

Planning Application PL16/026099 - 67-73 King Street and 1 Tuckers Road, Templestowe - Construction of a 117 Bed Aged Care Facility

Responsible Director: Director Planning & Environment

File No. T16/176

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

Land: 67-73 King Street and 1 Tuckers Road, Templestowe
Zone Low Density Residential
Applicant: James Weight
Ward: Heide
Melway Reference: 33E10
Time to consider: 28 August 2016

SUMMARY

It is proposed to use and develop the land for the purpose of a residential aged care facility. The development involves the construction of a purpose built, part single, part 2-storey building comprising 117 beds for residents, in addition to associated communal and servicing amenities. The building will have a single storey presentation addressing King Street, with a basement level car park beneath and staff amenity area within a lower ground level towards the rear. A total of 63 car spaces are accommodated on site. The application includes the creation of access onto King Street (within a Road Zone Category 1) and the variation of the restrictive covenant affecting each land Title to enable the erection of an aged care facility on the site.

The application was advertised and ten (10) objections were received. Grounds of objection mainly relate to traffic, neighbourhood character and amenity impacts.

It is considered that the application constitutes a well conceived development which is responsive to the site and surrounding context. The proposal is generally consistent with the relevant State and Local Planning Policy Framework and is sited and designed to limit off-site amenity impacts on adjoining properties, whilst achieving a high level of internal amenity for future residents.

VicRoads and Public Transport Victoria have no objections to the proposal, subject to the inclusion of conditions on any permit issued.

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

1 BACKGROUND

1.1 The site is located on the north-west corner of the King Street and Tuckers Road intersection. The site consists of three residential allotments (separately titled) known 67-69 King Street, 71-73 King Street, and 1 Tuckers Road. Together, the site is generally regular in shape with a total frontage of 117m to King Street, a depth of 65m, and a combined site area in excess of 12,000sqm.

- 1.2 The three allotments are currently developed for residential purposes, containing single storey dwellings centrally sited on each. The dwellings at No. 67-69 and 71-73 King Street contain swimming pools to their rear. Landscaping is generally confined to the periphery of each parcel and consists of scattered trees and dense shrubbery, with a more substantial canopy tree coverage on No. 1 Tuckers Road.
- 1.3 The land falls away some 3.5m toward the north, with a more gradual cross-fall in the order of 2.0m from east to west. A 3.05m wide easement traverses the northern boundary.
- 1.4 There are three points of vehicle access along King Street (crossovers servicing each dwelling), and one further vehicular crossing along Tuckers Road.
- 1.5 Solid brick fencing encloses the frontage of the central allotment, with the frontage of the remaining two defined by post and ringlock fencing and dense planting.
- 1.6 The site has abuttals with seven (7) residential properties. Surrounding development is described as follows:

Direction	Address	Description
North	No. 1, 2 and 3 Beavis Court	These properties each share their rear boundaries with the subject site. The properties are similarly developed with single dwellings located over 35.0m distance from the shared boundary, oriented to Beavis Court. Tennis courts are located south of the dwellings within the rear private open spaces, in proximity to the subject site. Post and rail mesh fencing defines the length of the southern site boundaries, with screen planting along parts.
West	65 King Street 101 Greenridge Avenue 17 and 18 Noral Court	No. 65 King Street adjoins the southern portion of the sites western boundary. The dwelling is setback 7.6m from King Street and 2.0m from the shared boundary. The dwelling has a number of habitable room windows and an alfresco facing toward the site, with its primary open space located to the rear of the dwelling. The remaining adjoining properties share their rear boundaries with the subject site. The dwellings are located between 6.8m and 23m from the

Direction	Address	Description
		shared boundary with the site, with secluded private open space occupying the intervening areas.

- 1.7 Land to the east, on the opposite corner of the intersection at No. 79 King Street, is quite a large block (approximately 2000sqm) developed with a two storey dwelling, with dense vegetation lining the boundaries. It is noted that a Planning Application (PL16/026150) was lodged in April, proposing the construction of ten two-storey dwellings on the land. The application is yet to be advertised or determined, as Council is currently awaiting the submission of further information.
- 1.8 Land opposite on the south side of King Street contains single and double storey homes on average blocks, including some multi-unit development.
- 1.9 The Low Density Residential Zone applies to the subject site, and the land to the north (along the west side and Tuckers Road and Serpells Road beyond). Land within this zoning on the west side of Tuckers Road is distinctly characterised by larger land parcels, generally an acre in size, developed with larger single and double storey homes. Many contain swimming pools and tennis courts amongst a landscaped setting. No overlays affect these properties, given that vegetation is generally a subordinate feature.
- 1.10 Serpell Primary School is located some 300m to the north of the site and accessed via Tuckers Road. St. Charles Borromeo Primary School is accessed via Serpells Road, further beyond to the north-east. The land in front of the school at No. 222 Serpells Road, contains a 'Bupa' residential aged care facility which was approved by Council at its meeting in July 2010 and completed in 2014. The facility contains 143 beds (approximately 8,000sqm site area) within a two storeys building, set above a basement car park. It is located approximately 800m away from the subject site (by road). It is understood that there is a waiting list for beds at this facility.
- 1.11 Land immediately adjoining the subject site to the west, on the south side of King Street and east side of Tuckers Road, is zoned General Residential 1. These properties are characterised by a more typical urban setting, generally being standard sized lots developed with either single homes or multi unit development. Double storey housing is the more dominant form, with many frontages enclosed by high solid fencing.
- 1.12 There are some mature trees located within front gardens along King Street and Tuckers Road which provide some canopy contribution to the landscape character, however the built form is the more dominant element.
- 1.13 King Street is currently a VicRoads controlled arterial road generally aligned in an east-west direction between Williamsons Road and Blackburn Road. Note that King Street is soon to be placed into the jurisdiction of Council. At the frontage of the site, King Street provides a single traffic lane and an on-road bicycle lane in each direction. The road widens to provide a line-marked median and right turn lane into Tuckers Road. No stopping restrictions apply along both sides. The road is sealed without formal kerb and channelling, and the road reserve contains an unmade, gravel pedestrian path adjacent to the site's southern boundary.

- 1.14 Tuckers Road is a council controlled collector road extending north from its intersection with King Street for approximately 700m, before curving west and continuing as Serpells Road. It provides a single traffic lane in each direction (with a 50km/h speed limit) and no stopping restrictions along both kerbs. The intersection of Tuckers Road and King Street is controlled by a stop sign, with priority afforded to traffic along King Street. The gravel pedestrian path from King Street continues within the road reserve to the west of the street.
- 1.15 There is a general absence of planting within the road reserves. A bus stop is located in front of No. 67-69 King Street (at the western-most end of the frontage).

Planning History

N/A

2 PROPOSAL

- 2.1 It is proposed to use and develop the land for residential aged care facility providing 117 beds. Two new access points are proposed along King Street, which falls a Road Zone Category 1. Variation to the restrictive covenants affecting each Title is proposed to permit the development of an aged care facility on the land (currently single dwelling covenant restriction).

Use

- 2.2 The facility is intended to provide both low and high level care for elderly persons within the community. Rooms will range in size, however each provide for a bed, sitting area and separate ensuite bathroom.
- 2.3 Rooms have an outlook to either the surrounding landscaped space, or the internal and external courtyards.
- 2.4 The facility incorporates a number of recreational and dining facilities for exclusive resident use. In addition are activity rooms, meetings rooms, a theatre, hairdresser, central foyer/meeting place with small coffee/gift shop, and five large internal courtyard spaces with landscaping and seating for passive recreation.
- 2.5 All meals are served to residents in small dining areas that are spread across the facility. These areas generally cater for between 16-20 people. Residents can also hold family functions in dedicated private dining rooms.
- 2.6 Smaller, informal lounge areas are also spread throughout the facility for use by residents and visitors.
- 2.7 The beds are contained within a single ground level footprint, with the lower level basement level supporting car parking, waste management/loading, catering, storage and staff amenities.
- 2.8 Staffing is required to provide for personal care, administration and catering at all times to support the residents. Across the 24 hour period, staffing numbers will vary, however will not exceed 25 at any one time, which is expected to peak in the morning period.
- 2.9 The main entry to the building will be via a centrally sited porte-cocher fronting King Street, with an internal access link provided from the basement car park.

- 2.10 The facility will be owned and managed by “Arcare”, a current provider of residential aged care and community care services in Victoria and Queensland.

Built Form

- 2.11 As viewed from King Street, the building will present as a single storey form. The rear elevation presents a two-storey form, with the north-ward slope of the land allowing for the provision of a lower-ground level and basement beneath the main footprint. A classic/residential style of architecture is proposed, incorporating rendered and limestone cladding, a prominent tiled and hipped roof form, and a proportionate level of glazing and balconies around the perimeter.
- 2.12 The building will be setback a minimum of 10.2m from King Street, and 9.7m from Tuckers Road. The front porte-cocher will extend into the front setback area (setback 2.28m to King Street) to provide a sheltered entry and pick up/drop off transitional space. A 1.8m high front fence is proposed to extend across both street frontages, constructed of rendered brick pillars and base with steel picket infills. The plans indicate that a dense hedge will be established to cover the steel infills.
- 2.13 The building is setback a minimum of 8.6 from the northern boundary, however balconies extend across the length of this façade, generally projecting 2.5m into this setback. The intervening space supports the accessway to the basement car park at the eastern end, with a landscaped garden area for the remainder. A new 2.5m high fence is proposed along the length of the northern boundary, with the section adjacent to the accessway to be acoustically rated.
- 2.14 From the western boundary the building is setback a minimum of 6.1m, with two larger communal balconies projecting up to 4.6m into the setback. A 2.5m tall high fence is proposed along the length of the western boundary.
- 2.15 The overall building height reaches 9.9m towards the rear (due to the land slope).
- 2.16 A site coverage of 52.05% is proposed, with a permeable area of 26.91%
- 2.17 There are five internal courtyards within the building footprint. These courtyards are substantially sized, ranging between 230 and 450sqm in area. These courtyards offer a direct light source to both private and communal areas of the building.

Car Parking and Access

- 2.18 A total of 63 spaces are provided on site. The basement car park will provide 58 spaces for staff and visitor parking. The car park will be accessed via a proposed double-width crossover at the northern end of the Tuckers Road frontage.
- 2.19 Two new 6.4m wide crossings are proposed along King Street to support a one-way circular drive within the front setback area. The creation of these crossovers is a permit consideration of this application (being Road Zone Category 1). The porte-cocher defines the main entrance of the building in order to provide a convenient pick up/drop off point for use of visitors, taxis, ambulance vehicles and community transport vehicles. Flanking either side of the circular drive are 5 further short-term visitor car spaces.

- 2.20 The collection of waste and any loading/unloading requirements will be undertaken at the rear of the building via the Tuckers Road entrance located in the far north-east corner of the site. A turning bay is provided for directly adjacent to the crossover to enable loading vehicles to exit in a forward direction. Waste collection will occur up to three times per week, and will be undertaken by a private collection service.

Vegetation removal

- 2.21 In order to accommodate the development, most vegetation on site will be removed (no planning permit required), with the exception of three trees along the site's perimeter.
- 2.22 The Arborsit Report submitted with the application assesses the retention value and development impacts of vegetation on site and on adjoining properties. The twenty-six trees proposed for removal consist of native and exotic trees of low to moderate retention value. Trees 7, 4 and 29 are proposed for retention and consist of a 6m tall Blackwood, a 19m tall Tasmanian Blue Gum and a 7m tall Pear tree.
- 2.23 The proposed building envelope is outside of the tree protection zone (TPZ) of all trees to be retained on site and on neighbouring properties.
- 2.24 The Arborist report provides written evidence to demonstrate that all native vegetation proposed for removal has been planted for aesthetic or amenity purposes and therefore exempt from the requirements of Cause 52.17 (Native Vegetation) of the Scheme.

Restrictive Covenant Variation

- 2.25 A restrictive covenant burdens each title of the subject site, requiring that the proprietor not erect any building other than a single dwelling house and the usual outbuildings on the land.
- 2.26 It is proposed to vary the wording of the covenant contained in instrument of transfer No's F933627, F687990 and F909625 (on each of the three titles) to permit an aged care facility. The covenant is proposed to generally read as follows: "...*any building other than a single dwelling house or an aged care facility and the usual outbuildings...*"
- 2.27 There are 10 properties (in addition to the site) which benefit from the covenant. Beneficiaries include all properties within the Plan of Subdivision, including those within Beavis Court and Burleigh Drive, and with Serpell Primary School.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapses on 26 August 2016.

4 RELEVANT LEGISLATION

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- the relevant planning scheme; and
 - the objectives of planning in Victoria; and
 - all objections and other submissions which it has received and which have not been withdrawn; and
 - any decision and comments of a referral authority which it has received; and
 - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
 - any significant social effects and economic effects which the responsible authority may consider the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is affected by restrictive covenants which prevent the erection of any building other than a single dwelling and the usual outbuildings on the land.
- 4.4 If the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 4.5 Section 60(5) of Act stipulates that responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—
- the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and
 - if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.
- 4.6 Variation to the restrictive covenants affecting the land has been sought in conjunction with the development application in order to allow for the erection of a residential aged care facility.

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 The site is located in the Low Density Residential Zone (LDRZ) under the provisions of the Manningham Planning Scheme.
- 5.2 In the LDRZ, accommodation is a Section 2 use for which a planning permit is required (residential aged care facility falls within the land use definition of

accommodation). A permit is also required to construct or carry out works associated with a Section 2 use.

- 5.3 The purpose of the Low Density Residential Zone is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

State Planning Policy Framework

- 5.4 Clause 11.02 (Supply of Urban Land) aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and other community uses.
- 5.5 Other broad objectives seek to reinforce various activity centres (Principal, Major and Neighbourhood) for 'significant' housing development and to facilitate targeted redevelopment to increase levels of housing and employment in established areas close to where people reside.
- 5.6 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
 - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
 - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
 - *Ensure sensitive landscape areas are protected and that development does not detract from their natural quality.*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.7 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.8 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
 - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
 - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 5.9 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.10 Clause 16.02-3 (Residential Aged Care Facilities) includes the objective to *facilitate the timely development of residential aged care facilities to meet existing and future needs*. Strategies to achieve this include:
- *Ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities.*
 - *Encourage planning for housing that:*
 - *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
 - *Enables older people to live in appropriate housing in their local community.*
- 5.11 Clause 18.01-1 (Land Use and Transport Planning) includes the strategy to *plan urban development to make jobs and community services more accessible by ensuring access is provided to development in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding residents*.
- 5.12 Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

**Local Planning Policy Framework
Municipal Strategic Statement (Clause 21) MSS**

- 5.13 Clause 21.05 (Residential) seeks to provide a range of housing densities in locations with convenient access to services, facilities, and public transport. This Clause also states that accommodation should reflect the diverse needs, expectations and aspirations of people in the community and assist them to 'age in place' and that accommodation should be located, designed and operated to provide a safe and pleasant environment while maintaining the amenity of the neighbourhood setting.
- 5.14 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.
- 5.15 Clause 21.14 (Community Health and Well-being) seeks to ensure residential accommodation responds to the diverse lifestyles of people, taking into consideration their health, safety, and wellbeing.

Local Planning Policy

- 5.16 Clause 22.04 (Residential Accommodation) applies to residential buildings (which includes Residential Aged Care Facilities) and includes the following objectives:
- *To ensure that group accommodation, residential buildings, residential villages and retirement villages are appropriately located close to activity centres, main roads, community facilities and public transport networks, to optimise convenient access to these services and facilities.*
 - *To ensure that safe and convenient vehicle and pedestrian access is provided within, to and from the site.*
 - *To ensure that adequate provision is made for on-site car parking.*
 - *To ensure that siting takes account of traffic generated on the street and effects on traffic flow and road safety.*
 - *To ensure that the location of the use does not adversely affect the role and function of the road network and that adequate provision is made for on-site car parking.*
 - *To ensure that adequate provision is made for utility services.*
 - *To ensure that the design, scale, visual bulk and appearance of development minimises the impact on neighbourhood character and the streetscape.*
 - *To ensure that these facilities minimise the impact on land with identified environmental and/or landscape values.*
 - *To ensure that the amenity of the locality is not detrimentally affected by way of the operation of these uses, including the effects of noise, car parking and traffic.*
 - *To ensure that the location and design of these facilities promotes a high level of amenity and accessibility for all users of the facility.*
 - *To ensure that developers/operators provide a suitable level of support services and facilities for residents.*
- 5.17 The control outlines policies under the headings of Location, Design and built form, Open space and landscaping and Car parking and access.
- 5.18 Clause 22.08 (Safety Through Urban Design Policy) seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.
- 5.19 Clause 22.09 (Access for disabled people policy) seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

Particular Provisions

- 5.20 Clause 52.06 Car parking requires car parking to be provided for new uses and development in accordance with the rates specified in Table 1 to Clause 52.06-5. The proposal generates a requirement of 0.3 spaces per lodging room, which equates to 35 on-site car parking spaces.
- 5.21 The proposed amount of car parking (63 spaces) exceeds the statutory provision (35 spaces).

- 5.22 Clause 52.17 Native Vegetation requires a permit for the removal of native vegetation (due to the site being greater than 0.4ha in area), however as outlined above, the application is exempt from this requirement having demonstrated that the vegetation which has been planted is for aesthetic or amenity purposes .
- 5.23 Clause 52.29 Land Adjacent to a Road in a Road Zone includes a permit trigger to create and alter access to King Street, which is currently under the jurisdiction of the Roads Authority (VicRoads).
- 5.24 Clause 52.34 Bicycle Parking outlines a requirement for bicycle parking in a nursing home, specifying a rate of 1 to each 7 beds for residents/employees and 1 to each 60 beds for visitors. The proposed provision for 20 bicycle spaces exceeds the statutory requirement for 19 spaces.
- 5.25 Clause 55 Two or More Dwellings on a Lot and Residential Buildings apply to residential buildings, however is not applicable to land within the Low Density Residential Zone.
- 5.26 Clause 52.36 (Integrated Public Transport Planning) is also relevant to this application. The Clause provides Public Transport Victoria a statutory opportunity to condition or reject major development applications based on their impacts on the operation of public transport.

General Provisions

- 5.27 Clause 65 Decision Guidelines outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the amenity of the area.

6 ASSESSMENT

- 6.1 Section 5 of this report has outlined the overarching objectives and policy ambitions in the Scheme which are of relevance to the proposal. These form the key considerations in assessing the overall strategic support for the proposed use and development. Additional considerations of the application include car parking and site services, and the permit triggers relating to the creation of access in a Road Zone Category 1, and variation of the restrictive covenant.

Policy Considerations

- 6.2 Broadly, the proposal is supported by State Policy, providing for further opportunity for older people to live in appropriate housing within their local community. Council's MSS identifies that the greatest change in Manningham's age structure will be the increase in the ageing population. It is projected that by 2036, 28% of its population will be aged 60 years or over. Clause 16.02-3 seeks to ensure that the timely development of residential aged care facilities be facilitated to meet existing and future needs.
- 6.3 There are a number of aged care facilities already established in the general area, however the planning submission accompanying the application

suggests that there is a significant undersupply, with only 10 beds available across the six facilities within the surrounding suburbs.

- 6.4 Clause 22.04 provides more prescriptive policy directions specifically relevant to residential accommodation within the Municipality. The following assessment considers the key policy considerations of this Clause.

Location

- 6.5 Whilst land within the Low Density Residential Zoning (LDRZ) is not identified as a 'preferred' location for residential accommodation, the context of the site and surrounds is an important consideration in this case.
- 6.6 The subject site in terms of its location, is somewhat of an anomaly, as it differs quite substantially from the standard description of land within the LDRZ. Typically, land within this zone is defined by a less urban character, often with additional landscape or environmental values. They generally form a buffer between the green wedge/Yarra River and developed urban areas, with the majority remaining unsewered.
- 6.7 One of the objectives of the LDRZ is to *provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater*. The subject site and the land to the north in this particular low density pocket in Templestowe is sewered, and therefore housing tends to be far more substantial in its size and footprint.
- 6.8 Furthermore, all land surrounding the site which fronts onto King Street falls within a General Residential Zoning, characterised by typical residential homes and land sizes in a standard urban setting. The policy intentions relating to the LDRZ is directed more toward areas that are characterised by the typical, predominant landscape features of other low density areas within the Municipality, and therefore the location criteria of Clause 22.04 should be applied more subjectively in this case.
- 6.9 Despite this, it can be said that the criteria for land within the LDRZ has been largely met, being located on a main road and on a public transport route (particularly beneficial for staff). The site is serviced by reticulated sewerage, is not constrained by significant slope, vegetation cover or drainage lines. There is negligible cross-fall which facilitates a single level floor plan without great need for earthworks, with the northward slope of benefit in enabling car parking to be concealed from street view within a basement footprint.
- 6.10 It has the added benefit of providing a frontage well in excess of 15m, and will rely upon both a main and collector road for its primary points of access. Whilst not within an Activity Centre, the site enjoys good access to sustainable transport modes, with numerous bus routes operating along King Street. An eastbound stop is located at the sites western boundary, and a west-bound stop directly opposite. Three bus routes connect passengers to Westfield Doncaster, and two to The Pines Shopping Centre. The site is also located in proximity to the two local primary schools, supporting a clustering of facilities that service the community.
- 6.11 Both King Street and Tuckers Road are single lane roads, however they are relatively wide and not like the more typical narrow and unmade roads which can be commonly found within the LDRZ areas. Being arterial and collector roads mean they have the capacity to absorb the current and additional

traffic movements created by the proposal (discussed in greater detail below).

- 6.12 The substantial land size, prominent main road positioning and predominant zoning of the surrounds make the subject site an appropriate choice to locate a residential aged care facility.

Design and Built Form

- 6.13 The overall design response for the site creates a building that reflects the residential character of the broader streetscape. The building will present its primary facade to King Street, being the main frontage. The design reflects the common architectural styling of nearby development, incorporating well articulated facades, finished in rendered and limestone claddings, and prominent tiled and hipped roofing.
- 6.14 Due to the large width of the frontage, the portion of built form will be much larger than that of the neighbouring single houses. The design has cleverly mitigated the appearance of an excessively long and continuous built form by applying a multiple fronted façade, which incorporates two distinct recesses to break the building up into what appears to be three distinct modules. The roof form accentuates this, by capping each of the three modules with a distinct roof pitch on each.
- 6.15 Whilst proportionately greater, it can be said that it will appropriately appear as a residential style building within a residential zone.

Setbacks

- 6.16 The building is setback at least 10.0m from King Street, being in excess of the required 7.6m setback required to match the setback of the adjoining property. The recessed elements are setback over 20m from the frontage, and are glazed to enhance the sense depth and distinction from the main façade components.
- 6.17 From Tuckers Road, the building is setback over 10.0m. The eastern façade is not as substantial in length, however is well articulated with varied setbacks. The proposed front fencing will be complemented by a dense hedge, which will eventually produce a green screen to effectively soften much of the building walls from a streetscape perspective.
- 6.18 The building will present a two storey scale to the north and west in part. The building is setback at least 9.0m from the north boundary, and 7.3m from the east, with balconies projecting into these setbacks. The tallest wall element reaches 8m in the north-western corner. The recommendations of Clause 22.04 require a setback in the order of 3.1m. The proposed side and rear setbacks exceed the requirements substantially.

Height

- 6.19 A reasonable building height is maintained, reaching 10.0m at its highest point. The tall pitch of the roof does contribute to this height, however this is considered a positive element, as the roof provides a 'capping' effect, and brings the tallest element away from the boundaries and more centrally into the ridge of the roof as a receding element.
- 6.20 The building height will be relative to the single and double storey scales of the neighbouring houses. The generous side and rear boundary setbacks

will provide for a substantial landscape theme along the periphery, incorporating screen planting and canopy trees. Once established, much of the built form will be screened or softened in appearance, ensuring visual and amenity impacts are minimised.

- 6.21 Balconies are proposed to extend within the setbacks to the north and west boundaries. Whilst ResCode is not applicable to this application, it provides a useful tool in assessing potential overlooking impacts. The balconies to the north are allocated to independent rooms and are setback over 6.0m from the boundary. They incorporate a planters along the balustrade edge. When applying the requirements of Standard B22, the proposed 2.5m boundary fencing would suitably screen views of any adjoining SPOS within the 9m viewing arc. There are no habitable room windows in proximity to consider.
- 6.22 The planter boxes, proposed landscaping, and boundary fencing will together maintain a satisfactory level of privacy for the adjoining dwellings. It is noted that all three properties to the north contain tennis courts in the vicinity of the shared boundary, with the dwellings setback quite a substantial distance away.
- 6.23 Two communal balconies will extend into the western boundary setback. Both will be suitably screened with a fixed metal screen with no more than 25% transparency, and up to a height of 1.7m. This is an appropriate response to maintain neighbouring amenity and privacy. Overlooking implications associated with the bedroom windows facing west will be screened by the boundary fencing. It is noted the windows toward the northern end of this elevation are requisite raised, however their 6.0m minimum boundary setback combined with the 2.5m high boundary fencing would prevent downward views into the adjoining SPOS.

Overshadowing

- 6.24 Overshadowing implications are limited to a slight impact upon the properties to the west at 9am. The shadow will extend less than 4m into these properties, only marginally affecting their total SPOS areas, and being completely removed by 10am. The size of the SPOS areas of the west adjoining properties, generous boundary setbacks proposed and beneficial site orientation ensure excessive overshadowing is avoided.

Amenity Impacts

- 6.25 Further amenity considerations are the impact of the noise, lighting and plant equipment. Traffic movement and deliveries occurring via the Tuckers Road accessway is the most anticipated cause of any increased noise associated with the use. Siting the accessway in the vicinity of the northern boundary is an appropriate design response, as associated amenity impacts will be least on these adjoining dwellings, which are located over 30m away. Despite this a 2.5m acoustic fence is proposed along the northern boundary, for the length of the accessway. Noise associated with vehicle movements and truck deliveries should be suitably muted with this measure. As a precaution, the restriction of any deliveries to within specific hours will be imposed to ensure they do not occur at unreasonable hours (refer condition 39).
- 6.26 Lighting details are not indicated on the plans, however it can be assumed that lighting will be provided more intensely within the front entry area, and around the perimeter of the property for security. A condition will require that

external lighting be designed so as to limit loss of amenity to adjoining residents (refer Condition 42).

- 6.27 Most plant equipment is sited within central roof platforms, with screening devices proposed around them. An evaporative cooler vent has been indicated outside of the service platform, in potential view of adjoining properties to the north. A condition will require that it be relocated to within the service platform, or other suitably concealed location (refer Condition 1.4).
- 6.28 The overall façade presentation provides a coherent and contemporary design that complements the landscape character of the site and surrounds. The overall form is non-intrusive, and incorporates proportions and fine grain detailing which suitably engage a pedestrian/human scale.

Open space and landscaping

- 6.29 The landscape plan submitted with the application indicates that the residential interfaces will be densely screened with evergreen trees reaching 8.0m in height. A combination of large and narrow deciduous trees will be heavily planted throughout the front setback areas, within the internal courtyards, and sporadically along the north and west boundaries. Treatment within the side and rear setback incorporates a grade circulation path around the buildings perimeter, amongst a garden setting.
- 6.30 Understorey planting, hedges and lawn will extend throughout the boundary setback areas to complement the screening and canopy trees.
- 6.31 The plan presents a well conceived landscape theme overall, appropriately placing evergreen and deciduous trees where either screening or sunlight needs to be considered. The plan does not indicate the plant numbers or sizes, which will therefore require detailing by way of condition (refer condition 8).
- 6.32 The requirement for advanced planting where screen planting is imminent will also be required to ensure that visual impact is softened more rapidly along the sensitive residential interfaces. Advanced canopy tree planting will also be necessary within front setbacks areas to establish a contributory front garden setting.
- 6.33 The design incorporates five large internal courtyards, which will be treated with a combination of grass, trees, paving, seating and tables. These courtyards are substantially sized (between 2232sqm and 456sqm and totalling an area of 1,419sqm). The generous dimensions will enable canopy trees to be established within each of these spaces. It is understood that raised planters will be incorporated within the courtyards that are located above the basement, however further detailing regarding the design and treatment is required to ensure root establishment is accounted for (refer Condition 1.4).
- 6.34 These spaces provide for a sheltered courtyard area for residents and visitors to undertake in passive recreation. They also contribute to the overall internal amenity and design philosophy of the building. Rooms are generally designed to flank either side of a circulation corridor. The outer rooms have outlooks either to a private balcony or landscape garden setting, and the rooms along the inner side of the corridor are given outlook onto one of the

internal courtyards. The courtyard dimensions are suitably sized to ensure ample light filtration into these rooms.

- 6.35 Overall, the landscape response is consistent with the policy requirements of Clause 22.04, ensuring the landscaping softens visual impact and assists with integration into streetscapes, and incorporates high quality communal open spaces for outlook and recreation.

Car Parking and access

- 6.36 In accordance with policy at Clause 22.04 and the design requirements of Clause 52.06 the proposal is provided *safe and convenient vehicle access* as well as *adequate provision for on-site car parking*.
- 6.37 Tuckers Road will provide the primary access point for staff and visitors, and therefore will be the most utilised. The roadway and car parking access follows the northern boundary, with the lands topography providing opportunity for the car park to be in a basement form beneath the main building footprint. This arrangement allows for car parking facilities to be largely hidden from external view, as encouraged by policy. Landscaping further softens any views of the accessway, incorporating a garden bed well in excess of 1.5m in width along the north boundary.
- 6.38 The provision of a drop-off/pick up point adjacent to the main entry off King Street achieves objectives to provide convenient access, and requires a one-way circulation which ensures a forward exit onto the abutting road. Whilst this space needs to be inevitably shared with the primary pedestrian entry point, the designated pedestrian crossing will ensure pedestrian movements and safety are prioritised.
- 6.39 Council's Engineers have indicated that the car park is designed appropriately. It includes lift foyers, bicycle parking and at-grade storage.

Further car parking and traffic considerations.

- 6.40 Pursuant to Clause 52.06 – Car Parking, a 117-bed aged care facility generates a statutory requirement of 35 car parking spaces (calculated at a rate of 0.3 spaces per lodging room).
- 6.41 The development provides provision for 58 car spaces within the basement, and a further 5 at-grade spaces for short term parking or pick up and drop offs (two of which are for disabled persons). This is a total of 63 spaces, which well exceeds the statutory requirement.
- 6.42 A notation on the basement floor plan makes reference to 'basement staff parking'. This is likely a printing error as such allocations are not referenced in the supporting Traffic Impact Assessment. The Planning Submission also identifies that a maximum of 25 staff will be on-site at any one time.
- 6.43 To ensure car parking allocation is appropriately distributed between staff and visitors, a condition will require a parking management plan be provided (refer Condition 18) to specify the minimum allocation of car parking for visitor and staff parking. Due consideration to the location of these also needs to be given to ensure that visitor parking is conveniently located to the basement entry and lift access points.
- 6.44 The proposal is generally consistent with the requirements of the Design Standards of Clause 52.06, with a minor non-compliance relating to the location of car parking spaces within 6m of the King Street frontage. Given it

is for a short-term visitor space (and less utilised than the primary basement car park) it is not envisaged to hinder traffic flow or create safety issues. The wide crossover and aisle width should also enable vehicles to directly enter the space without need for several turning movements.

- 6.45 There is also question as to whether pedestrian sight lines are adequately achieved in accordance with Design Standard 1. A condition will require that this be demonstrated on the plans (refer to Condition 1.1). The dimensioning of the car spaces accessed via King Street should be notated on the plans to ensure they are constructed appropriately (refer to Condition 1.2)
- 6.46 The Traffic Impact Report submitted (prepared by One Mile Grid Traffic Engineering) indicates that the proposal could be expected to generate up to 24 traffic movements per hour, or slightly more than one vehicle movement every three minutes during the road network peak hours. Traffic generation may be greater during staff changeover periods, however unlikely to affect queues given traffic volumes would be generally lower during these times (anticipated between 2.00-300pm).
- 6.47 It is acknowledged that The Tuckers Road/King Street intersection generates higher traffic volumes surrounding the starting and finish times of the two primary schools nearby. To ensure that the development does not unnecessarily add to congestion during these times, the parking management plan (as required above) will also be required to demonstrate management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority. This requirement will ensure any unnecessary traffic congestion is prevented.

Site services, infrastructure and deliveries

- 6.48 The proposal is not required to provide loading facilities in accordance with the requirements of Clause 52.07 of the Scheme, however makes provision for a delivery bay and waste collection area/truck turning bay. The delivery bay is located at the end of the access aisle accessed via Tuckers Road, and measures in excess of 3.6m in width and 8m in depth to enable loading and unloading for deliveries. A secondary truck turning area/waste collection bay is provided immediately adjacent to the crossover (within the Tuckers Road setback) and can accommodate vehicles up to 10.3m in length.
- 6.49 A designated waste storage area is located adjacent to the collection bay and car park entry. It is to be screened with sliding screen enclosure to conceal views of bins from street view. Collection will be undertaken via private contractors in accordance with an approved Waste Management Plan (refer to Condition 5)
- 6.50 The potential location for a substation is shown within the front setback to Tuckers Road. Albeit that the front fence would provide some screening of the substation, it is unclear as to whether it would be sufficiently screened from the public realm. A condition will require that the details of the substation be included on both plan and elevation, and that it be suitably located and screened to the satisfaction of the Responsible Authority. Similarly a condition will ensure all other building services, including meters, fire pumps etc be appropriately screened and positioned (refer to Condition 1.6).
- 6.51 The location of mail boxes are not shown and will form a condition of permit (Condition 1.7)

Creation of Access to King Street

- 6.52 The permit trigger here is Clause 52.29 – Access to a road in a Road Zone. The control seeks to manage access onto main roads so they are safe. VicRoads is the key Statutory Authority in relation to this.
- 6.53 This development proposes an intensification of the current residential uses and the creation of new entry/exit point centrally along the King Street frontage.
- 6.54 The three existing crossovers along King Street will be removed and reinstated with kerb and channel, and two new 6.4m wide crossovers will be created. These are intended to service the pick-up/drop-off component of the use within the porte-cochere at the buildings main entry. The access points provide an entry-only/exit-only arrangement serviced by a circular drive.
- 6.55 These access points are centrally sited along the frontage, with appropriate clearance from the nearest intersection of Tuckers Road. Their proposed width and splay design ensures vehicles, and particularly larger ambulance/emergency vehicles, can enter the site efficiently to avoid hindrance to traffic flow. VicRoads and Council's Engineers have not raised concerns with the design or location of these access points. It is noted that King Street is soon to be placed into the jurisdiction of Council.

Variation of Restrictive Covenants

- 6.56 Variation to the restrictive covenants affecting each the subject site is proposed. The current wording of the covenants restricts the erection of any building other than a single dwelling house and the usual outbuildings. The proposal seeks to alter the wording to allow for the erection of residential aged care facility.
- 6.57 In addition to the subject site, there are ten beneficiaries to the covenants affecting each title. These are:
- 8 Burleigh Drive and 11-13 Tuckers Road, Templestowe
 - 1 Burleigh Drive, Templestowe
 - 3 Burleigh Drive, Templestowe
 - 5 Burleigh Drive, Templestowe
 - 1 Beavis Court, Templestowe
 - 2 Beavis Court, Templestowe
 - 3 Beavis Court, Templestowe
 - 4 Beavis Court, Templestowe
 - 5 Beavis Court, Templestowe
 - 6 Beavis Court, Templestowe
- 6.58 Following the notification of the application (via letters, notices on the land and a notice in the local Leader newspaper) no objections were received from any of the above-mentioned beneficiaries. Council can therefore be satisfied that the requirements of Section 60(5) have been met, and that the variation of the covenant can be supported to ensure that the approval of the proposed development does not result in a breach as per Section 61(4) of the Act. Condition 46 will require that the permit does not come into effect until the covenant is varied.

7 REFERRALS

External

- 7.1 VicRoads is a statutory referral authority under the Manningham Planning Scheme.
- 7.2 In correspondence dated 8 June 2016, VicRoads advised that they had assessed the application and have no objection to the proposal, given that King Street is due to be placed into Council's jurisdiction within the near future. It was therefore deemed appropriate that issues relating to access to and from King Street be addressed by Council.
- 7.3 VicRoads in their response also suggested that consideration be given to providing residents of the facility with appropriate access to local community facilities. Noting that a bus stop is located opposite the proposed development, it was recommended the consideration be given to providing safe access to vulnerable road users to this and other local community facilities.
- 7.4 In response to this comment, it is noted that there is a pedestrian crossing approximately 80m to the west of the site along King Street, which is supervised during peak morning and afternoon periods when traffic is at a peak. Given the care requirements of many residents, most off-site trips are anticipated to be facilitated by the operators (Arcare). The safety of residents overall is also a facet that can be reasonably expected to be a responsibility of the staff operations.
- 7.5 Public Transport Victoria (PTV) is also statutory referral authority under the Manningham Planning Scheme.
- 7.6 In correspondence dated 26 May 2016, PTV advised that they did not object to the proposal, subject to conditions to prevent disturbance of the adjacent bus stop and bus operations during construction (see Conditions 47 and 48).

Internal

- 7.7 The application was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical Services (Drainage)	<ul style="list-style-type: none"> An outfall drainage system is required to be constructed as there is no point of discharge available to the site. An outfall drain is required to be constructed (Condition 15) along the easement of the northern boundary of No. 17 Noral Court and connect in the existing Council drainage line within the road reserve in front of 17 Noral Court. Alternative alignment solutions may be considered subject to the approval of the Responsible Authority. An on-site stormwater detention system is required to be provided (Condition 13).
Engineering and Technical Services	<ul style="list-style-type: none"> Sufficient car parking provided on site, however clarification required regarding nomination of

Service Unit	Comments
(Traffic and Parking)	basement of staff parking. <ul style="list-style-type: none"> • Loading bay and visitor spaces to be signed and directed. • Adequate sight lines required adjacent to driveways (Condition 1.1) • It is not anticipated that traffic will be adversely impacted by the development.
Engineering and Technical Services (Infrastructure)	<ul style="list-style-type: none"> • Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority (Condition 24). • The developer is to design and construct at no cost to Council, a 1.5metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site. The developer or their appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the path in Tuckers Road. The path must be designed and constructed in accordance with Council Standards and to the satisfaction of the Responsible Authority (Condition 25).
Engineering and Technical Services (Waste Services)	<ul style="list-style-type: none"> • Waste Management Plan to be submitted and approved to the satisfaction of the Responsible Authority.
Strategic Sustainability Planner	<ul style="list-style-type: none"> • SMP amended to include changes relating to provision of clotheslines, alternative sleeper material, roof area for 3x21,500l rainwater storages connected to toilets, and increased bicycle parking in frontage.

- 7.8 In relation to the recommendation for increased bicycle parking, this recommendation was made on the assumption that the basement car park would not be closed beyond regular business hours. As the car park will not be closed at any time, the need for increased bicycle spaces is not necessary.

8 CONSULTATION

- 8.1 The application was advertised and ten (10) objections (from nine properties) were received. Details are as follows:

Affected properties
5 Elm Court TEMPLESTOWE
70 King Street DONCASTER EAST
72 King Street DONCASTER EAST
76-78 King Street DONCASTER EAST
2/82 King Street DONCASTER EAST
1/82 King Street DONCASTER EAST
84 King Street DONCASTER EAST
94A King Street DONCASTER EAST
8 Tolstoy Court DONCASTER EAST

- 8.1 The grounds of objection can be summarised as follows:

Grounds:

- Inconsistent with neighbourhood character/ preferred location of Clause 22.04
- Increased traffic congestion/safety
- Visual bulk
- Oversupply of aged care facilities
- Amenity impacts associated with noise (traffic/visitors/deliveries) and light spill
- Inadequate storm water drainage
- Property devaluation

- 8.2 A response to the objector concerns is outlined below:

Inconsistent with neighbourhood character/ preferred location of Clause 22.04

- 8.3 Reference is made to the proposed use being inappropriate within a residential setting. The aged care facility is a residential use and necessary to accommodate an ageing population. Policy does not exclude the location of such facilities from residential areas. The building footprint is larger than what typically characterises the built form of surrounding housing, however the design adopts a modulated form to break up the building mass. Furthermore, the residential style of architecture incorporates materials and proportions which reflect the common characteristics of the neighbourhood character. As discussed in the assessment section above, compliance with the location requirements of Clause 22.04 is considered met in this instance, particularly considering the suburban context of the site and surrounds and main road location.

- 8.4 Reference has been made to the site coverage exceeding 60% of the site area. The proposal has a site coverage of 52.05%, which is a reasonable

and modest figure which demonstrates that a balance between built form and landscaping has been achieved.

Increased traffic congestion/safety

- 8.5 The application was supported by a Traffic Impact Assessment and reviewed by Council's Engineering Service Unit. No safety concerns have been identified with the proposed access arrangement, or with the ability for King Street or Tuckers Road to absorb increased traffic movements generated by the proposed use.
- 8.6 Conflict with traffic generation from the local schools was raised as a primary concern. The implementation of a parking management plan will be required by way of permit condition to ensure that staffing numbers/ shift changeover times are managed to not conflict with peak traffic times associated with school start/finish times.
- 8.7 In terms of traffic generation from visitors to the facility, this is likely to occur on weekends (outside of school or business hours) and is generally spaced throughout the course of a day.

Visual bulk

- 8.8 Visual bulk as viewed from the King Street perspective has been raised. The single storey form of the development, coupled with the generous setbacks to both street frontages will result in a subdued built form, with landscape softening provided by canopy tree planting and hedging likely to screen much of the façade from street view.

Oversupply of aged care facilities

- 8.9 It is acknowledged that there are similar facilities already existing in the area, however the MSS identifies Manningham's ageing population which is expected to increase. There are no specific requirements which cap or restrict the number of aged care accommodation within any particular area, but rather policy guidelines which identify suitable locations for such facilities. The subject site has been identified as a suitable location for the proposed use, as discussed within the policy assessment above.

Amenity impacts associated with noise and light spill

- 8.10 It is not anticipated that noise associated with trucks and deliveries will be undertaken outside of business hours. However this will be managed via a condition which requires that they do not occur outside of the hours of 7am and 6pm to ensure amenity is not detrimentally affected (see Condition 39). Acoustic fencing is also proposed along the northern boundary adjacent to the access aisle to limit noise emissions beyond the site (Condition 43 requires this to be constructed prior to the use commencing).
- 8.11 The required Waste management Plan will similarly determine designated days and times for waste collection to occur, ensuring amenity is considered (condition 5).
- 8.12 Due to the nature of the proposed use and activity associated with it, the noise associated with staff and visitors for a 17 bed home are not expected to create amenity issues, as the car park is concealed within the basement footprint and arrival departure times will vary throughout the course of the day.

- 8.13 Whilst some external lighting will be required for security, it will be required that such lighting be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority (see condition 42).

Inadequate storm water drainage

- 8.14 The provision of an on-site storm water detention storage will be required to support on-site stormwater filtration. A point of discharge will also need to be created for all runoff to be directed to.
- 8.15 On-site drainage will need to be designed and managed to the satisfaction of Council's Engineering unit.

Property devaluation

- 8.16 The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report appropriately provides a detailed assessment of the amenity impact of the proposed development

9 CONCLUSION

- 9.1 The proposal is designed in a sensitive manner that is both attractive when viewed from the public and private realms, and causes minimal amenity impacts due to generous setbacks and subsequent landscaping opportunities. As demonstrated by the assessment in this report, the proposal achieves general compliance with the relevant policies of the State and Local Planning Policy Framework, as expressed in the Manningham Planning Scheme. As such, it is recommended that the proposal be supported subject to conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL16/026099 for the use and development of the land for a residential aged care facility (117 beds), the creation of access to a road in a Road Zone Category 1, and variation to the restrictive covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 to enable an aged care facility to be erected on the land in accordance with the endorsed plans at No. 67-73 King Street and 1 Tuckers Road, Templestowe, and subject to the following conditions:

Amended Plans

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the decision plans (prepared by Demaine Partnership dated March 2016), but modified to show:**

- 1.1. **Demonstration that the access points achieve clear sight distance to pedestrians for exiting vehicles in accordance with Design Standard 1 of Clause 52.06 of the Planning Scheme;**
- 1.2. **The car parking spaces accessed via King Street to be dimensioned to demonstrate compliance with Clause 52.06 of the Planning Scheme;**
- 1.3. **Removal of reference to 'basement staff parking' from basement floor plan. Any allocation of staff car parking is conform with the parking management plan required by condition 18;**
- 1.4. **Additional plans/sections detailing the internal courtyard design, including further detailing to demonstrate how canopy tree planting will be established where located above the basement level.**
- 1.5. **The relocation of the evaporative cooler unit to within the service platform, or other suitably concealed location;**
- 1.6. **Details to demonstrate how all fire services, gas installations and electrical cabinets (including existing substations) will be integrated into the architectural design, so as not to present as visually dominating elements.**
- 1.7. **Details of the design and location of any letterboxes.**
- 1.8. **A staging plan should the project be constructed in stages.**
- 1.9. **A separate palette sheet depicting the range of finishes/textures, colours and materials to the externals of the building, including balcony and terrace balustrading/screens and any roof-top plant screen;**

Endorsed Plan

2. **The layout of the site, the size of buildings and use of all specific areas nominated on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**

Sustainability Management Plan

3. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must submitted to and approved by the Responsible Authority. When approved the SMP will form part of the permit.**

The recommendations of the SMP 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.

Construction Management Plan

4. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the**

planning permit. The Plan must address, but not be limited to the following:

- 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
- 4.2. Hours of construction;
- 4.3. Delivery and unloading points and expected frequency;
- 4.4. On-site facilities for vehicle washing;
- 4.5. Parking facilities/locations for construction workers;
- 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 4.8. Measures to prevent disruption to the bus stop and bus services along King Street, in accordance with Conditions 42 and 4 of this Permit;
- 4.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 4.10. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 4.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 4.12. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

5. Before the development starts (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab), two copies of a Waste Management Plan (WMP) 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 WMP prepared by One Mile Grid dated March 2016 but amended to show:

- 5.1. Confirmation of the hours and frequency of pick-up for general and recyclable waste, with regard to potential noise impacts to the surrounding neighbourhood.

Management Plan Implementation/compliance

6. 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.

7. **Prior to the occupation of the approved building, a report from the author of the SMP report (as approved pursuant to this permit), or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the SMP have been implemented in accordance with the approved Plan.**

Landscaping

8. **Before the occupation of the dwellings, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the concept landscape plan submitted with this application and plan approved under Condition 1 of this permit, and must show:**
 - 8.1. **Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;**
 - 8.2. **Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
 - 8.3. **Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
 - 8.4. **A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**
 - 8.5. **All canopy trees to a minimum height of 1.5 metres at the time of planting;**
 - 8.6. **Screen planting along the north and west boundaries to be minimum height of 1.5 metres at the time of planting;**
 - 8.7. **Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 900mm in height at maturity.**
9. **Before the release of the approved plan under Condition No. 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
10. **An in-ground, automatic watering system linked to the rainwater tanks must be installed to all garden areas to the satisfaction of the Responsible Authority.**

Vegetation Retention

11. **Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) vegetation protection fencing must be erected to the satisfaction of the Responsible Authority to establish a tree**

protection zone around the neighbouring trees and trees to be retained on site identified in TreeLogic Arborist Report dated 4 February 2016. The fence is to follow the tree protection zone identified in the report and be maintained in good condition until the completion of the construction works on the site.

12. The following actions must not be undertaken in any Tree Protection Zone of vegetation to the satisfaction of the Responsible Authority:
 - 12.1. Materials or equipment stored within the zone;
 - 12.2. Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - 12.3. Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
 - 12.4. Changes to the soil grade level within the zone.

Drainage

13. The owner must provide on site stormwater 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:
 - 13.1. Be designed for a 1 in 5 year storm; and
 - 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 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.
15. Before the development is completed, outfall drainage works must be constructed between the site and the nominated Council drain (within the road reserve in front of 17 Noral Court), in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
 - 1.1 a supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 1.2 a plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 1.3 a maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
 - 1.4 a schedule of costs for the construction of drainage works must be submitted to the Responsible Authority.
16. 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.

17. 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.

Car Parking, Access and Infrastructure

18. Before the building is occupied, a car parking management plan must be submitted to, and approved by, the Responsible Authority. The Plan is to outline:
 - 18.1. The allocation of any parking space to staff and visitors.
 - 18.2. How users will be directed to the allocated areas including details of directional signage and linemarking.
 - 18.3. The proposed management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority.
19. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
 - 19.1. Constructed and formed to approved levels;
 - 19.2. surfaced with an all weather-seal coat;
 - 19.3. drained;
 - 19.4. line marked to indicate each car space; and
 - 19.5. marked to show the direction of traffic along access lanes and driveways;
 - 19.6. marked to show a car space for a person with a disability designed to the relevant Australian Standard;
to the satisfaction of the Responsible Authority.
20. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
21. A directional sign(s) to the satisfaction of the responsible authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
22. The operator must ensure that 24 hour access to the basement car park is provided to all staff and visitors.
23. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
24. Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle

crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority.

25. The developer shall design and construct a 1.5 metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site, at no cost to Council and in accordance with construction plans submitted to and approved by Responsible Authority.

Completion

26. 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.
27. All upper level service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
28. All roof-top plant must be installed in appropriately screened areas unless otherwise agreed in writing with the Responsible Authority.
29. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise visibility from off the site. No air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
30. Any clothes-drying rack or line system located on a balcony or terrace must not be visible from off the site to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
33. All hot water units must be installed within the subject building or within cupboards on balconies, unless otherwise agreed in writing with the Responsible Authority.
34. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
35. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

Lighting

36. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.

Noise

37. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts

on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

Loading and Unloading Operations

38. All loading and unloading, including waste collection, must at all times be carried out within the loading areas shown on plan to the satisfaction of the Responsible Authority.

Amenity

39. Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out between the hours of 7.00am and 6.00pm, to the satisfaction of the Responsible Authority.
40. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
- 40.1. Transport of materials, goods or commodities to or from the land;
 - 40.2. Storage of goods and wastes;
 - 40.3. Appearance of any building, works or materials;
 - 40.4. Emission of noise, light, vibration, odour & dust.
41. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
42. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
43. Before the use commences, acoustic fencing must be erected along the northern boundaries where adjacent to the accessway to a minimum height of 2.5m above natural ground level. The design of the fences must be in accordance with the relevant Australian Standard to the satisfaction of the Responsible Authority.

Restrictive Covenant

44. A plan of variation of a restriction must be submitted for Certification by the Responsible Authority
45. The certified plan must be lodged with the Land Titles Office for registration
46. This permit does not come into effect until the covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 in the Register of Titles is *varied* so as to read “...***any building other than a single dwelling house or a residential aged care facility and the usual outbuildings....***”

Public Transport Victoria (Conditions 47 and 48)

47. The existing bus stop and associated infrastructure on King Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during

construction must be rectified to the satisfaction of Public Transport Victoria.

48. The permit holder must take all reasonable steps to ensure that disruption to bus operation along King Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measure must be communicated to Public Transport Victoria fourteen days (14) prior.

Expiry

49. This permit will expire if one of the following circumstances applies:
- 49.1. The development is not started within two (2) years of the date of the issue of this permit;
 - 49.2. The development is not completed within four (4) years of the date of this permit;
 - 49.3. The use is not commenced within two (2) years of the completion of the development.
 - 49.4. The plan of variation of restriction is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

Note: Plans submitted for approval for the on site storm water detention system should be forwarded to Council's Engineering Services Unit. For any queries in relation to these plans please contact Engineering Services on Ph.9846 9563.

Note: Except with the prior consent of the responsible authority, the existing street trees must not be removed or damaged. Please contact Council's Parks and Recreation Department on 9846 0512 to arrange amenity value payment for Council to undertake the removal and replacement of the street tree from Pinewood Drive.

Note: Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the responsible authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours notice is required.

Note: The Waste Management Plan must comply with the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers. If the development is within Doncaster Hill precinct, the Waste Management Plan must also comply with the Sustainability Guidelines for Doncaster Hill.

Note: The premises is to comply with the Health Act 1958, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

Note: No works are permitted within the easement unless consent from the relevant service authorities are obtained prior.

Note: Except where no permit is required under the provisions of the Manningham Planning Scheme, no advertisement or sign may be erected on the site without the prior written consent of the Responsible Authority.

"Refer Attachments"

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