

9.1 Planning Application PL17/027636 at 534-540 Doncaster Road, Doncaster for the use and development of the land for an eight-storey building over basement car parking, comprising a food and drink premises (café) and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village

File Number:	IN18/59
Responsible Director:	Director City Planning
Applicant:	ARG Planning Pty Ltd
Planning Controls:	Activity Centre Zone, Schedule 1 (ACZ1); Development Contributions Plan Overlay, Schedule 1 (DCPO1); Parking Overlay, Schedule 1 (PO1)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements 3 Discussion Plans dated 14 February 2018

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 534-540 Doncaster Road, Doncaster and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

Proposal

2. The proposal is for the use and development of the land at 534-540 Doncaster Road, Doncaster for a maximum eight-storey building over basement car parking, comprising a food and drink premises and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village (as defined by the *Retirement Villages Act 1986*). The proposal also incorporates the erection and display of business identification signage and alteration of access to Doncaster Road.
3. The land has a total area of 6,317 square metres. The proposal has a site coverage of 60.2%, a site permeability of 9.8% and a maximum building height of 22.05 metres, including a 3.65 metre high design element. A total of 161 car parking spaces are provided over two basement levels and a ground floor drop-off area, comprising 39 shared car parking spaces for the residential aged care as well as retail and café uses at lower ground floor, 119 car parking spaces for the retirement living component within the lower basement, and an additional three spaces within the front setback drop-off area at ground floor.

Key issues in considering the application

4. The key issues for Council in considering the proposal relate to:
 - policy (consistency with state and local planning policy);
 - design and built form;

- on-site and internal amenity;
- car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities; and
- objector concerns.

Objector concerns

5. One objection has been received for the application to date, raising issues which are summarised as inappropriate vehicle access via Carawatha Road, which will exacerbate existing on-street car parking and traffic issues.

Assessment

6. The use and development of the land for an aged care facility and retirement living building is consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ) and supporting policy relating to the Doncaster Hill Principal Activity Centre. This proposal is the first of its kind within Doncaster Hill. The uses complement and support the strategic role of Doncaster Hill and contribute towards employment targets for the area. The use of the site for an aged care facility and a retirement village affords Doncaster Hill with a net community benefit that is fundamentally supported by policy. The aged care facility and retirement village support the key vision objectives of the ACZ, providing a high density, high-rise mixed-use development to meet growing community needs through innovative contemporary design.
7. The proposed development features a contemporary design, which presents a scale and design that creates a gateway building to Doncaster Hill and complements other high density developments that have been approved and developed in the vicinity. Whilst the proposed building exceeds the mandatory maximum building height by 0.4 metres and the design element height by 0.05 metres, these aspects will be made conditional of any permit to issue. The proposal also allows the building to provide an appropriate balance between maintaining a reasonable level of amenity for nearby properties and providing a reasonable level of on-site (internal) amenity for the future occupants of the building.

Conclusion

8. The relevant planning controls seek an intensive residential or mixed use development for the subject site. The proposed development, which includes a contemporary designed, high-density, mixed-use building in Doncaster Hill, complies with the various requirements of the ACZ as they relate to siting and building presentation which scales appropriately to surrounding development. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring design changes to the building and the submission of management plans for Council approval.
9. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. Having considered the objection issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027363 at 534-540 Doncaster Road, Doncaster for the use and development of the land for a maximum eight-storey building over basement car parking, comprising a food and drink premises (café) and a retail premises at ground floor level and accommodation above, comprising a residential aged care facility and a retirement village (as defined by the *Retirement Villages Act 1986*), the erection and display of associated business identification signage and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions –**

- 1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Clarke Hopkins Clarke, Revision C dated 22 November 2017, but modified to show the following:**

Design and built form

- 1.1 Demonstrate the maximum building height (excluding the design element) does not exceed 18 metres above natural ground level at any given point;**
- 1.2 Demonstrate the maximum height of the design element does not exceed 21.6 metres above natural ground level at any given point;**
- 1.3 Relocation and reorientation of the design element to the south in accordance with the amended discussion plan, Revision D dated 14 February 2018;**

Boulevard treatment and Doncaster Road frontage

- 1.4 Details of the boulevard treatment (including paving materials) along Doncaster Road, in accordance with the Doncaster Hill Strategy, generally in accordance with the amended discussion plan, Revision D dated 14 February 2018;**
- 1.5 Provide the Doncaster Hill pedestrian boulevard pavement treatment over the ingress/egress to reinforce pedestrian priority in accordance with the amended discussion plan, Revision D dated 14 February 2018;**
- 1.6 Greater detail of the scale of the utility cabinets and water meters positioned behind low walls along the frontage, including details of adequate screening to these elements to ensure these cabinets integrate appropriately and are not dominant features of the front façade;**
- 1.7 The notation regarding the relocation of the light pole to be amended to refer to its replacement with the Doncaster Hill**

standard pole, bracket and luminaire;

Car parking, access and basement areas

- 1.8 Each of the three drop-off car parking spaces at ground floor widened to 2.9 metres in accordance with the amended discussion plan, Revision D dated 14 February 2018;
- 1.9 The use of convex mirrors at the top and bottom of ramps where visibility may be limited around a corner;
- 1.10 A bicycle parking allocation schedule that incorporates employees, retirement village residents and visitors;
- 1.11 Allocation of storage to each lodging room of the retirement village;
- 1.12 Details (type, materials, dimensions and volume) for each storage area enclosure and confirmation that each will be secure;
- 1.13 Provision of wheel stops to car spaces 33 and 37;

Design detail

- 1.14 The plastic mod-wood substituted with a high quality timber-look aluminium;
- 1.15 The detail of the twisted wave-form timber awning that is applied to the Doncaster Road frontage to be further developed or substituted for a more appropriate material, demonstrating it can be reliably constructed;
- 1.16 The business identification signage wording strengthened, with a cross-section detail showing the three-dimensionality of the signage lettering;

Other

- 1.17 Screening details and cross-section plans, as required, to demonstrate how overlooking will be limited within a 9 metre radius from balconies and habitable room windows to the adjoining development (that is under construction) at 23 Carawatha Road, Doncaster.
- 1.18 A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe.
- 1.19 All recommendations and design changes as required by the SMP, WMP, DA report, and acoustic report and any other report approved under conditions of this permit.

Endorsed Plans

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

Construction Management Plan

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

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

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

Sustainability Management Plan

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by ADP Consulting dated 31 July 2017, but modified to show the following:

- 4.1 Reference to the Doncaster Hill Sustainability Guidelines;
- 4.2 Include installation of the mandatory Yarra Valley Water 3rd pipe for recycled water for toilet, laundry and irrigation.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plan (WMP) prepared by Leigh

Design dated 14 December 2016.

Acoustic Report

6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Acoustic Logic dated 3 November 2017 but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

Disability Access

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

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

Management Plan Compliance

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

10. Before the development starts, the owner of the land must enter into and execute an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide that the majority of persons residing in the development are retired persons as defined by the *Residential Villages Act 1986*. The Section 173 Agreement must be registered on title. It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*. This agreement must be prepared and executed at the owner's expense.

Completion

11. Before the occupation of the aged care facility or retirement village, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.
12. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
13. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

Landscape Plan

14. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plans prepared by Hansen Partnership, dated 21 August 2017, but modified to show:
 - 14.1 The existing and proposed street trees within the road reserve of Carawatha Road;
 - 14.2 Species, locations, approximate height and spread of proposed planting;
 - 14.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 14.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 14.5 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;

- 14.6 Details of the site frontage to Doncaster Road, including the location of any bicycle parking, ramps, planter bed and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;
 - 14.7 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;
 - 14.8 A section plan detailing the irrigation and drainage of the terrace and balcony landscape areas;
 - 14.9 Details of the raingarden, including maintenance details;
 - 14.10 Tree Protection Zones and recommendations notated on plan for trees on adjoining properties, as derived from the Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and the addendum dated 23 November 2017, in conjunction with a notation referring to the requirements of Condition 18 of this permit.
15. Before the commencement of the development, an appropriate sculptural piece must be selected/commissioned in consultation with the Responsible Authority, the cost of which is to be borne by the developer.
 16. Any dead, diseased or damaged plants must be replaced as soon as practicable, to the satisfaction of the Responsible Authority.

Landscape Bond

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

Tree Protection

18. Unless the removal of vegetation on the adjoining property is agreed to in writing by the adjoining property owner, the vegetation must be retained to the satisfaction of the Responsible Authority by providing appropriate tree protection zones in accordance with the Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and the addendum dated 23 November 2017.
19. All trees shown as retained on the endorsed Site Plan must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.

- 20. All Tree Protection Zones on the subject land must be:**
- 20.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;**
 - 20.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".**
- 21. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, to the satisfaction of the Responsible Authority:**
- 21.1 The storage of materials or equipment;**
 - 21.2 The disposal of any contaminated waste water;**
 - 21.3 The use of a tree for temporary attachment of wiring or such like;**
 - 21.4 Open cut trenching, or excavation works (whether or not for the laying of services);**
 - 21.5 Changes to the soil grade level.**

Stormwater – On-site detention (OSD)

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

Construction Plan (OSD)

- 23. Before the development starts, a construction plan for the system required by Condition 22 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.**

Drainage

- 24. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the**

Responsible Authority.

25. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

On-site car parking and bicycle parking

26. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:

26.1 be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;

26.2 be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority;

26.3 be drained and sealed with an all-weather seal coat where appropriate.

27. Staff and visitor car parking spaces must be clearly lined-marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

28. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

Commercial Uses (Retail and food and drink premises)

29. The uses must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

30. All delivery and collection of goods associated with the retail premises must be conducted within the subject land and within the operating hours approved under this permit.

31. All noise emanating from commercial premises within the building must comply with the State Environment Protection Policy N-1 (Noise from commerce industry and trade) and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

32. The shop fronts for the retail and food and drink premises (which face Doncaster Road) must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.

33. The operators of the commercial premises must ensure that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby

residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.

34. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

35. The use of the land must not adversely affect the amenity of the neighbourhood, including through:

35.1 the transport of materials, goods or commodities to or from the land;

35.2 the appearance of any buildings, works or materials; and

35.3 the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin;

to the satisfaction of the Responsible Authority.

36. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council requirements and the approved waste management plan.

Development Contribution

37. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

Lighting

38. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.

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

General

40. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the

Responsible Authority.

41. A centralised TV antenna to the aged care facility and to the retirement village must be installed and connections made to each lodging room/residence to the satisfaction of the Responsible Authority.
42. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
43. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
44. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
45. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
46. Any external clothes drying facilities must be appropriately designed and must not be visible from the street.

Department of Transport

47. The permit holder must take all reasonable steps to ensure that disruption to bus operation within the bus lanes along Doncaster Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria a minimum of 8 years prior. The permit holder must notify PTV by either calling 1800 800 007 or email customerservice@ptv.vic.gov.au.

VicRoads

48. Prior to the commencement of works, amended plans to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plans will form part of this permit. The amended plan(s) shall show:
 - 48.1 A fully dimensioned functional layout plan, generally as per 150153/TP10,
 - 48.2 Any new tree along Doncaster Road will have adequate safety clearance to the edge of the through traffic lane and the edge of the left-turn deceleration lane.
 - 48.3 Works incidental to the construction of the left turn lane and the realignment of the foot path along the site frontage such as but not limited to the relocation of power pole(s), signs and

modifications to drainage assets etc.

49. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;
50. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works, including service relocation, must be provided and available for use to the satisfaction and at no cost to VicRoads and the Responsible Authority.
51. Where the roadworks, including footpath and nature strip, lie within private property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issue in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

Permit Expiry

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

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

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

- 52.3 The uses are not commenced within 2 (2) years of the development being completed.

- 52.4 The signs expire fifteen (15) years after the date of this permit.

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

VicRoads Notes

1. The preparation of functional layout plans, 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.

2. Functional layout 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.
 3. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- B. Conduct further research into the traffic and car parking conditions along Carawatha Road and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along and around Carawatha Road.**

2. BACKGROUND

- 2.1 A pre-application advice request was submitted to Council on 11 April 2017.
- 2.2 The proposal was presented to the Sustainable Design Taskforce meeting on 27 July 2017.
- 2.3 The application was submitted to Council on 29 August 2017.
- 2.4 A request for further information was sent on 26 September 2017 and raised preliminary concerns with the submitted proposal relating to the boulevard treatment along Doncaster Road, the location of the design element, building setbacks, vehicle access and amenity.
- 2.5 All requested further information was received by Council on 23 November 2017.
- 2.6 Notice of the application was given over a four-week period which concluded on 9 January 2018.
- 2.7 The statutory time for considering a planning application is 60 days, which lapsed on 19 February 2018.
- 2.8 The land title is not affected by any covenants or restrictions.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The site is situated on the southern side of Doncaster Road, approximately 130 metres east of the intersection with Carawatha Road, Doncaster, and has a rear abuttal to Carawatha Road.
- 3.2 The site has a frontage width of 64.01 metres, an eastern side boundary total length of 96.32 metres, with a 5.18 metre long return, a 69.19 metre long

Carawatha Road frontage width and a western side boundary length of 96.32 metres. The site has a total area of 6,317 square metres.

- 3.3 A single-storey commercial building presently occupies the site, accessible from a deceleration lane to a central driveway. The building is used as a restaurant, positioned in the north-western corner of the site, with the remainder of the site provided as bitumen car park.
- 3.4 The site is affected by a 1.83 metre wide drainage and sewerage easement in favour of Yarra Valley Water. The easement bisects the property centrally, on an east-west axis. The easement is not registered on title.
- 3.5 The topography falls approximately 4 metres from the north-eastern corner (Doncaster Road frontage) to the rear south-eastern corner of the site, with up to a 3 metre cross-fall to the west.
- 3.6 Site trees are generally of low to medium retention value, with the exception of two trees with high retention value. Tree 54 is an indigenous *Eucalyptus camaldulensis* (River Red Gum) and Tree 57 is a planted *Corymbia maculate* (Spotted Gum). The trees are located towards the south-western corner of the site.
- 3.7 The site is open to Doncaster Road. The eastern and western boundaries are enclosed by 2.3 metre high horizontal board fences and the southern boundary is enclosed by a 2.5 metre high brick wall that is generally offset from the boundary. There is currently no direct access available to Carawatha Road.

The Surrounds

- 3.8 The site directly abuts one property to the east and two properties to the west.
- 3.9 The property to the east at 546 Doncaster Road comprises a two-storey commercial building for a restaurant on a 4,107 square metre lot, with a 23 metre street setback and car parking around its perimeter. Some landscaping provides a buffer from the building to the street.
- 3.10 The property to the north-west at 532 Doncaster Road comprises a single-storey medical centre on a 765 square metre lot, with a 6.6 metre street setback, an approximately 2 metre setback from the common boundary and car parking provided at the rear.
- 3.11 The property to the south-west at 23 Carawatha Road is a 797 square metre lot with a three-storey apartment building with basement car parking currently under construction, which was approved by planning permit PL12/023246 on 20 June 2013. Endorsed plans for the development show one habitable room window at ground floor setback 1.015m from the common boundary, one habitable room window and balcony at first floor setback 2.215 metres from the common boundary, and one habitable room window at second floor setback 4.364 metres from the common boundary, with a balcony within this setback.
- 3.12 To the north of the site is Doncaster Road, an arterial road with three lanes of traffic in both directions. On-street car parking is restricted with a 'Clearway' sign.
- 3.13 To the south of the site is Carawatha Road, a local road with one unmarked lane in both directions. There are no parking restrictions in the vicinity of the site on

the northern side of the road, however there is a two hour parking restriction on the southern side.

- 3.14 The character of the broader area is mixed, with commercial uses to the east and north along Doncaster Road (within the ACZ) and existing housing stock to the south and west. Tullamore estate is located diagonally opposite, to the north-west.
- 3.15 The subject site is located within the Doncaster Hill Principal Activity Centre. The Activity Centre spans along the main arterial roads (Doncaster Road, Tram, Elgar and Williamsons Road corridors) and forms a central hub of residential, commercial, retail and recreational facilities. It is apparent that the area is changing in line with Council's vision, evidenced by the construction of several residential apartment towers within the precinct. The subject site is a gateway site that is located at the south-western end of the ACZ, with surrounding land to the north and east also zoned ACZ. Land to the west along Doncaster Road is zoned Residential Growth, while land to the south and west along Carawatha Road is zoned General Residential.
- 3.16 In terms of public transport, the subject site is well serviced by bus routes operating along Doncaster Road, connecting activity centres and residential areas within the municipality to Melbourne's Central Activity District. Major bus interchanges are situated within the Westfield Doncaster complex within 1 kilometre walking distance to the north-east, and the Doncaster Park and Ride 1.2 kilometres to the west. In addition to having access to the numerous retail, restaurant and entertainment venues within the Shopping Centre, which itself is within 800 metres walking distance, the site is well serviced by other community and local facilities including Carawatha Reserve directly south, future parkland at Tullamore Estate, MC Square, Doncaster Primary and Doncaster Secondary College.

4. THE PROPOSAL

- 4.1 It is proposed to clear the site to use and develop the land for two primary purposes, an aged care facility and a retirement village. To Doncaster Road, a five-storey residential aged care facility is proposed, accommodating 128 lodging rooms. This component also incorporates a food and drink premises and a retail premises at ground floor. To Carawatha Road, a part six, part eight-storey retirement village is proposed, accommodating 74 independent living units. Signage is proposed at ground level and on the front podium to Doncaster Road and at ground level to Carawatha Road. A permit is also required for the creation and alteration of access to Doncaster Road.

Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by Clarke Hopkins Clarke, Revision C dated 22 November 2017 and landscape plans prepared by Hansen Partnership, dated 21 August 2017. Refer to Attachment 1.
- 4.3 The following reports were submitted to support the application:
 - Planning report prepared by ARG planning, dated November 2017;
 - Additional plans to respond to the Better Apartment Design Standards were also prepared by Clarke Hopkins Clarke, dated 20 February 2018.

- Waste management plan prepared by Leigh Design, dated 14 December 2016;
- Traffic report prepared by Cardno, dated 22 August 2017, updated 27 February 2018;
- Sustainability management report prepared by ADP Consulting, dated 31 July 2017;
- Daylight assessment report prepared by ADP Consulting, dated 3 November 2017;
- Acoustic report prepared by Acoustic Logic, dated 3 November 2017; and
- Arborist report prepared by Stem Arboriculture, dated 9 June 2017, and an addendum dated 23 November 2017.

Development summary

4.4 A summary of the development is provided as follows:

Land Size:	6,317m ²	Tower Height:	18.4m, exceeds mandatory 18m
Site Coverage:	60.2%	Design Element Height:	3.65m, exceeds mandatory 3.6m
Permeability:	9.8%	Maximum Building Height:	22.05m
Number of lodging rooms (aged care)	128	Street setback to Doncaster Road (north)	Basement – 10m <u>Aged Care:</u> Ground floor – 10.85m Podium (1-2) – 10m Tower (3-4) – 18m
Number of independent living units (retirement village):	74	Setback to eastern boundary	Basement – 2.5m <u>Aged Care:</u> Ground floor – 6m Podium (1-2) – 6m Tower (3-4) – 6m <u>Retirement Living:</u> Lower ground – 4.01m Levels 1-6 – 4.01m Design element – 4.82m
• 1 bedroom:	8	Setback to Carawatha Road	<u>Retirement Living:</u> Basement – 5m Lower ground – 5m Levels 1-2 – 6m Levels 3-5 – 8m Level 6 – 10.768m

		Design element – 22.06m
• 2 bedrooms:	57	Setback to western boundary Basement – 0m Lower ground – 5.5m Levels 1-4 – 5.5m Level 5 – 8m
• 3 bedrooms:	9	Total car parking spaces: 161
Total retail floor area:	215m ²	• Aged care 38 • Retail/restaurant spaces: 18
Food and drink floor area:	274m ²	• Retirement living spaces: 97

Design layout

- 4.5 The 128 lodging rooms of the five-storey aged care building fronting Doncaster Road are arranged in groups of eight, consisting of 32 rooms per level, together over four levels. Each resident is provided with their own bedroom and ensuite, with shared living, dining and kitchen facilities. Each room is provided with an external balcony or terrace varying from 7 to 62 square metres. Typically, residents tend to have high care needs, with many residents requiring staff assistance to move. Other communal facilities include a 316 square metre terrace at Level 3 and two 129 square metre courtyards at level 1. Additional facilities for residents at ground level include a cinema, worship space, hair and beauty salon and gym. Also at ground floor are publically accessible areas including a 274 square metre café with outdoor dining and a 215 square metre retail premises.
- 4.6 The part six, part eight-storey retirement village building to Carawatha Road is designed to form two separate wings. It contains a total of 74 independent living units, comprising eight one-bedroom units, 57 two-bedroom units and nine three-bedroom units. There are 14 different layout types, which vary from 63 square metres to 134 square metres. Ground floor communal facilities for residents of the retirement village include a 221 square metre central garden, a dining room and lounge, and activities rooms. At level 7, a design element is provided on the eastern wing, comprising a roof garden, communal dining area, a men's shed and art and craft room.

Pedestrian and vehicle access and layout

- 4.7 Two separate pedestrian entries are provided, a central access point to the aged care facility at the Doncaster Road frontage, and a central access point to the retirement village at the Carawatha Road frontage. Each entry has a sense of address via an airlock and foyer leading to lift access.
- 4.8 Similarly, two separate vehicle access points are provided. The existing Doncaster Road crossover is relocated to the western end of the frontage, together with the extension to the existing deceleration lane. This leads to a 6.35 metre wide ramp to the lower ground basement entry. This basement level directly serves the aged care facility and the café and retail premises. A new

crossover is proposed to the western end of the Carawatha Road frontage. This leads to a 6.1 metre wide ramp to the lower basement level entry. This lower basement level directly serves the retirement village. At each basement level, a loading bay is provided together with storage, including for bicycles and waste. An internal ramp provides access between the two basement levels.

- 4.9 A total of 161 car parking spaces are provided within the development, including 39 spaces within the lower ground basement level with direct access to Doncaster Road, an additional three spaces provided for 'drop off' at ground level, and 119 spaces within the lower basement level with direct access to Carawatha Road.

Landscaping

- 4.10 Canopy trees are proposed within the frontage to Doncaster Road to realise a boulevard treatment and also along the frontage of Carawatha Road. Screen planting is proposed along the side boundaries. Communal areas are to be landscaped and provided with seating at levels 1, 3 and the roof garden.

Design detail

- 4.11 The proposed building features a contemporary architectural design, which seeks to activate both frontages. The aged care facility provides a stone clad façade with substantial glazing, includes vertical garden elements and a feature timber batten canopy across the building façade. The retirement living building features eastern and western wings with a central garden and light court feature and central entrance. The eastern wing is two levels higher than the western wing to create a transition to the western adjoining properties. The design provides for a podium element with tower levels featuring a wrap-around white metal balcony elements contrasting with darker wall cladding, with vertical garden elements to lower levels.
- 4.12 Business identification signage is proposed to be located at ground level beside the entrances on Doncaster Road and Carawatha Road, with an additional sign on the podium to Doncaster Road.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 37.08-6 (Activity Centre Zone, Schedule 1), a permit is required to construct a building or construct or carry out works, to use the land for accommodation (a residential aged care facility and a retirement village), a food and drink premises and a retail premises.
 - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), a permit is required to create or alter access to a road in a Road Zone, Category 1.

6. REFERRALS

External

- 6.1 Given the proposal involves the alteration of access to Doncaster Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection subject to conditions being included on any permit issued which relate to the provision of a functional layout plan and trees within the nature strip between the kerb and channel and the footpath to be deleted. The deletion of these trees conflicts with the required boulevard treatment. Officers have discussed this matter with VicRoads who state they would agree to trees within this location, without amending their written response. Previous applications have negotiated a compromise providing for adequate safety clearance. Officers have advised VicRoads that the condition will be modified in line with a previously agreed outcome within Doncaster Hill (**Condition required**).
- 6.3 As the proposal involves a residential building and a retirement village, each comprising more than 60 dwellings/lodging rooms, it is a statutory requirement to refer the application to Public Transport Victoria as a determining referral authority.
- 6.4 Public Transport Victoria has no objection subject to a condition on any permit issued requiring the permit holder take all reasonable steps to ensure that disruption to bus operation along Doncaster Road is minimised during construction.

Internal

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

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (Condition required). • Provide an on-site stormwater detention system (Condition required).
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • A “Vehicle Crossing Permit” is required.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • Adequate sight lines are available from the exit lane. • The width and internal radius of the driveway allow sufficient turning areas for all vehicles to reverse and exit the site in a forward direction.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • Access via Doncaster Road to the Aged Care facility is satisfactory but there are concerns regarding the use of Carawatha Road as access for the independent living car park. • Carawatha Road is approximately 675 metres long and 7 metres wide, connects to Doncaster Road at either end of the road and

Service Unit	Comments
	<p>carries in the order of 740 vehicles per day. It provides access to residential dwellings as well as commercial premises. On-street parking is available along both sides of the road.</p> <ul style="list-style-type: none"> The Traffic and Transport Assessment report prepared by Cardno for this development indicates that the proposed residential traffic would cause increased traffic volumes along Carawatha Road, including other neighbouring roads which could be used to access the Eastern Freeway via Elgar Road. There is concern regarding the road safety implications of elderly persons undertaking right turns from Carawatha Road onto Elgar Road to access the Freeway. Elgar Road is a busy arterial road and finding a gap between the two streams of opposing traffic to negotiate a right turn could pose a safety issue. The anticipated additional traffic from the development along Carawatha Road during the AM and PM peak hour traffic are considered to be within acceptable limits for the function of the road in the context of the street network. While it is recognised that the increased traffic volume and traffic impact is not significant, it is acknowledged that this development is the first to occur along this road and the proposal to gain access to the site via Carawatha Road could set a precedent for future developments along the street. Accordingly, it would be prudent for Council to re-examine the traffic and parking conditions along this and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along Carawatha Road (Recommendation B).
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> The car parking layout is generally satisfactory, with the exception of the spacing of car spaces 33 and 37 in relation to space 34, which need to be addressed with wheel stops (Condition required).
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> A construction management plan is required (Condition required).
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> Private waste collection will be required within the development. No private waste contractor bins can be left outside the property boundary for any reason.

Service Unit	Comments
	<ul style="list-style-type: none"> • A final Waste Management Plan needs to be approved as part of the permit (Condition required).
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> • Build over easement approval is not required.
Strategic Projects Unit – Sustainability	<p>The following amendments to the submitted Sustainability Management Plan are required before approval (Condition required):</p> <ul style="list-style-type: none"> • Reference should be made to the Doncaster Hill Sustainability Guidelines (Condition required). • The Sustainability Management Plan must be amended to include installation of a 3rd pipe for recycled water for toilet, laundry and irrigation (Condition required). • The applicant needs to contact YVW directly for further information on the impact of the third pipe on the proposed sustainability features of the development, particularly the proposed large rainwater tanks.
City Strategy Unit – Urban Design	<p><u>Material substitutions</u></p> <ul style="list-style-type: none"> • A plastic mod-wood product will not be accepted as an appropriate substitute for natural timber for external use on this building. High quality timber-look laminated aluminium will be an acceptable substitute for timber for use on this development (Condition required). <p><u>Setbacks</u></p> <ul style="list-style-type: none"> • The podium and tower setbacks appear to meet the setback requirements for this sub-precinct. <p><u>Articulation</u></p> <ul style="list-style-type: none"> • The building elevations are suitably articulated and adequate prominence has been given to the building entrances. • The twisted wave-form timber awning on the Doncaster Road frontage of the building is an elegant way of highlighting the Doncaster Road building entrance and providing shade protection. However, the construction detail for this element that indicates '150 x 50mm stained timber slats' that are, in some cases, more than 5 metres long and fixed to a timber frame at the top and bottom. The detail of this element needs to be further developed or a more appropriate material proposed (Condition required).

Service Unit	Comments
	<p><u>Sculpture</u></p> <ul style="list-style-type: none"> The inclusion of a public art element in the Doncaster Road setback of the development is encouraged and supported. Council is required to be involved in the selection / commissioning of an appropriate piece (Condition required). <p><u>Relocated light pole</u></p> <ul style="list-style-type: none"> The development proposes the relocation of an existing light pole. The development should include the replacement of this with the Doncaster Hill standard pole, bracket and luminaire (Condition required). <p><u>Boulevard</u></p> <ul style="list-style-type: none"> The Doncaster Hill pedestrian boulevard pavement treatment should be provided over the Doncaster Road ingress / egress to reinforce pedestrian priority. The existing splitter island may need to be redesigned and a pavement header course and bollards incorporated to warn pedestrians of the potential conflict (Condition required). The landscape plan shows the boulevard treatment is, in many places, less than the 3.6m wide requirement. The full 3.6m wide boulevard must be provided (Condition required). <p><u>Signage</u></p> <ul style="list-style-type: none"> Plans and details indicate that the building signage will have 'thickness' / depth. The wording in relation to these elements should be strengthened and that a cross-section detail be provided to show the three-dimensionality of the signage lettering (Condition required). <p><u>Utility cabinets</u></p> <ul style="list-style-type: none"> Plans and elevations indicate that utility cabinets and the water meter will be positioned behind low walls on the Doncaster Road frontage of the development. Further detail in relation to the scale and screening of these elements is required (Condition required). <p><u>Landscaping</u></p> <ul style="list-style-type: none"> The landscape plan should show existing and proposed street trees in Carawatha Road (Condition required).

Service Unit	Comments
	<ul style="list-style-type: none"> • More detail is required in relation to the irrigation and drainage of the proposed terrace and balcony landscape areas (Condition required).
City Strategy Unit – Doncaster Hill	<ul style="list-style-type: none"> • This site is located at the western gateway entrance to Doncaster Hill. Clarify nature and size of the ‘gateway sculpture’ that is proposed to mark the gateway entry point. It is unclear whether the sculpture will be visible/make a significant statement, particularly as the location proposed is not at the far western corner of the building (the entry point to Doncaster Hill). A condition requires the commissioning and selection of the sculpture with input from Council (Condition required). • Support housing diversity and use of the land for a retirement village and residential aged care, particularly as there is a 29% forecast increase in people aged over 50 by 2036 (Source: .id 2016 Census data). The mix of uses caters both for residents who seek independent living and older residents with higher care needs. • Creation of employment generating uses is consistent with the Doncaster Hill Strategy vision. This project has the potential to generate a significant number of local jobs, in a specialised field where there is a chronic shortage of jobs of this nature in Doncaster Hill. • Provision of café with outdoor seating for residents and visitors at ground level will significantly improve site amenity, create an activated boulevard frontage and provide an easily accessible gathering place for existing residents in Precincts 6 and 7, future residents and residents of the Tullamore Estate. • Commercial and retail uses and food and drink premises will provide an alternative offering to Westfield and will cater for both residents and neighbouring local business employees. • There is a good provision of shared spaces accessible to all residents to encourage social interaction, i.e. roof gardens, men’s shed, communal dining facilities.

7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a four-week period which concluded on 9 January 2018, by sending letters to nearby properties and displaying two large signs on site.

- 7.2 One objection has been received from 2 Attunga Court, Doncaster.
- 7.3 The grounds of objection are summarised as inappropriate access to Carawatha Road, which will exacerbate existing on-street car parking and traffic issues.
- 7.4 A response to the grounds of objection are included in the assessment section of this report (at section 8.51).

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 8.2 The following assessment is made under the headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
 - Design and built form;
 - On-site and internal amenity;
 - Car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities; and
 - Objector concerns.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 8.3 Key objectives of the SPPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.
- 8.4 At both the SPPF and LPPF levels, policy emphasises the need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre, in which the site is located. The use of the site for the purpose of an aged care facility and a retirement village, in conjunction with a retail and food and drink premises is appropriate within the zoning of the land and the strategic context of the site. The site's location places it within very good proximity to access to public transport and existing services.
- 8.5 Council has, through its policy statements throughout the Planning Scheme, sought to implement this policy as it relates to Doncaster Hill at Clause 21.09 through the ACZ.
- 8.6 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The site, together with all land on the south side of Doncaster Road west of Tram Road, is within Precinct 7.
- 8.7 Under the ACZ1, the subject site is located in Precinct 7D, which is exclusive to this property. The relevant objectives for Precinct 7D (Clause 5.7-2) are:

- *To encourage an appropriate mix of residential and commercial uses in the precinct.*
- *To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.*
- *To ensure that the precinct has ready access to well designed public open space.*
- *To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.*
- *To create a landmark gateway building at the eastern and western ends of the precinct.*

8.8 The proposed land uses are fundamentally supported by the ACZ as they will provide for a vibrant range of mixed uses to support the strategic role of the Doncaster Hill Principal Activity Centre and increase the provision of housing for sectors of the community that have not yet been purposefully provided for within Doncaster Hill. The proposal provides necessary uses within a building in a location that is highly accessible to the community that is consistent with the vision for the Doncaster Hill area. In particular, it supports the key vision objectives, which encourage high density, high-rise mixed-use development to meet growing community needs through innovative contemporary design.

8.9 The non-residential uses are located at ground level and front Doncaster Road. These uses also takes advantage of the sites northern aspect, and are therefore well located to activate the public realm. These uses are consistent with the objective of the ACZ which seeks to encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.

Design and built form

8.10 The ACZ sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.

8.11 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ, as outlined at Clause 4.4 (Design and Development), as well as the decision guidelines at Clause 8.0:

Building Height

8.12 The maximum building height is a mandatory requirement that cannot be varied. The maximum building height permitted for this site under the ACZ is 18 metres and there is a further height allowance of a maximum 3.6 metres attributed to a design element.

8.13 Acknowledging the slope of the site, the proposed building reaches a height of 18.4 metres. This exceeds the prescribed maximum building height and must be modified to meet the mandatory 18 metre requirement. The majority of the building complies with this mandatory requirement. The area of the building that exceeds the requirement is limited to the south-eastern corner of the eastern

wing of the retirement village building. A condition will require full compliance with the mandatory maximum building height (**Condition required**).

- 8.14 The design element, which comprises a roof garden on the eastern wing of the retirement village that has a frontage to Carawatha Road, adds a further height of 3.65 metres. This marginally exceeds the mandatory maximum 3.6 metres. A condition can easily address this minor level of non-compliance (**Condition required**). The overall maximum building height is therefore 22.05 metres.
- 8.15 In relation to the percentage of the roof area of which the design element covers, the design element meets the requirement that *it occupies an area less than 15% of the overall roof area*. The proposed design element occupies 11.17% of the overall roof area.
- 8.16 The following calculations have been submitted for the design element area:
- Total roof area = 3,089sqm
 - Total floor area of level 7 = 345sqm
 - Areas of level 7 that are not included within design element are stairwells / waste and plant rooms and supply shafts.
 - Areas of level 7 which are included within the design element are the rooms, lift core and circulation area.
 - Design element % = $345\text{sqm} / 3,089\text{sqm} \times 100 = 11.17\%$
- 8.17 The design element is setback approximately 12 metres from the retirement village façade of level 6 below. It therefore does not have a great impact and is unable to make a significant architectural statement, making a minor contribution to the overall built form and appearance. This is contrary to policy, and therefore, a condition will require the design element to be reorientated and repositioned to the south-eastern corner of the building to increase its prominence (**Condition required**). Importantly, this will have negligible off-site amenity impacts due to the substantial setback maintained from the western property boundary. This will enable the design element to be more prominently viewed from Carawatha Reserve, located directly south. This will ensure that the design element continues the theme of those in other developments within Doncaster Hill and is in line with the vision statement in the Doncaster Hill Strategy 2002 which seeks to emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.

Podium and Front Setbacks

- 8.18 A permit cannot be granted to vary the front setbacks for properties that abut Doncaster Road, including the front podium and front tower setbacks. As such, the requirement to achieve a 10 metre setback at the podium level and an 18 metre setback to the tower are both mandatory requirements. Both the podium and tower front setbacks meet these mandatory setbacks, enabling greater opportunities for retail and café uses to integrate with the public realm. The mandatory requirements are met.
- 8.19 The ACZ allows for minor buildings and works within the setbacks (such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture setbacks) provided they are designed and located appropriately.

At ground floor, a large alfresco dining area is provided on the eastern side of the front setback to provide outdoor dining to the café. The alfresco provides a minimum 3.6 metre setback to the edge of the kerb to enable the boulevard treatment, with the setback to be dimensioned (**Condition required**).

- 8.20 While the alfresco encroaches into this front setback area, it will generally be perceived to be subordinate to the boulevard and building form due to being partly cut into the landform as a result of the cross fall of the site. The base of the tower at level 3 incorporates a communal terrace over the podium for the aged care facility. This encroachment is reasonable as it is sensitively designed by being partly concealed by the podium parapet, with a clear glass balustrade above. This space provides a significant advantage for the age care facility given it is a large north-facing outdoor communal area. The outdoor dining area and the terrace are considered to be designed and located appropriately, taking advantage of the site's northern aspect.

Side and Rear Building Setbacks

- 8.21 Policy includes preferred minimum requirements relating to side and rear setbacks that can be varied by a permit). The minimum preferred setback is 4.5 metres from a side boundary and 5 metres from the rear boundary.
- 8.22 Side and rear building setbacks are compliant across the development, with the exception of a single point along the eastern boundary, where a minimum 4.01 metre setback is provided to the retirement village building. This variation to the preferred 4.5 metre side setback is considered acceptable as it is likely that a future development will need to provide a setback of greater than 4.5 metres due to the angled return of the property boundary and therefore a minimum 9 metre setback will likely be achieved to the future building, mitigating any off-site amenity impacts to the adjoining property to the east. Importantly, the remainder of the building development complies with the 4.5 metre side setback. In fact, due to the angled return at this point, the section of the building south of this point quickly increases to create a larger setback that assists to reduce the impact of the wall.
- 8.23 The level of visual bulk attributed to the development is considered to be reasonable for the site context and the massing of the proposed building is considered to be acceptable within the emerging dense urban environment. The proposal in its submitted form responds appropriately to the site and has adequately taken into account the expectations of residential amenity. For instance, the development is at its lowest to its most sensitive interface, being the adjoining development to the west at 23 Carawatha Road.

Overshadowing

- 8.24 The development is located on the southern side of Doncaster Road and will not cast shadows on properties outside the activity centre (to the west) after 11:00 am on 22 September due to the site orientation, meeting the overshadowing requirements of the ACZ.

Overlooking

- 8.25 There are opportunities for overlooking to occur from the retirement village to the adjoining development that is currently under construction at 23 Carawatha Road. The adjoining development has generally been sited to avoid a direct interface from habitable room windows and private open space areas to the

subject site given the potential for redevelopment of the subject site. Balconies from the retirement village are generally setback 4.5 metres from the common boundary. Ordinarily, this setback would enable compliance with overlooking requirements where the adjoining property is subject to the same zone setback requirements. In this case, the adjoining property is located in a different zone, and is therefore setback less than 4.5 metres from the common boundary.

- 8.26 Downward views into the habitable room window that faces the subject site at ground floor may not be adequately limited by the location and relative height of balconies opposite. Overlooking will occur to the top level balcony of the adjoining development, which is setback approximately 2 metres from the common boundary. Overlooking is generally avoided into the associated top level habitable room windows as a separation of approximately 9 metres is provided from the retirement village balconies to the adjoining building. Given the level of off-site amenity impacts that will result from the overlooking into the ground floor habitable room window and to the top level deck, the plans are required to demonstrate that overlooking has been limited within a 9 metre radius (**Condition required**).

Boulevard Character

- 8.27 The development provides a minimum 10 metre podium setback and a 3.6 metre wide paved promenade across the site frontage to replace the existing footpath to Doncaster Road, as required by policy. However, landscape treatment between the boulevard and the building façade is predominantly limited to small areas within planter boxes, despite deep soil areas provided by way of a 10 metre basement setback, due to the provision of the alfresco area and a central vehicle drop-off area and driveway. The drop-off area is considered integral to the use of the aged care facility, and is noted to also be capable of accommodating an ambulance as required. It is considered that the landscape treatment is reasonable as it provides planter boxes across the length of the alfresco dining area, capable of softening the appearance of the alfresco area.

Landscape Design

- 8.28 The ground level and roof level landscaped areas appear to be commensurate with other high density developments within Doncaster Hill. Ground level screen planting is provided giving a buffer between built form where possible, including along the side boundaries. Numerous canopy trees and large to medium size shrubs are incorporated into the side setbacks and into the Carawatha Road frontage to provide an appropriate level of visual interest and soften the built form environment, as viewed from the south. Communal areas are also well landscaped, with the tower terrace in particular, providing a strong contribution to the landscape treatment to the Doncaster Road frontage.

Access and Mobility

- 8.29 A condition will require the submission of a Disability Access Plan that implements the recommendations of a Disability Access Audit (prepared by a suitably qualified person) that demonstrates compliance with the relevant Australian Standards for vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority. The entrance to the Doncaster Road building lobby is at-grade and one step is provided to the Carawatha Road foyer entrance, and it is considered that any further external changes to the building recommended by the Plan and Audit will be designed appropriately so as not to have any unreasonable impact on the public realm.

On-site and internal amenity

- 8.30 The scale of the proposed building is generally consistent with the expectation of development outlined in the ACZ. Notwithstanding the policy support for the site's redevelopment, urban consolidation is not the only relevant planning consideration. Good design and amenity must also be considered.
- 8.31 For apartment developments over four storeys, a proposal is assessed against the *Apartment Design Guidelines for Victoria 2017*, which include standards for internal and external amenity. However, the Apartment Design Guidelines apply only to apartment developments. The use of the land for a retirement village therefore sits in a void where there is limited guidance in the planning scheme for an on-site amenity assessment. For this reason, and given the similarities in the design of the retirement village to an apartment building, it is considered necessary to assess the development broadly against the on-site amenity provisions of the Apartment Developments provisions.
- 8.32 The relevant apartment standards for on-site amenity include accessibility, building entry and circulation, private open space and storage. The standards for internal amenity include functional layout, room depth, windows and natural ventilation. The retirement village lodging rooms demonstrate a high level of compliance with these standards, with the exception of instances of non-compliance with room depth and private open space requirements.
- 8.33 Above ground lodging rooms should have private open space consisting of a balcony with a minimum area of 8 square metres with a minimum dimension of 1.8 metres for a 1 bedroom lodging room, with these quantities scaling up as the number of bedrooms increase. In all lodging room layout types, the minimum balcony area is met, however in 26 individual instances, the minimum dimension is either partially met or not met. These balconies do not meet the minimum dimension as they incorporate a curved design to achieve a particular architectural outcome as viewed externally from the building. The balconies generally provide the minimum dimension required to a part of the balcony. Architectural expression plays an important role in shaping a building in the ACZ. Given the importance of the architectural expression of the building and that the balconies do achieve the minimum balcony area, conditions will not be imposed upon development to comply with the specific minimum dimension requirements.
- 8.34 Lodging rooms are required to provide a maximum room depth of 9 metres where the room combines the living, dining and kitchen areas, where the kitchen is the furthest room from the window with a minimum ceiling height of 2.7 metres. In all lodging room layout types, the rooms are combined, the kitchen is the furthest room and the ceiling height is 2.7 metres. The exceptions to this requirement apply to five of the lodging room types, thus affecting 18 individual lodging rooms, with a maximum room depth of 9.25 metres. This is considered acceptable given the marginal extent of non-compliance, and that these habitable rooms are provided with reasonable daylight access given the number, size and location of these windows.
- 8.35 Overall, the independent living units are demonstrated to provide a high degree of internal amenity through accessibility, building entry and circulation, storage, functional layout, windows and natural ventilation.

Car parking, access, traffic, land adjacent to a Road Zone Category 1 and bicycle facilities

Car parking and access

- 8.36 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined in Table 1 at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 8.37 The Scheme requires a total of **153** car parking spaces for the proposed development. The **161** car parking spaces proposed exceeds this requirement by **8** car parking spaces. The car parking requirements and number of spaces provided is detailed below and summarised in the table to follow.
- 8.38 Parking for the residential aged care facility is required at a rate of 0.3 spaces to each of the 128 lodging rooms, which generates a requirement for **38** car parking spaces. Parking for the retail and café (food and drink) premises is required at a rate of 4 spaces to each 100 square metres of leasable floor area, which generates a requirement for a total of **18** car parking spaces. Therefore, the uses provided in the building with direct access via Doncaster Road generate a requirement for a combined total of **56** car parking spaces. Of the 161 spaces available on site, a total of **39** car parking spaces are provided directly for these uses within the lower ground floor basement. While this falls short of the 56 spaces required by 17 spaces, overflow parking is available in the lower basement, accessible via an internal ramp. Pedestrians are able to access the ground floor public areas via a lift and stairwell. To facilitate a more efficient flow of vehicles within the basement, an additional **3** drop-off spaces are provided at ground level for the purposes of the aged care facility.
- 8.39 Parking for the retirement village is required at a rate of one space for the 65 dwellings with one or two bedrooms and two spaces for the 9 dwellings with three bedrooms, which generates a total requirement for **83** car parking spaces. The 74 dwellings within the retirement village generate a requirement for a further **14** visitor car parking spaces. Therefore, the retirement village use provided in the building with direct access via Carawatha Road generates a requirement for a total of **97** car parking spaces. Of the 161 spaces available on site, a total of **119** car parking spaces are provided directly for this use within the lower basement, which exceeds the car parking demand for the retirement village by 22 spaces. This provides an opportunity for overflow parking from the lower ground floor basement (which itself is intended for aged care and ancillary uses).

Purpose	Scheme car parking requirement	Car parking provided
Aged care	38 spaces	29 spaces available with overflow capacity in the lower basement
Retail	8 spaces	7 spaces allocated with overflow capacity in the lower basement
Food and drink premises	10 spaces	3 spaces allocated with overflow capacity in the lower basement
Retirement living	83 spaces	105 spaces available in lower basement, with surplus 22 spaces used for overflow from the lower

		ground level basement
Retirement visitors	14 spaces	14 spaces allocated in lower basement
Total	153 spaces	161 spaces

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

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> • The accessway to the basement car park meets the minimum width and height clearance requirements. • A minimum 6.1 metre by 7 metre passing area is provided at the entrance to the basement and an island is provided at the site frontage to separate traffic. • A minimum 2.1 metre headroom clearance is provided throughout, with the exception of spaces 88 and 89 located under a ramp. Given there is a surplus of car spaces for the development, this is considered acceptable. • All vehicles are able to exit the site in a forwards direction. • An adequate visibility splay area is provided along the exit lane. • Within the basement, a 4 metre internal radius is provided at changes of direction.
2 – Car Parking Spaces	<ul style="list-style-type: none"> • Car parking spaces are provided in accordance with the requirements, with a minimum 2.6 metre width, 4.9 metre length and access from an aisle width of at least 6.4 metres. • A condition will require the three drop-off car parking spaces at ground floor to be widened to 2.9 metres to assist people with limited mobility from the aged care facility to enter/exit vehicles.

Design Standard	Assessment
	<ul style="list-style-type: none"> Disabled spaces have been designed in accordance with the Australian Standard for Off-street parking for people with disabilities (AS/NZS 2890.6:2009) There are no tandem spaces proposed.
3 – Gradients	<ul style="list-style-type: none"> Appropriate driveway gradients have been provided to each driveway. All car parking area and ramp gradients have been assessed as compliant with the standard.
4 – Mechanical Parking	<ul style="list-style-type: none"> No mechanical parking is proposed.
5 – Urban Design	<ul style="list-style-type: none"> The vehicle crossings and accessways located on the western side of the respective frontages will not dominate the landscape. Parking areas and the entrance to the basements are sensitively designed to avoid dominating the street.
6 – Safety	<ul style="list-style-type: none"> Pedestrian access from the site frontages are clearly separated from the roadways. Pedestrian routes within the basements are separated from traffic where possible.
7 – Landscaping	<ul style="list-style-type: none"> Landscaping is well-placed adjacent to driveways within site frontages, including being integrated with the boulevard treatment to Doncaster Road.

Traffic

- 8.41 The traffic generated from the aged care facility, retail and food and drink premises to Doncaster Road can be accommodated by the existing road network. There are some reservations, however in relation to the impact of traffic generated to Carawatha Road from the retirement village.
- 8.42 The submitted traffic report identifies that taking into account that the peak hour of operation of the retirement village is likely to be outside of commuter peak hours, and the likely traffic impacts on Carawatha Road and surrounding local streets, the development is unlikely to cause a significant traffic impact on the surrounding road network.
- 8.43 Council's Engineering department do have concerns in relation to traffic but find that increased traffic from this development is considered to be within acceptable limits of the surrounding street network. With this development being the first to occur along this road within the ACZ and therefore the first to gain access to the site via Carawatha Road, it is acknowledged that future developments within the ACZ that propose access via Carawatha Road must each be considered on their merits to adequately assess potential traffic impacts on this road and the surrounding street network. There are also road safety implications from elderly persons navigating local streets to potentially take right hand turns onto Elgar Road to access the Eastern Freeway. It will therefore be necessary for Council to further consider the traffic and car parking conditions along Carawatha Road and surrounding streets, with a view to developing an area-wide traffic management scheme to address anticipated increases in traffic volumes from potential future developments along Carawatha Road (**Recommendation B**).

- 8.44 Overall, the traffic generated as a result of the proposed use and development, is considered to be generally compliant with the broader policy objectives of encouraging sustainable transport modes.

Land Adjacent to a Road Zone Category 1

- 8.45 A permit is required under Clause 52.29 of the Scheme as the proposal involves the removal of the existing crossover and creation of a new crossover to Doncaster Road, which is zoned Road Zone Category 1.
- 8.46 The decision guidelines of this clause include consideration of the views of the relevant road authority.
- 8.47 VicRoads has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

Bicycle Facilities

- 8.48 In developments for a residential building of four or more storeys, for the aged care facility the Scheme requires 1 employee bicycle parking space for every 7 beds and 1 visitor space for every 60 beds. This equates to 18 employee bicycle spaces and 2 visitor spaces, for a combined total of 20 spaces based on 128 beds proposed. For the retirement village, the Scheme requires a further 1 bicycle parking space to every 10 lodging rooms for residents and 1 visitor space for every 10 lodging rooms. This equates to 7 resident bicycle spaces and 7 visitor spaces, for a combined total of 14 spaces based on the 74 lodging rooms proposed. The proposal does not generate a statutory bicycle parking requirement for retail or food and drink premise uses. Therefore, a total number of 34 bicycle spaces are required for all uses combined on site. The proposal provides 24 bicycle spaces in lockable compounds (12 at each basement level) and three spaces provided at the entrance to the retirement living building. This falls short of the Scheme requirements by 7 bicycle spaces.
- 8.49 The submitted traffic report reasons that the requirement for employees is excessive. The report contends that staff generally work shifts that commence very early in the morning, finish very late at night, or work overnight, which presumably is attempting to justify that fewer employees are likely to use this mode of transport during these hours. The rate is equivalent to one space per three staff. It is agreed that the supplied bicycle parking will be suitable. However, it will be necessary for the allocation of bicycle spaces between employees, residents and visitors to be detailed to ensure the allocation provided is appropriate.
- 8.50 Based on the above assessment, the development also requires two showers and associated change rooms for employees. Two change rooms with showers are provided at ground floor within the aged care facility, which meets this requirement.

Objector concerns

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

Access via Carawatha Road, impacts upon on-street parking and traffic

- 8.52 It is acknowledged that there are existing on-street car parking issues along the eastern end of Carawatha Road due to the operation of existing businesses. This is being managed in part by parking restrictions on the southern side of Carawatha Road. Overtime, these businesses are likely to be redeveloped as they operate on properties located within the ACZ.
- 8.53 The number of car parking spaces provided is satisfactorily contained on site and provides a surplus of 8 spaces. The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering Services Unit. The assessments conclude that when considering the proposal in the context of the traffic and the surrounding street network, the expected traffic impacts can be accommodated on the surrounding road network without creating any adverse traffic safety or capacity problems. Ongoing management of traffic along Carawatha Road and surrounding local streets will be further investigated by officers.

9. CONCLUSION

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

10. DECLARATION OF CONFLICT OF INTEREST

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