roads and pathways to villa units. The change in accommodation typology and layout of the site provides for more residents to have individual secluded private open space at the rear of the villa units rather than the larger areas of communal areas required with multi storey buildings under the previous proposal. However, there are a number of areas where internal pathways and vehicle accessways are proposed which has limited landscaping which could be increased with additional low to medium tree planting and the use of arbours or green walls to increase landscaping and shading to these spaces. A condition will be included requiring further details of additional planting than that shown on the concept plans. Due to the scale of the development and the size of the site it would be expected that detailed landscaping plans would be provided for each stage of development.

Objections not previously addressed

Retaining walls

One objector requested that the retaining walls shown on the approved plans are to be provided on the current plan. The applicant has advised that the retaining walls are no longer required along the boundary adjoining the objector's property due to the change in the development layout.

Stormwater

Council's Drainage Engineers have advised that the development plans do not raise any stormwater management issues and are satisfactory subject to detailed civil plans being submitted. Furthermore, the submitted Stormwater Management Strategy prepared by Wallbridge Gilbert Aztec (WGA) provides details for the development to achieve best practice.

Boundary Fencing

The applicant has confirmed that existing boundary fencing can be replaced with new 1.8 metre high fences, and a notation will be required as per a condition of the Permit.

Noise during construction

A detailed Construction Management Plan would be required for each stage of development ensuring that construction hours are within permitted time frames.

Explanation of Changes to Permit Conditions

As a result of the proposed amendments to plans, several existing permit conditions are now no longer applicable as they relate to the approved design. These conditions are recommended to be deleted from the permit, whilst other conditions are renumbered as a result. In addition, new conditions are also

recommended to reflect issues discussed in the report, revised requirements of the referral authorities and agreement between the applicant and objectors.

The proposed changes to the Permit are summarised as follows:

- Amend the citation to delete reference to medical centre and refer to the development as up to 5 storeys.
- Amend the reference to the previous development and landscape plans and architects to be replaced with the current architects and plans being considered.
- Amend Condition 2 to require amending plans to show the design changes discussed in the body of the report.
- Amend conditions to reflect revised Tree Management Plan, Waste Management Plan, Sustainable Management Plans and Stormwater Management Strategy.
- Delete conditions relating to the medical centre.
- Delete and updated previous conditions required by Vic Roads and Public Transport Victoria to reflect the merger into Department of Transport and replace with new conditions and notes as required.
- Amend the conditions by DELWP for revised native vegetation removal as required.
- Existing conditions to be renumbered where required.
- Correct any minor typographical errors.

CONCLUSION:

The proposed amended proposal continues to be consistent with the relevant Planning Policy Framework in providing for an integrated aged care development and is responsive to the neighbourhood and landscaped character of the area. The reconfiguration of the development in terms of retirement living typology, built form and site layout generally reduces the scale and intensity of the use and development of the site and continues to avoid any unreasonable off-site amenity impacts. The design will provide a high level of amenity for future occupants.

Overall, the proposal is considered appropriate, and it is recommended that a Notice of Decision to Grant an Amended Permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2022).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.