

266-268 Maroondah Highway Chirnside Park – Planning Report

APPLICATION DETAILS

Site Address	266-268 Maroondah Highway, Chirnside Park (Lot S4, Plan of Subdivision 5444666H) and Manchester Road Reserve adjoining 266-268 Maroondah Highway, Chirnside Park
Application No.	YR-2021/1040
Proposal	Use of land for a Retirement Village, staged construction of buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, native vegetation removal (Manchester Road) and subdivision of the land into two lots.
Existing Use	Vacant
Applicant	Urbis
Zone	<ul style="list-style-type: none"> • Residential Growth Zone - Schedule 3 - 266-268 Maroondah Highway, Chirnside Park (Lot S4, Plan of Subdivision 5444666H) • Transport Zone TRZ3 - Manchester Road Reserve adjoining 266-268 Maroondah Highway • Development Contributions Plan Overlay - Schedule 1 - 266-268 Maroondah Highway, Chirnside Park (Lot S4, Plan of Subdivision 5444666H)
Overlays	
Permit trigger/s	<p>Clause 32.07-2 To use the land for a retirement village.</p> <p>Clause 32.07-3 To subdivide land</p> <p>Clause 32.07-5 To construct two or more dwellings on a lot and a residential building</p> <p>Clause 32.07-7 To construct a building or construct or carry out works for a residential aged care facility. A development must meet the requirements of Clause 53.17 - Residential aged care facility</p> <p>Clause 32.07-8 To construct a building or construct or carry out works for a retirement village</p> <p>Clause 51.03 To remove, destroy or lop native vegetation (Manchester Road)</p> <p>Clause 52.17 To remove, destroy or lop native vegetation (Manchester Road)</p>
Objections	29 objections and one multi-signatory objection with 11 signatures

Encumbrances on Title (Covenants/Section 173 Agreements)	Yes – Two Section 173 Agreements (Referenced as AS907500V, AS706540D)
Reason for Council Decision	Value of development and number of objections
Ward	Chirnside

SUMMARY

This application seeks approval for use of the land for a Retirement Village, staged construction of buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, native vegetation removal (Manchester Road) and subdivision of the land into two lots.

The application was advertised under Section 52 of the *Planning & Environment Act 1987* and attracted 29 objections and one multi-signatory objection with 11 signatures.

Following notification, the property description was amended under Section 57A of the *Planning & Environment Act 1987* to include the “Manchester Road Reserve adjoining 266-268 Maroondah Highway, Chirnside Park”. No additional notification was required, as the notified proposal description included “native vegetational removal in Manchester Road”, and vegetation removal was shown on the advertised plans. As such, this amendment is considered to be a procedural update to the application.

The application has been assessed against the relevant provisions of the Yarra Ranges Planning Scheme and found to have strong policy support.

Accordingly, it is recommended that a Notice of Decision to Grant a Planning Permit be issued for the application, subject to conditions.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2021/1040 for use of land for a Retirement Village, staged construction of buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, native vegetation removal (Manchester Road) and subdivision of the land into two lots at 266-268 Maroondah Highway, Chirnside Park and Manchester Road Reserve adjoining 266-268 Maroondah Highway, Chirnside Park and issue a Notice of Decision to Grant a Permit subject to conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* to confirm whether a Cultural Heritage Management Plan is required.

The site is not in an identified area of Aboriginal Cultural Heritage Sensitivity. The applicant has provided a report by Ecology and Heritage Partners, and it has been assessed that a Cultural Heritage Management Plan is not required.

EXTRACTIVE INDUSTRY

The site is not located within 500 metres of extractive industry.

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

ENCUMBRANCES ON TITLE

The subject site is known as Lot S4 on Plan of Subdivision 5444666H. There are no covenants registered on the title. There are two Section 173 Agreements registered on title, summarised below:

Title Restriction	Details of Restriction
Section 173 Agreement AS907500V	This Agreement between the owner and Department of Transport includes a number of restrictions and obligations pertaining to preparation of traffic impact assessment report to the satisfaction of Department of Transport prior to the development of the land.
Section 173 Agreement AS706540D	This Agreement includes a number of restrictions and obligations pertaining to the Subdivision Permit YR-2018/408. Some of the requirements relevant to this proposal include: <ul style="list-style-type: none">• Extension of East Ridge Drive into future lots (including to the north), and Manchester Road (via the subject site)• Conversion of Common Property 1 (CP1 on Plan of Subdivision) to municipal roads.

The agreements will not be breached as a result of this application. The history and intent of the Section 173 Agreements is discussed in detail below. There is also a caveat on title, however this is not a relevant planning consideration.

See Attachment 2 for Title Restrictions

PLANNING CONTROLS

Zoning:	<ul style="list-style-type: none"> - Clause 32.07 – Residential Growth Zone Schedule 3 - 266-268 Maroondah Highway, Chirnside Park (Lot S4, Plan of Subdivision 5444666H) - Clause 36.04 – Transport Zone (TRZ3) - Manchester Road Reserve adjoining 266-268 Maroondah Highway <p><i>Note- Commercial 1 Zone does not apply to this portion of the land. See Attachment 3 for details</i></p>
Overlay:	<ul style="list-style-type: none"> - Clause 45.06 – Development Contributions Plan Overlay (DCPO1) - 266-268 Maroondah Highway, Chirnside Park (Lot S4, Plan of Subdivision 5444666H) <p><i>Note – Special Building Overlay and Specific Controls Overlay do not apply to this portion of the land. See Attachment 3 for details.</i></p>
State Planning Policy:	<ul style="list-style-type: none"> Clause 11.01-1S Settlement Clause 11.03-1S Activity Centres Clause 11.03-1R Activity Centres – Metropolitan Melbourne Clause 13.04-1S Contaminated and potentially contaminated land Clause 15 Built Environment and Heritage Clause 15.01-1S Urban design Clause 15.01-1R Urban Design metropolitan Melbourne Clause 15.01-2-S Building design Clause 16.01-1S Housing Supply Clause 16.01-1R Housing Supply – Metropolitan Melbourne Clause 16.01-7S Residential aged care facilities
Local Planning Policy:	<ul style="list-style-type: none"> Clause 21.04 Land use Clause 21.05 Settlement Clause 21.06 Built form Clause 21.08 Subdivision Clause 21.10 Infrastructure Clause 22.06 Chirnside Park Activity Centre
Clause 51.03 and Schedule:	<ul style="list-style-type: none"> Not applicable to land in Residential Growth Zone Applies to vegetation removal in Manchester Road Reserve
Particular Provisions	<ul style="list-style-type: none"> Clause 52.06 Car parking Clause 52.17 Native Vegetation (applies to Transport Zone 3) Clause 53.01 Public Open Space Contribution and Subdivision Clause 53.17 Residential Aged Care Facility

	<p>Clause 53.18 Stormwater Management in Urban Development</p> <p>Clause 55 Two Or More Dwellings on A Lot and Residential Buildings</p> <p>Clause 56 Residential subdivision</p>
Other Requirements:	Clause 65 Decision guidelines
Policy Reference	Chirnside Park Urban Design Master Plan (September 2010)

For detailed information on the planning controls, refer to Attachment 3.

PERMIT TRIGGERS

Zoning

Under the Residential Growth Zone, a permit is required to use the land for a Retirement Village, construct buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, and to subdivide the land.

Overlays

No permit is triggered by the Development Contributions Plan Overlay. Clause 45.06-1 of the Development Contributions Plan overlay states “*any permit granted must be consistent with the provisions of the relevant development contributions plan; and include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule.*”

As such, a condition is required to be imposed to require the payment of relevant levies where the site is located within the Development Contribution Plan Overlay. This is discussed in further detail below in this report.

Clause 51.03 and 52.17

Under Clause 51.03 and 52.17 a planning permit is required to remove native trees in Manchester Road.

SITE LOCATION AND DESCRIPTION

The subject site sits within the Chirnside Park Activity Centre, and is an irregular, L-shaped block known as S4 on the title plan, which fronts both Manchester Road and Fletcher Road (Figure 1 & Figure 3).

The total site area is approximately 9.283 hectares. Access to the site is also obtained via East Ridge Drive as well as Hedwig Drive which connects to the southern boundary topographically, the subject site slopes down to the west. The subject site is currently vacant.

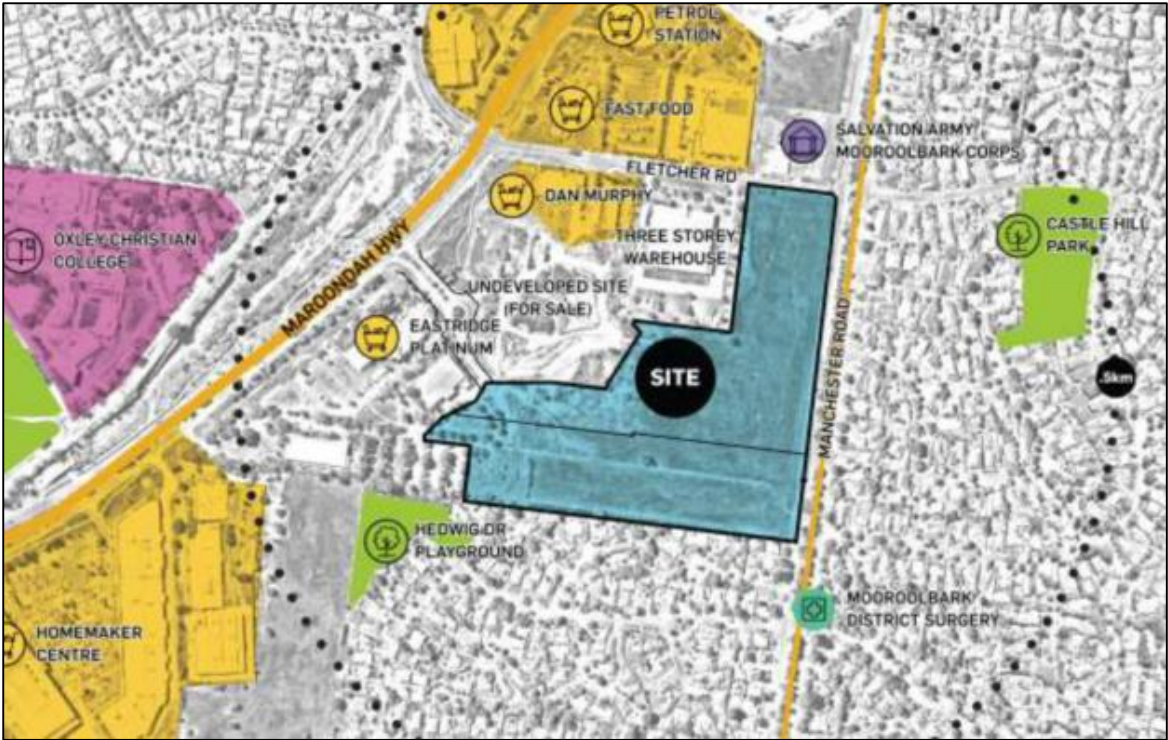


Figure 1 - Extent of subject site shown in blue



Figure 2 - Aerial photo of site (S4) and surrounds

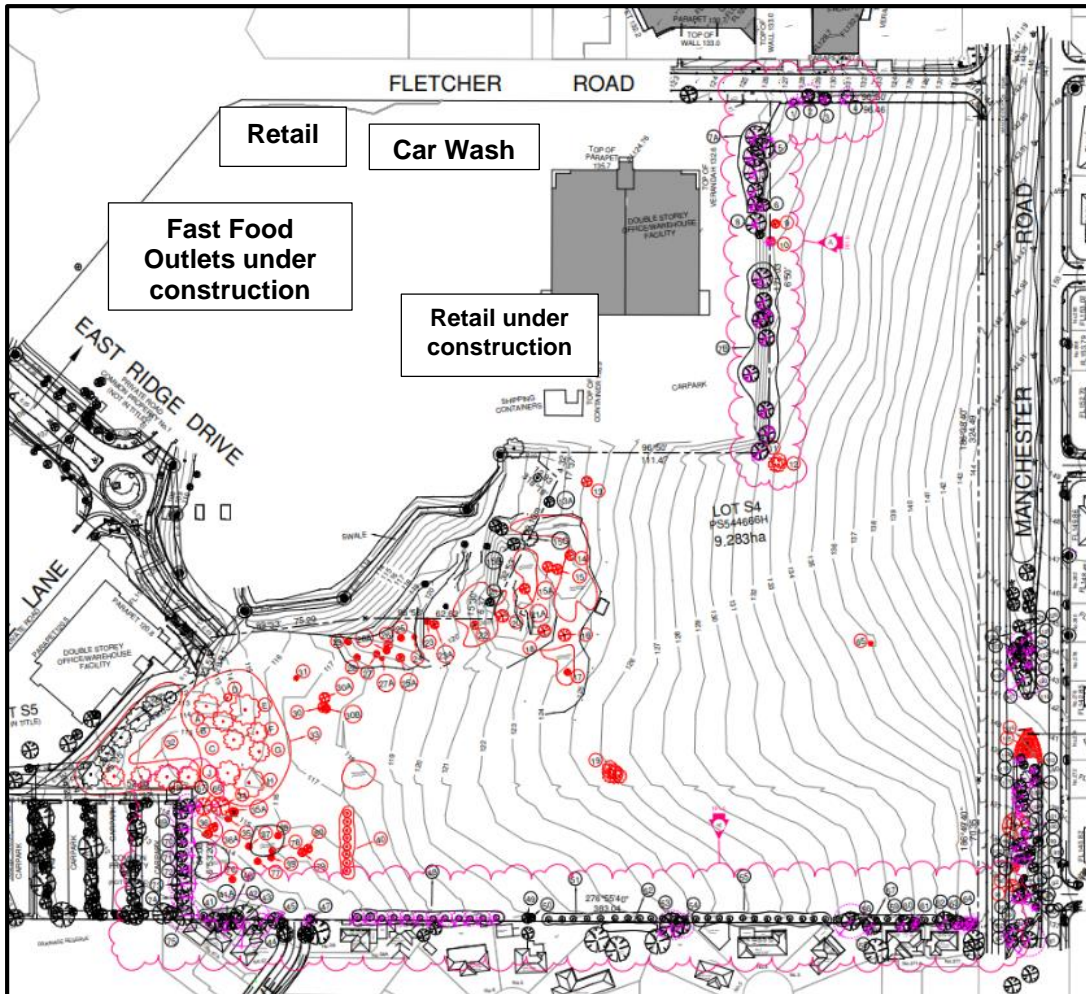


Figure 3 - Subject site (Lot S4) with lot boundaries

SURROUNDING AREA

The site is located within the Chirnside Park Major Activity Centre as defined in the Planning Scheme and is positioned within the mixed-use precinct of this activity centre. The broader activity centre area contains land in the Commercial 1 Zone, Mixed Use Zone, and Residential Growth Zone.

Due to the size of the land and the dimensions of the boundaries, the site has a number of immediate interfaces, described as follows:

- West
 - Lot 90 is a development under construction comprising ten retail premises, three convenience restaurants, five shops and a food and drink premises approved under planning permit YR-2021/22. This provides excavated loading areas, staff parking and service access abutting the site.
 - East Ridge Drive connects to Lifestyle Lane and associated offices and mixed use precinct further to the south. East Ridge Drive commences at Maroondah Highway and provides direct access to the subject site.

- North
 - Abutting the northern lot boundary is lot 92 at 20 Fletcher Road comprising CCL Label, which is an industrial use.
 - Also abutting the north lot boundary is Fletcher Road, which is a local feeder road.
 - On the north side of Fletcher Road are a mix of commercial uses comprising Salvation Army offices and indoor recreation facilities.
 - The Chirnside Park Shopping Centre is located to the north of the site on the opposite side of Maroondah Highway. The centre is a major activity centre which is currently undergoing some level of redevelopment.
- East
 - Abutting the eastern lot boundary is Manchester Road, which is a divided road in Transport Road Zone Schedule 3 which is managed by Council.
 - Land to the east of Manchester Road is an established residential area. Lot sizes in this area are generally consistent, with development characterised by single and double storey dwellings. There has been limited infill development undertaken in the area.
- South
 - Abutting the land to the south are the rear yards of properties fronting Karin Court, Jean Court, Manchester Road, and Hedwig Drive.
 - Hedwig Drive ends on the south boundary of the subject site.

PROPOSAL

This application seeks to use the land for a Retirement Village and residential development, as shown in Attachment 4 and detailed in Attachment 5. To do this, it is proposed to:

- Construct buildings and works for a Retirement Village, Dwellings and Residential Aged Care Facility in three stages (Stage 1, Stage 2, Stage 2A and Stage 3) on Lot A; and
- Construct a residential development and the associated road network as the fourth stage on lot S6.

There is also native vegetation removal from Manchester Road proposed. The application includes the subdivision of the land into two lots. A future permit will be required to further subdivide Stage 4.

Staged development

The proposed development of the land is to be staged (Figure 4) as follows:

- Stage 1 - Two lot subdivision and construction of East Ridge Drive (road reserve)
- Stage 2 - Southern Independent Living Units (Lot A)
- Stage 2A - Aged Care Facility (Lot A)
- Stage 3 - Northern Independent Living Units (Lot A)
- Stage 4 - Residential development (Lot S6)

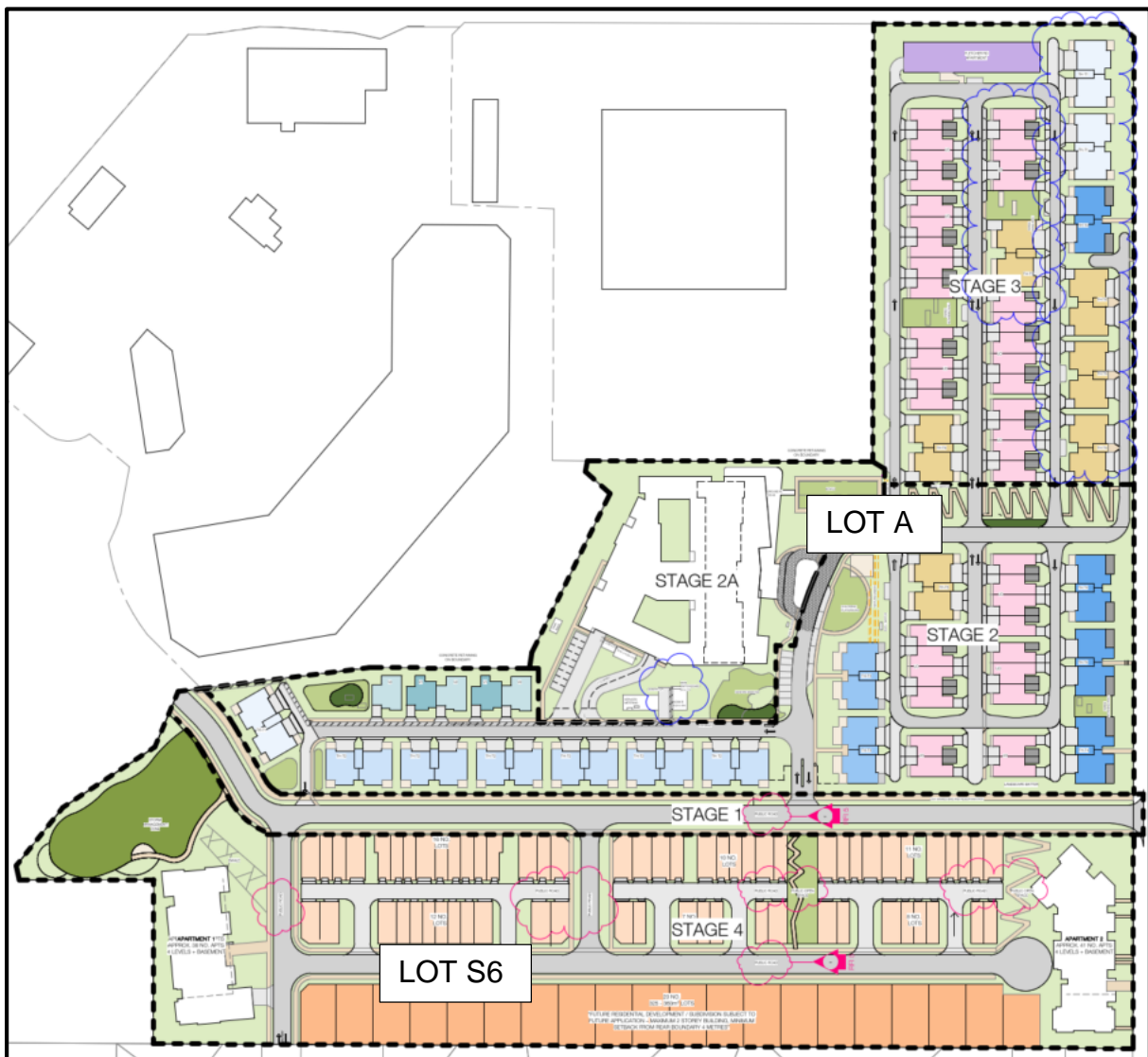


Figure 4 - Proposed Staging Plan

Stage 1 – Construction of East Ridge Drive and Manchester Road intersection

East Ridge Drive (also referred to as Road A and East Ridge Drive Extension on submitted plans) is a 16 metre wide road reserve comprising of a seven metre wide road, a 2.5 metre wide shared pedestrian and bike path on the north side, and a 1.5 metre wide pedestrian path on the south side. It includes alterations to Manchester Road to provide a relocated median crossing at the intersection, slip lanes and associated roadworks. The two lot subdivision is required at this stage.

Further details regarding the associated vegetation removal are provided below.

Stage 2A - Residential aged care facility (Lot A)

The residential aged care facility consists of a four storey building plus a basement with a maximum building height of 16.5 metres above natural ground level. The plant and equipment are 2.2 metres above the roof. The facility includes 100 single bedroom lodging rooms (72 lodging rooms and 28 assisted living rooms) with associated amenities including a swimming pool, gymnasium, theatre, salon, and other like amenities.

The building provides a basement car park with 45 car spaces and nine car parking spaces adjacent to the entrance of the basement car park.

The building is setback 10.5 metres from the west boundary shared with lot 90, six metres from the north boundary shared with lot 92 at 20 Fletcher Road, 142 metres from Manchester Road and 149 metres from the south boundary.

The basement level comprises a loading area, parking, kitchen, laundry, plant, waste, and general storage. The lower ground floor comprises 36 lodging rooms with ensuites, two central communal courtyards of 296 square metres and 271 square metres and numerous communal sitting, lounge, TV, dining, activity, and kitchen areas, plus staff areas.

The ground floor comprises 36 lodging rooms with ensuites, numerous communal sitting, lounge, TV, dining, activity, kitchen areas, lounge, café/restaurant with alfresco dining, gym, salon, pool and bowls courts plus staff areas, offices, lobby, covered vehicle drop off area and visitor car parking. The first and second floors provides 28 assisted living apartments each with a bedroom, living area and ensuite with communal living and dining.

Stage 2 and 3 Retirement Village independent living units (Lot A)

The proposed Retirement Village provides 192 independent living units, including a three storey plus basement Apartment Building fronting onto Fletcher Road comprising:

- 150 two bedroom units; and
- 42 three bedroom units.

No dwelling has internal stairs and the entrances to all dwellings are accessible at grade or include lift access in addition to stair access. The design takes advantage of the lands slope with a number of dwelling typologies having one dwelling over and one dwelling under. Building setbacks are 6.4 metres from Fletcher Road and 8.8 metres to 10 metres from Manchester Road.

Each dwelling has been provided with a single car garage and a second uncovered tandem space regardless of bedroom configuration.

The following table and Figure 5 outlines the Independent Living Unit typologies in further detail:

Dwelling Type (refer to Figure 5 below and Attachment 4)	No. of dwellings	Bedrooms	Private Open Space		
			Area	Orientation	Type
V1 – single storey (TP202)	2	2	38.1m ²	North	Garden
V2 – single storey (TP203)	3	3	21m ²	North	Garden
UO – under – double storey (TP204 and TP205)	41	2	19.4m ²	East	Sunken courtyard
UO – over – double storey (TP204 and TP205)	41	2	7.2m ²	West	Balcony
T1 – under – double storey (two different orientations – four dwellings in north east and two dwellings in south west (TP206 and TP207))	6	2	11.4m ²	Four facing east and two facing south-west	Sunken Courtyard
			8.5m ²	Four facing west and two facing north-east	Balcony
T1 – over – double storey (two different orientations – four dwellings in north east and two dwellings in south west (TP206 and TP207))	6	2	29.4m ²	Four facing west and two facing north-east	Balcony
T2 – under – double storey (TP208 and TP209)	12	2	11.4m ²	South	Terrace
			8.5m ²	North	Garden
T2 – over – double storey (TP208 and TP209)	12	3	29.4m ²	North	Balcony
T3 – under - double storey (TP210 and TP211)	4	2	39.8m ²	West	Terrace
T3 – over – double storey (TP210 and TP211)	4	2	11.4m ²	West	Terrace
			8.5m ²	East	Balcony
T4 – under – double storey (TP212 and TP213)	8	2	22.5m ²	East	Sunken courtyard
T4 – over – double storey (TP212 and TP213)	8	3	20m ²	West	Terrace

Dwelling Type (refer to Figure 5 below and Attachment 4)	No. of dwellings	Bedrooms	Private Open Space		
			Area	Orientation	Type
T5 - under – triple storey (TP214 and TP215)	12	2	16.5m ²	West	Terrace
T5 – middle – triple storey (TP214 and TP215)	12	2	9.1m ²	East	Garden
			8.7m ²	West	Balcony
T5 – over – triple storey (TP214 and TP215)	12	3	29.4m ²	East	Balcony



Figure 5 – Independent Living Unit Dwelling Types

Fletcher Road apartment building (See Attachment 4 Plans TP230-TP237) comprises:

- Nine dwellings, being eight dwellings with two bedrooms and one dwelling with three bedrooms;
- A lower ground with entry lobby, car park with nine car spaces, being one car space per dwelling located in the car park;.
- Open spaces in north facing terraces or balconies of minimum 14 square metres area with a minimum dimension of 2.1m;
- One visitor car park south of the building adjacent to Road 3b; and

- A setback of 2.3 metres to 4.7 metres from Fletcher Road, a setback of 12.5 metres from the west boundary and a maximum building height of 13.9 metres above natural ground level.

Stage 4 - Townhouse Dwellings and Apartments 1 and 2 (Lot S6)

Townhouse dwellings:

The proposal includes 64 townhouse dwellings, and a series of internal roads.

The townhouses fronting Road A (East Ridge Drive) comprise 37 two storey dwellings which present as single storey at the front with rear vehicle access underneath:

- Twenty-two are two-bedroom dwellings with single garages and 26.5 square metres of private open space in the front setback (type R1 – Attachment 4 Plans TP302); and
- Fifteen are three bed dwellings with double garages and 26 square metres of private open space in the front setback (type R2 – Attachment 4 Plans TP303)

The townhouses fronting Road C comprise 27 three storey dwellings in reverse living arrangement with rear vehicle access. Of these:

- Sixteen have two bedrooms with a single garage and 7.9 square metres of balcony space of maximum 1.2 metre dimension (type R5 – Attachment 4 Plans TP304); and
- Eleven have two bedrooms with a double garage and 24 square metres of balcony space of maximum 2.2 metre dimension (type R6 – Attachment 4 Plans TP305).

Visitor parking is provided on street in Roads B and C.

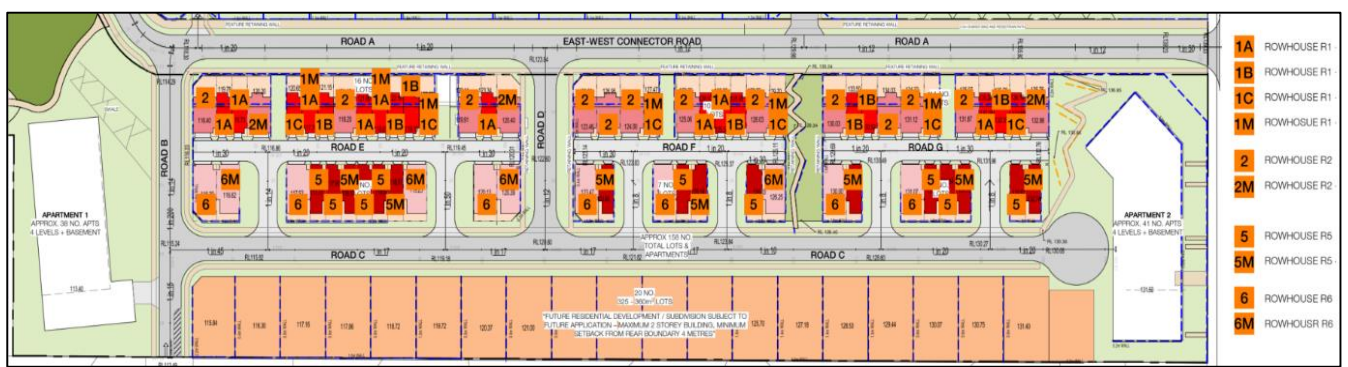


Figure 6 Townhouse Dwelling Typology Plan

Apartment Building 1:

This apartment building (Attachment 4 Plans TP401-404 and TP409-TP410) comprises a four-storey plus basement apartment building adjacent to Hedwig Drive which provides for a total of 38 apartments:

- Eight one-bedroom apartments;
- Twenty-one are two-bedroom apartments; and
- Nine are three-bedroom apartments.

Car parking spaces for the apartment building are located in the basement, with a total of 48 car parking spaces provided:

- Twenty-eight single car spaces for the one and two bedroom apartments; and
- Twenty tandem spaces for the three-bedroom apartments.

The basement also contains a lift lobby, bike racks, plant room and bin storage.

The ground floor comprises eight apartments with two bedrooms and three apartments with three bedrooms. The building is setback 7.4 metres to 9.4 metres from the south boundary (nearest dwelling) and three metres to 10.3 metres from the west boundary. Apartments have at grade private open space in the rear, side, and front setbacks over 50 square metres in area excepting apartment dwelling five which has a five square metre balcony and apartment dwelling six which has 13 square metres of private open space in two balconies of maximum 1.3 metre dimension.

Levels one, two and three each comprise seven apartments with two bedrooms and two apartments with three bedrooms. The building is setback 19.6 metres to 21.2 metres from the south boundary and three metres to 11.2 metres from the west boundary. Apartments have balconies between six square metres and 15 square metres in area, with minimum depths of 1.1 metres and a maximum depth of 1.9 metres.

Apartment Building 2:

This apartment building (Attachment 4 Plans TP405-408 and TP409-TP410) comprises a four storey plus basement apartment building adjacent to Manchester Road which provides for a total of 41 apartments:

- Eight one-bedroom apartments;
- 19 two-bedroom apartments; and
- 14 three-bedroom apartments.

Car parking spaces for this apartment building are located in the basement, with a total of 55 car parking spaces provided:

- Twenty-nine single car spaces to the one and two bedroom apartments; and
- Twenty- six tandem spaces to the three-bedroom apartments.

The basement also contains a lift lobby, bike racks, plant room and bin storage.

The ground floor comprises two apartments with a single bedroom, four apartments with two bedrooms and five apartments with three bedrooms. The building is setback 6.3 metres to seven metres from the south boundary (nearest dwelling) and 7.2 metres to 8.2 metres from the east boundary to Manchester Road.

Levels one, two and three each comprise two apartments with a single bedroom, five apartments with two bedrooms and three apartments with three bedrooms. The

building is setback 19.6 metres to 21.2 metres from the south boundary and three metres to 11.2 metres from the west boundary.

Apartments have balconies of between 6.5 square metres to 15.5 square metres in area with minimum 1.15 metre depths.

Two Lot Subdivision

It is proposed to subdivide the land into two lots with the creation of a through road (East Ridge Drive) from Maroondah Highway to Manchester Road. The subdivision of the land creates two allotments, being Lot A on the northern side of East Ridge Drive, and Lot S6 on the southern side of the same road. Proposed Lot A has an area of 5.205 hectares and Lot S6 has an area of 3.445 hectares.

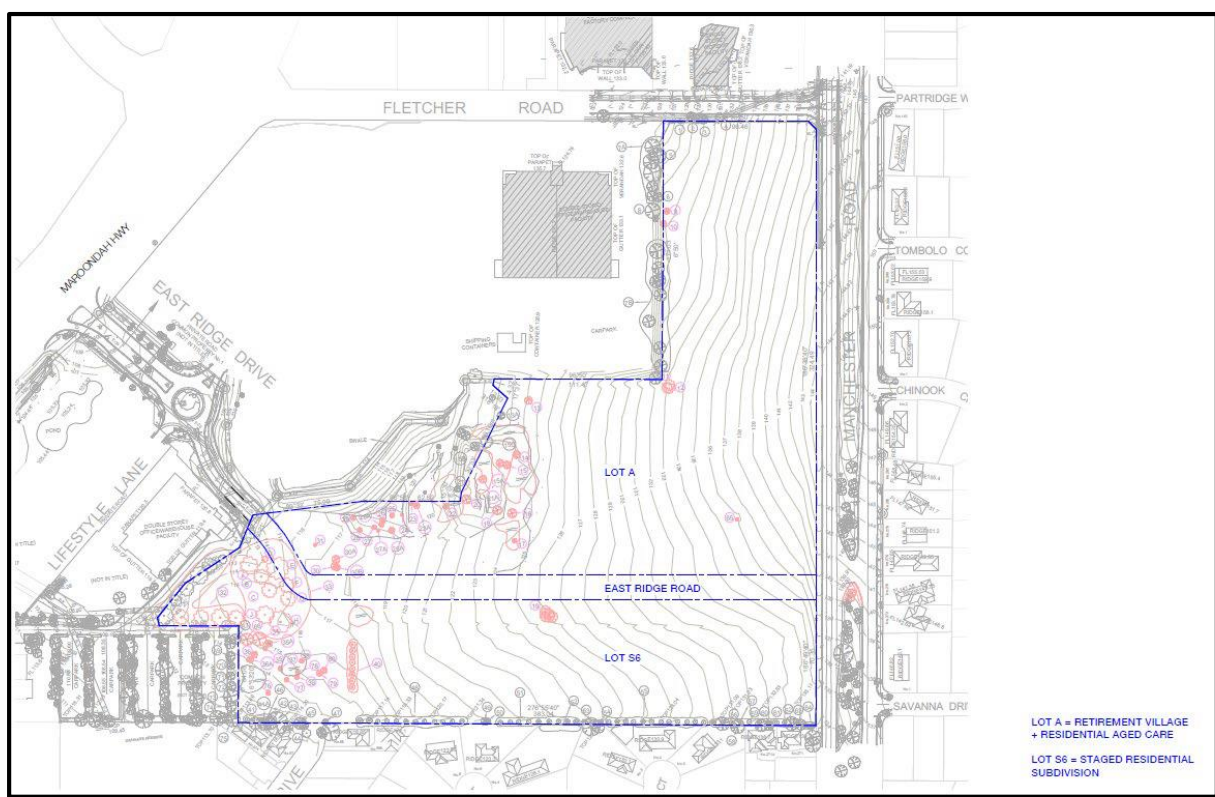


Figure 7 - Proposed plan of subdivision

East Ridge Drive (also referred to on the plans as Road A and East Ridge Drive Extension) is proposed to be extended through the site to Manchester Road and will have a road reserve width of 16 metres.

Vacant Lot Subdivision shown adjacent to southern boundary

It is noted that the plans show 20 lots along the southern boundary fronting Road C notated as being between 325 square metres and 360 square metres (Figure 8). The applicant has shown the vacant lots to demonstrate that there is sufficient area for a subdivision to occur. This application is not proposing the subdivision of these lots and a separate planning permit application will be required.

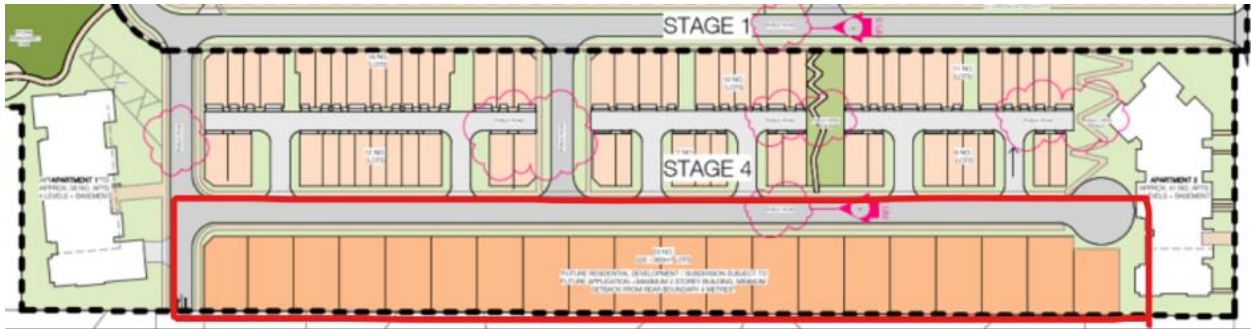


Figure 8 - Indicative subdivision layout - not for approval in this application

Tree Removal

The submitted arborist report is attached in Attachment 6. This identifies the native trees on site as being planted or having self-sown in the last 10 years. The trees on site are exempt from requiring a planning permit to be removed. The majority of the trees on site have poor to fair condition and the report recommends that these be removed.

To the north the proposal retains trees in the road reserve and the subject site (trees 1, 2 and 4 in Fletcher Road and tree 3 on the subject site).

To the west the proposal retains all trees on adjoining land (trees 5-8, 11, 32, 36, 68-75) but proposes to remove trees within the subject site to the west and centrally located on the site. Trees 9, 10, 12-31, 33-35, 35A, 36A, 37-40, 66, 76-80 are located close to the west boundary and are proposed for removal.

The proposal does not impact trees on adjoining land to the immediate south with only one adjoining tree having an encroachment of 9.3 percent into its Tree Protection Zone. All trees along the south boundary within the subject site are retained (tree 41-43, 41A, 52-54, 56, 58-60, 63, 64, 67-75) and all trees on adjoining land to the south will not be impacted (44-51, 53, 55, 57, 61-62, 65-66 on the subject land).

There are eight trees in good condition as assessed by the applicant’s arborist. Five of these are retained being tree one (in Fletcher Road road-reserve), tree three (on north boundary), tree 41 (on adjoining land to the south), tree 61 (on south boundary) and tree 64 (on adjoining land to the south). Three good condition trees are proposed to be removed being trees 10, 21A and 35.



Figure 9 - Tree Survey (trees in good condition identified in red)

The proposal includes alteration to the access point at Manchester Road which would require the removal of the following six trees:

- Tree 91 (Yellow box seven metre high by seven metre canopy spread – stump regrowth);
- Tree 96 (Yellow box – dead);
- Tree 102 (Yellow Box – almost dead);
- Tree 104 (Candlebark – 20 metres by 19 metres);
- Tree 115 (Yellow Box – 11 metres by seven metres); and
- Tree 116 (Yellow box – 10 metres by nine metres)

A native vegetation offset assessment has been provided for this vegetation.

The proposal also includes a landscape plan that can be found in Attachment 7 (Landscape Concept Plan), which details street planting and landscaping treatments at a conceptual level.

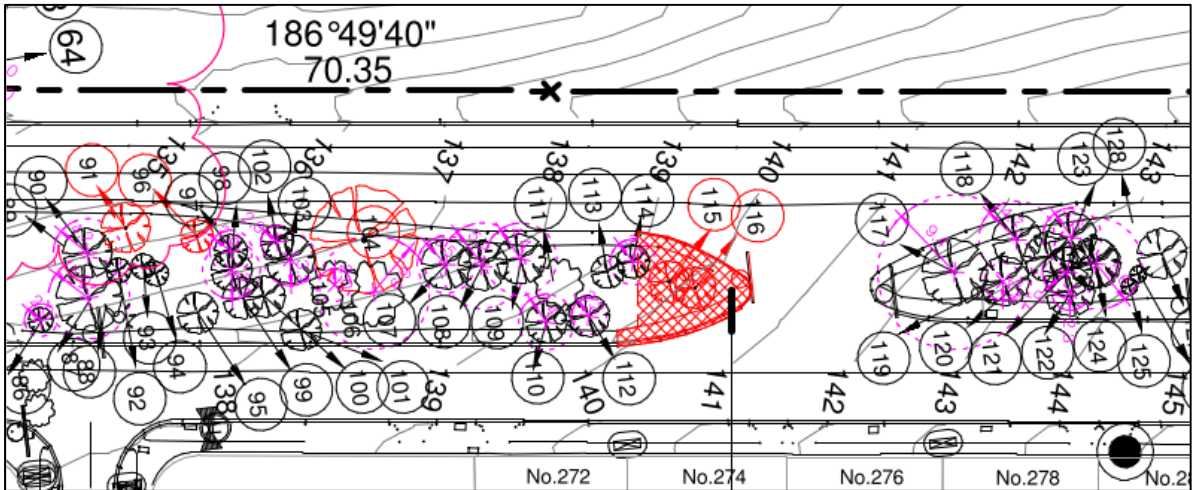


Figure 10 - Extent of proposed vegetation removal in Manchester Road reserve

Infrastructure Provision

Road network

Only the East Ridge Drive extension (shown in Figure 11 below) will be vested to Council as a public road as part of this application. There are however several roads which are intended to become public roads at some point in the future when Lot S6 is further subdivided. The following future roads are shown on the submitted plans:

- Public Road B is a north-south road between East Ridge Drive and Hedwig Drive;
- Public Road C is an east west road from Road A ending in a cul-de-sac;
- Public Road D is a north west connector road between Road C and Road A (east Ridge Drive); and
- Public Roads E, F and G provide vehicle access to the rear of dwellings.

A Traffic Impact Assessment Report has been provided to support this application and can be found in Attachment 8. Two future open space reserves are provided with pedestrian ramps between Road C and East Ridge Drive (Road A). Again, this application is not proposing to formally create these open space reserves on title through a subdivision application – this will be done as part of a future application.

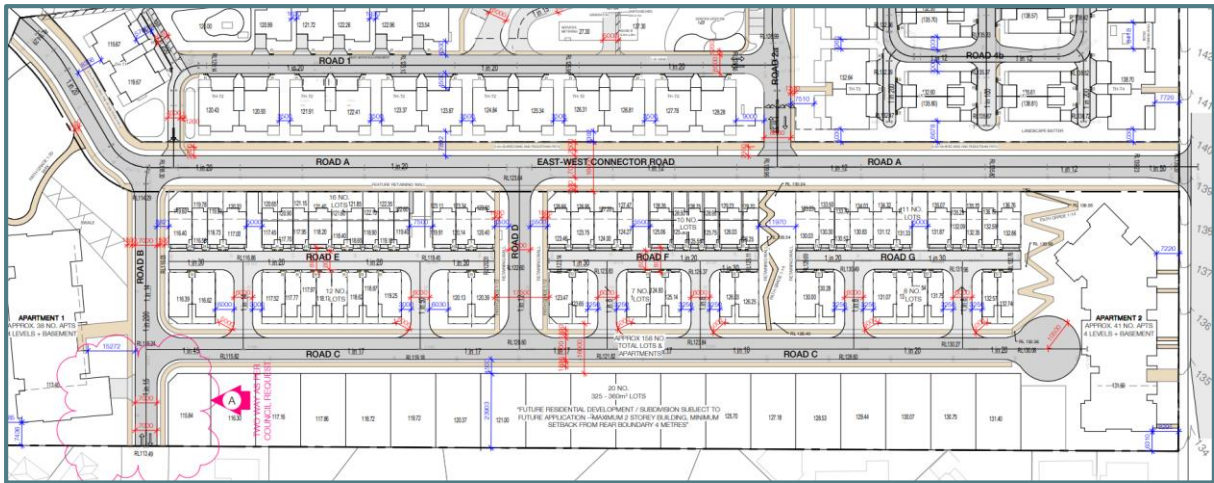


Figure 11 -Proposed public road network in the southern section of the site

Drainage

The Storm Management Zone is the area to the west of lot S6 which is proposed to provide onsite stormwater detention and water filtering for the entirety of lot S6. The applicant has provided a Stormwater Management Strategy (see Attachment 9) which details that:

- Lot A will include on site detention devices and will discharge into Road A (East Ridge Drive); and
- Lot S6 will include a drain connecting to the Storm Management Zone which will provide detention and will then discharge to the council drain to the south-west.



Figure 12 - Stormwater Management Plan

The application has also provided a Sustainability Management Plan (Attachment 10) which details sustainability initiatives integrated into the proposal.

HISTORY

<p>Application Number and Decision Date</p>	<ul style="list-style-type: none"> • Planning permit YR2007/646 - Issued on 6 June 2008 for a staged subdivision of building and land in plan of consolidation 366440R and lot 1 on title plan 112802A into 38 lots and balance of lot S2 with common property and removal of easement E-3, E-4, and E-5 on plan of consolidation 366440R in accordance with endorsed plans. A component of this permit facilitated the creation of the road and open space requirement of the Section 173 Agreement. • Planning permit YR 2012/1249 - approved the use and development of Restaurant, Function Centre, the sale, and consumption of liquor, create access to a Category 1 Road and vegetation removal. • Planning permit YR 2014/338 - Issued 22 December 2015 for development for the purpose of Restricted retail premises (trade supplies) and retail premises (bottle shop) reduction in car and bicycle parking requirements and to use land to sale or consume liquor premises and internally illuminated business identification signs and pylon sign. This applicant was later amended to enable a stage development of the site. Stage 1 was constructed (Dan Murphy's) but stage 2 of the permit was never acted upon. • Planning permit YR-2018/38 - Issued on 16 December 2018 for multi lot subdivision and creation and removal of easements. • Planning permit YR-2020/99 - Issued on 15 January 2021 for creation of a carriageway easement, building and works to construct an accessway and vegetation removal. • Planning permit YR-2021/22 - Issued on 12 October 2021 on Lot 90. Traffic reports submitted with the application did not include an assessment of access to Lot S4 (subject site).
<p>VCAT History</p>	<p>None relevant to Lot S4.</p>
<p>Other History</p>	<p>Ministerial Planning scheme amendment GC123 gazetted 14 March 2019 (Kaufland) introduced the SCO1 onto the adjoining land (formerly lot 50 on Plan of Subdivision 54466H). The SCO1 does not affect the subject site and is not relevant to the proposal. Further Kaufland have withdrawn from Australia.</p>

Relevant Strategic Planning History

The strategic framework for future land use and development in the Chirnside Park Activity Centre was implemented through Planning Scheme Amendment C103 which was gazetted on 6 December 2012. This amendment implemented the outcomes from the 'Chirnside Park Urban Design Masterplan (2010)' and the 'Chirnside Park Major Activity Centre Development Contributions Plan September 2010.' The Chirnside Park Urban Design Masterplan was developed by Council through an extensive community consultation process to guide the future development and use of land within the activity centre.

The Urban Design Masterplan identified connectivity as being of great importance to the operation of the major activity centre. Creating connections between Maroondah Highway to Manchester Road to facilitate vehicle movements to and from the south will assist in bringing existing residents into the centre without having to use the Highway or Manchester Road / Maroondah Highway intersection and will create an important link to Mooroolbark station. It should be noted that at the time of preparation of these documents, the "Eastridge" site was in one single ownership; and now contains over 90 lots as shown on Plan of Subdivision.

Planning Permit YR-2018/408 was issued by Council on 21 December 2018 for a Multi Lot Subdivision and Creation of Easements at 266-268 Maroondah Highway, 1/20 Fletcher Road and 12 Fletcher Road. Importantly, this application subdivided the Eastridge site into smaller parcels primarily to facilitate the Kaufland development, as well as Dan Murphy's, various office buildings and the Lifestyle building. Traffic movements and the need to future proof potential traffic needs was a key consideration for the application.

The applicant proposed to construct East Ridge Drive at a later date, given that Lot S4 was vacant at the time and did not require access at that point to the remainder of the Eastridge site. It was agreed to enter into a new Section 173 Agreement which would facilitate the minimal construction of East Ridge Drive to allow Lots S5 and 90 to be developed prior to Lot S4; and require its future extension to Manchester Road and other residential roads to become a Council Road.

This Section 173 Agreement is discussed in more detail pertaining to the requirements of East Ridge Drive construction below in this report.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Development Engineer (Traffic)	Based on the information submitted, the signalization of the intersection of East Ridge Drive and Manchester Road will	The upgrade of the intersection to be signalized has been

Department	Summary of Response	Conditions required
	<p>be required by way of condition on the permit. As the signalised intersection is not included within the Chirnside Park Development Contributions Plan, it is considered appropriate for Council to enter into a cost share agreement with the applicant to assist with the upgrade of the intersection.</p> <p>Council's Traffic Engineers support the future two-way extension of Hedwig Drive; however in review of the objector concerns, further options have been provided which will see the road delivered with permanent bollards erected to prevent vehicle access through to Hedwig Drive whilst still allowing pedestrian connections.</p> <p>Conditions are provided should the application be supported.</p>	<p>discussed and agreed with the applicant and is reflected in proposed permit conditions.</p> <p>Other recommended conditions have been included, including permanent bollards at Hedwig Drive to prevent vehicle access.</p> <p>These issues are discussed in more detail below in this report.</p>
Environment	<p>No objection to the removal of trees on site.</p> <p>Environmental officers do not support the removal of tree 104, a healthy indigenous large tree located on Manchester Road.</p> <p>A redesign should be considered to retain the tree, as it holds high biodiversity values in an otherwise urban environment.</p> <p>A planning decision is required as to whether a redesign is feasible to retain Tree 104.</p> <p>If a permit is issued standard conditions are required.</p>	<p>Standard offset conditions are included in the decision.</p> <p>Please refer to the discussion below regarding tree 104 in the arborist comments.</p>
Urban Design	<p>There are a number of internal privacy and passive surveillance issues in the apartment buildings and independent living units that should be addressed by planning permit condition.</p> <p>Ensure bedroom interior dimensions for all dwellings are a minimum three metres.</p>	<p>Please refer to discussion contained within the report.</p>

Department	Summary of Response	Conditions required
	Materials, articulation and composition is acceptable.	
Arborist	<p>Trees in Manchester Road</p> <p>Tree #104 is a healthy indigenous Candlebark (<i>Eucalyptus rubida</i>). It is most likely self-sown and is probably more than 50 years old. There is no arboricultural reason to remove this tree. It is approximately 2.4 metres from the existing road edge. The proposed road edge is less than one metre from the tree and will require a site cut, resulting in the loss of structural roots that support the tree. The tree would not be viable, so must be removed if the road works proceed. The need for those works is a matter for traffic consultants.</p> <p>Trees 91, 96, & 102 are small trees that are dead, or in poor condition or of low landscape significance. They were planted as part of revegetation works along the central median some years ago. The removal of trees 91, 96, & 102 is not contested.</p> <p>Other trees in the central median are being retained and would not be adversely affected.</p>	Standard conditions in relation to tree protection works are included in the decision.
Waste Management	No objection subject to providing storage for up to four bins and provision of recycle bins for the townhouses.	Conditions in relation to amending the Waste Management Plan.
ESD	No objection subject to conditions	Conditions in relation to showing ESD measures, glazing and insulation specifications on plans, endorsing submitted Sustainability Management Plan and achieving a minimum of 7-star NatHERS rating for Class 1 dwellings and a minimum 7.5-star average for Class 2 apartments.

Department	Summary of Response	Conditions required
Drainage	<p>No objection subject to conditions</p> <p>A stormwater management plan was submitted with the application and reviewed by the Drainage team.</p> <p>Council's Infrastructure Team are supportive of the proposed stormwater retention tanks which will transfer to Council ownership and maintenance once installed.</p>	<p>Conditions have been included in the decision in relation to drainage plans.</p>
Strategic Planning	<p>The site is appropriate for the proposed uses, and the mix of densities proposed.</p> <p>The following element of the design should be carefully assessed:</p> <ul style="list-style-type: none"> • Lack of a signalised intersection at Manchester Road • Provision of shared paths and cycle access • Open space provision • Integration of the apartment complex in the south west corner with the nearby parkland, maximising passive surveillance. • Integration of the apartment building in the north-east with Fletcher Road 	<p>Please refer to discussion contained within the report.</p>

External Referrals

This application was referred or advertised (under Section 52 of the Act) to the following statutory referral authorities for advice on particular matters. The following is a summary of the relevant advice:

Referral Authority	Consent/Objection Summary of Response	Summary of Conditions
Melbourne Water (S52)	No objection subject to conditions being placed on any permit issued.	Standard conditions regarding stormwater management, connections and finished floor levels.
Department of Transport (Determining referral authority)	No objection	No conditions

Referral Authority	Consent/Objection Summary of Response	Summary of Conditions
Yarra Valley Water (S52)	No objection subject to conditions being placed on any permit issued.	Standard conditions regarding connection to reticulated water, recycled water and sewerage.
Ausnet Services (S52)	No objection subject to conditions being placed on any permit issued.	Standard conditions regarding connection to reticulated power.
APA (S52)	No objection	No conditions
CFA (determining authority)	No objection subject to conditions being placed on any permit issued.	Standard conditions regarding hydrants and accessways.
DELWP (determining authority)	No objection	No conditions

PUBLIC NOTIFICATION AND CONSULTATION

Notification of the application was undertaken by:

- Placing of six signs on the land, three on the Manchester Road Boundary, one on Fletcher Road Boundary, one on East Ridge Drive Boundary and one on Hedwig Drive Boundary.
- Mailing notices to approximately 360 owners and occupiers of adjoining and nearby properties
- Placing the proposal on Council's website for a minimum of 14 days

A total of 29 objections and one multi-signatory objection with 11 signatories were received.

Summary of the objections:

- Traffic impacts because of through traffic and rat running impacts on Hedwig Drive from Maroondah Hwy. Objectors seek to maintain Hedwig Drive as a no through road and have it for emergency vehicles only;
- Sections of Hedwig Road do not allow for on-street parking and objectors are concerned about road Safety;
- Bellara Drive, Wandana Crescent, Barker Drive, Highview Drive, Erskine Drive, and all associated courts will have an easier route to Maroondah Highway and Chirnside Homemaker Centre, Bunnings, Officeworks;
- Increased traffic will create safety concerns for the parks and primary school;
- Heat sink impacts (commonly referred to as heat island impacts);
- Insufficient car parking;

- Impacts on character of the area. The height of buildings and the proposed density are inappropriate. Terrace housing and boundary setbacks are inappropriate;
- Multi-storey / apartment building not appropriate for retirees;
- Impacts on views to Croydon Hills;
- Negative impacts on property values;
- Amenity impacts such as overlooking, overshadowing and noise;
- Drainage impacts;
- Impact on trees;
- Requirement for Bushfire Management Plan in Bushfire Prone Area; and
- Extent of notice not sufficient and insufficient time given to respond to the notice of application.

A response to the objector concerns can be found below in this report.

ASSESSMENT/ KEY ISSUES

Policy State, Regional and Local

The proposed retirement village use is broadly consistent with Clause 22.06 Chirside Park Activity Centre and the policy reference document Chirside Park Urban Design Master Plan (September 2010). The Urban Design Master Plan (shown below in Figure 13) identifies the site as being primarily for a residential land use.

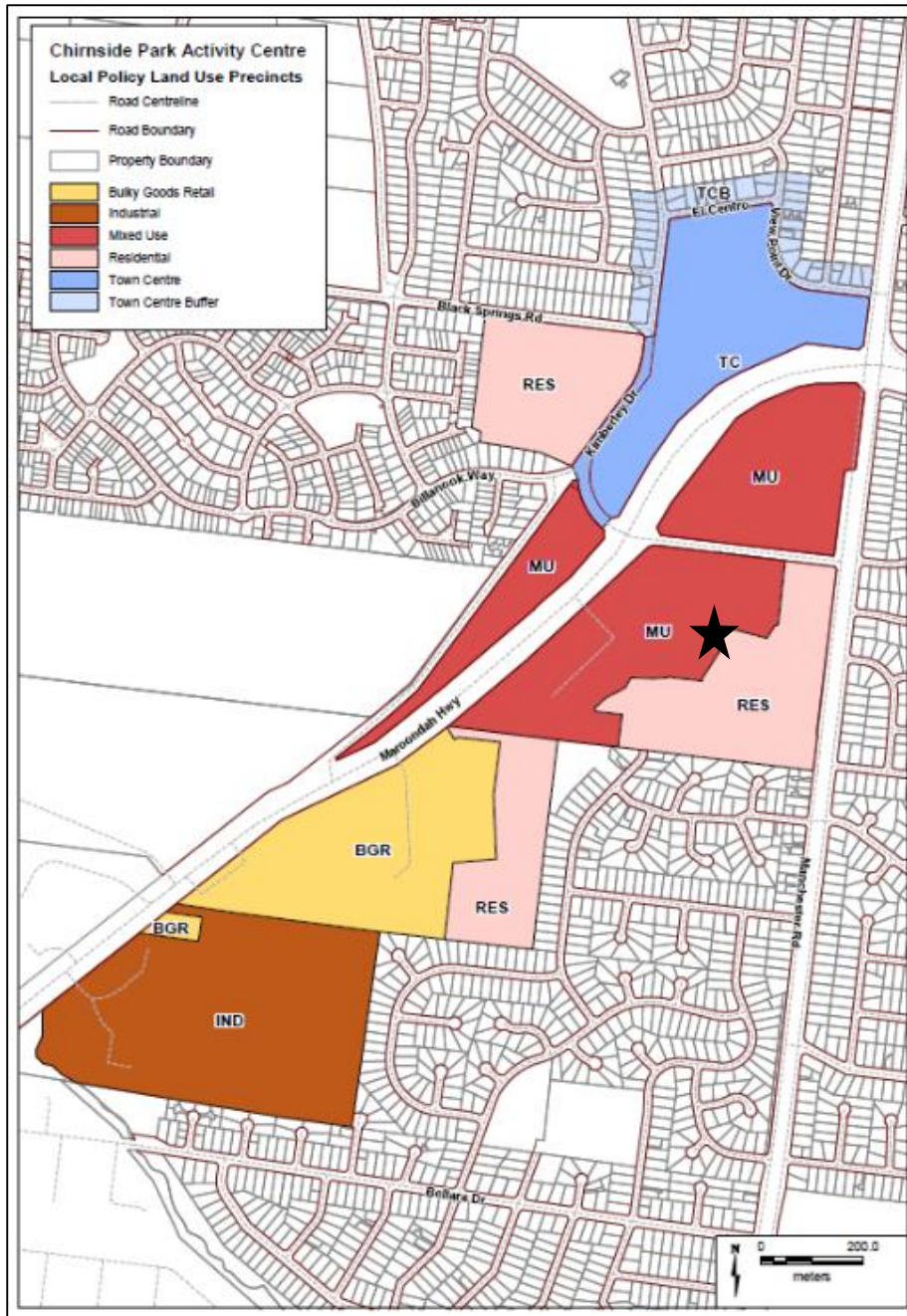


Figure 13 - Chirnside Park Activity Centre Local Policy Land Use Precincts

Clause 15 relates to built environment and broadly seeks to ensure that urban design (15.01-1S) and Building design (15.01-2S) are of high quality and do not detrimentally impact upon the character of the surrounding area.

Clause 16.01-5S relates specifically to residential aged care facilities and seeks to ensure development of well-designed and appropriately located residential aged care facilities. Strategies that relate to the built form and design of such facilities include to *'ensure that residential aged care facilities are designed to respond to the site and its context'* and to *'promote a high standard of urban design and architecture in residential aged care facilities'*.

Clause 19.02-1S (Health facilities) seeks to assist in the integration of health facilities within communities. Strategies at the clause include to *‘Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.’* And to *‘Provide adequate car parking for staff and visitors of health facilities’*.

It is considered that the proposed aged care facility development is well designed and is responsive to the context of the site and surrounding area. The building has been designed to minimise impacts upon the residential area to the south and provides for the appropriate level of amenity for future residents of the facility. Given this, it is considered that the development is consistent with the relevant state policies of the Planning Policy Framework (PPF).

Local Planning Policy at Clause 21.04-1 (Land Use) seeks to ensure that accommodation such as retirement villages and residential aged care facilities are located in areas where people with restricted mobility can easily access community services and transportation facilities, within or close to activity centres. The site is located proximate to the Chirnside Park shopping centre, which offers a range of services, and public transport is available along both Manchester Road and Maroondah Highway.

Clause 21.04-1 also seeks to ensure that retirement villages are designed to include a significant proportion of one and two bedroom units. Whilst no single bedroom units are provided, 150 units contain two bedrooms, and 42 units provide three bedrooms consistent with policy.

Clause 21.04-1 also seeks to support proposals for retirement villages and residential aged care facilities in locations practical to the needs of an aging population and away from areas of environmental risk. The subject site meets these requirements.

It is considered that the proposal is consistent with Local policy at Clause 21.05 in relation to the Chirnside Park Activity Centre and in particular the following strategies:

- *Encourage the comprehensive redevelopment of key sites and other underutilised industrial land to provide a diverse range of employment opportunities and community services;*
- *Encourage the provision of additional housing at higher densities to increase the diversity of conveniently located accommodation within Yarra Ranges; and*
- *Design roads and other public spaces that provide a safe, accessible and attractive circulation network that reduces the reliance on cars, and provides strong linkages within the activity centre and to surrounding neighbourhoods.*

Clause 22.06 relates specifically to the Chirnside Park Activity centre and includes the objective *‘to create a thriving centre, comprising a broad range of retail, entertainment, commercial and community facilities clustered around a vibrant town centre and supported by higher density residential neighbourhoods.’*

Clause 22.06 also outlines specifically in relation to “residential precincts” that future residential development should adopt multi-level forms and higher densities which

increase the diversity of housing and complement the other functions of the activity centre. The proposed application meets this policy objective and integrates well with other development within the precinct.

Urban Design

Interface with Manchester Road

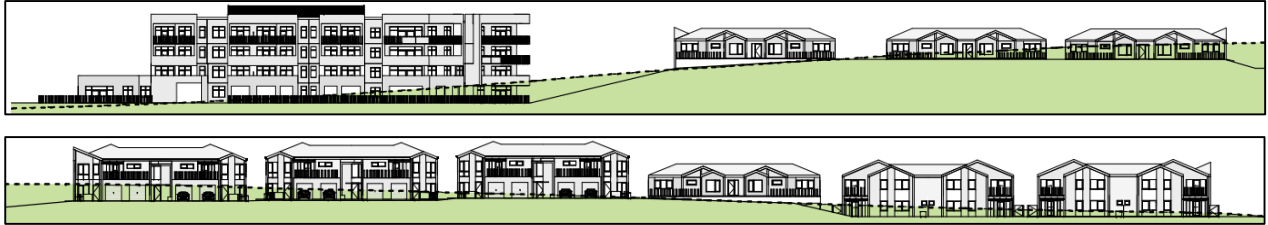


Figure 14 - Manchester Road (east) elevations (split halfway south to north) (see Attachment 4 Plans TP013)

Manchester Road provides a unique context due to the split nature of the road, the elevated nature of the east side of the road and the heavily vegetated median strip, which when combined create two distinct and generally unrelated streetscapes on either side of the road.

The proposed design as it presents to Manchester Road has a mix of building heights, ranging from four storey apartment building to the south of the land in the where the topography is lower, to single and double storey buildings to the north.

The proposal provides an appropriate scale and built form rhythm for land in the Residential Growth Zone which is part of the Chirnside Major Activity Centre, whilst also creating an appropriate residential scale streetscape.

Due to the topography of the land, some excavation works are proposed at the middle of the frontage, however passive surveillance, street address, landscaping opportunities and pedestrian access to Manchester Road are appropriately addressed through the design.

Any impacts of the built form upon the residential area to the east are minimised due to the topography of the land, width of Manchester Road, existing vegetation within Manchester Road and the articulation of the proposed built form.

The transition in scale from the existing dwellings in the General Residential Zone to the south into the proposed four storey apartment building is considered an appropriate design response, assisted by the topography of the land, the proposed ground level setbacks of this apartment building and the further setting back of the levels above the ground floor.

Interface with Fletcher Road

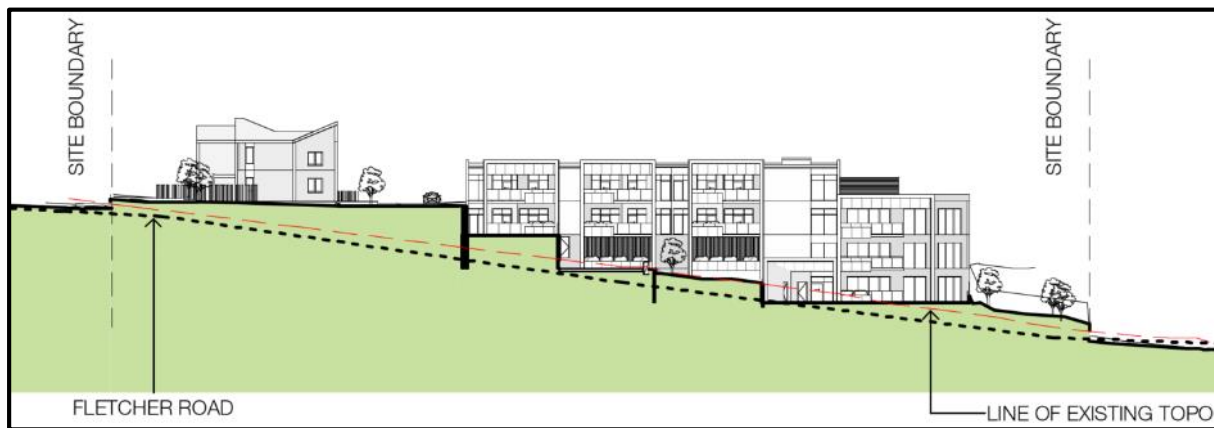


Figure 15 - Fletcher Road (north) elevation (Attachment 4 Plan TP013)

Fletcher Road to the north and west of the subject site has a distinctly commercial appearance and the proposed built form fronting Fletcher Road is an appropriate built form response in this context.

Interface with southern boundary

The proposal seeks to provide two apartment buildings proximate to the southern boundary. The plans also indicate 20 lots of between 325 square metres and 360 square metres on the south boundary with two storey building envelopes and a minimum four metre setback provided to the south boundary. As previously mentioned, these lots do not form part of this application and are not being assessed.

The layout is consistent with the scale and type of development encouraged by Clause 22.06, adopting a medium density form which is compatible with those adjoining areas. The scale and type of development is also considered acceptable for land in the Residential Growth Zone, with one of the purposes of this zone being “to provide housing at increased densities in buildings up to and including four storey buildings”.

Specifically, the apartments provide basement and ground floor levels with generous setbacks from the adjoining south boundary of between 6.3 metres and 9.4 metres. The first through to third floors are setback from the adjoining south boundary between 18.18 and 21.24 metres. This represents a sympathetic transition in scale which, whilst visible, will not result in an unreasonable level of scale, mass and bulk impacts on the adjoining dwellings.

Interface to the west

There are currently no adjoining uses that raise issues of noise, light or overshadowing onto the subject site.

Traffic and Access Issues

Construction of East Ridge Drive

The application has been referred to Department of Transport, noting the Section 173 agreement that provides opportunity for Department of Transport to request provision

of slips lanes in Maroondah Highway to allow improved access to East Ridge Drive. Department of Transport have not required any works at this time and have not objected to the proposal.

As stated above in this report, Section 173 Agreement AS706540D dated October 2019 requires that:

6.2 Extension of East Ridge Drive over common property no 1 and future CP1 to lot S4

The owner and owners corporation agree that prior to the Development of Lot S5 or prior to the Development of Lot S4, whichever occurs first:

6.2.1 the part of East Ridge Drive, that as at the date of this Agreement provides road access from the Subject Land to the Maroondah Highway, must be upgraded to Council's standards; and

6.2.2 that East Ridge Drive must be extended from its current location as at the date of this Agreement to the north western boundary of Lot S4 (Extended Section) to Council's standards and this Extended Section must be designed and created generally in accordance with the Section Plan 16133-C11-A prepared by Davis, Naismith and McGovern dated 13 November 2018, or any subsequent plan approved in writing by the Council;

all at the cost of the Owner and to the satisfaction of the Council.

6.3 Extension of East Ridge Drive over Lot S4 to Manchester Road

The Owner and the Owners Corporation agree that prior to the Development of Lot S4, or such other time as agreed in writing by the Council, the Owner of Lot S4 must design and construct a road extending East Ridge Drive to Manchester Road at the cost of the Owner and to the standard and satisfaction of the Council.

The purpose of the Section 173 agreement was to facilitate an east-west road connection through the precinct between Maroondah Highway to the west and Manchester Road to the east. At the time of this Section 173 Agreement, development was beginning to occur on the commercial land uses along the Maroondah Highway frontage. The construction of East Ridge Drive was therefore effectively split into two components:

- An interim road construction between Maroondah Highway and the boundary to Lot S4 (see point 6.2.2 above) which would facilitate access for the buildings closest to Maroondah Highway; and
- When Lot S4 (the subject site) is developed, the interim road construction must be upgraded to Council's standards and then continued through Lot S4 to connect to Manchester Road.

Until such time as the road is upgraded to Council standard as required by Clause 6.2.1 of the agreement, the road is to remain in common property. Upon completion of the upgrade, the ownership and management of the road is to be transferred to Council. Further requirements of the Section 173 agreement require the Owners Corporation to facilitate such an outcome and not to object to measures to complete

such works. Subsequent to the Section 173 agreement being entered into however, Lot S4 has changed ownership to the current owners, with the land not formally being part of the Owners Corporation. As such, the current owners now have a legal obligation imposed by this agreement to construct a road on land owned by an Owners Corporation that they are not a part of before they can commence their development. The granting of a planning permit for the proposed development does not obviate the need to comply with the requirements of the Section 173 agreement. A condition of approval will require the works to be undertaken in accordance with the Section 173 Agreement. It is noted that there is no discretion offered by the Section 173 agreement regarding the timing of the upgrade of the existing section of East Ridge Drive, which must occur prior to the commencement of development of Lot S4.

To resolve this, the owner has been working with the Owners Corporation outside of the planning application process. A request has also been made to Council that it use powers pursuant to Section 35 of the *Subdivision Act 1988* to acquire the land in Common Property 1 (the future road reserve) for a public purpose. This is currently being investigated by Council's Property Team to see whether this is a viable option to proceed. Regardless of the outcome of this investigation, the agreement is clear as to the actions required by the developer of Lot S4 pertaining to the construction of East Ridge Drive.

Clause 6.3 of the agreement requires that the construction of the road through Lot S4 be undertaken prior to the commencement of the development of Lot S4 unless with further written consent of the Responsible Authority. Permit conditions will also require this. The agreement does not refer to the format of the intersection with Manchester Road and whether this should be signalised. The signalisation of the intersection with Manchester Road will therefore need to be resolved through planning permit conditions and is discussed further below.

The timing of delivery of this section of East Ridge Drive has been the subject of discussion between Council officers and the developer of the site. Due to the extent of works required in Stage 2 and 2a, namely the aged care facility and independent living units, it may be appropriate to allow for the completion of East Ridge Drive to coincide with the occupation of these dwellings. If East Ridge Drive was fully completed in Stage 1 before works on Stage 2 take place, the heavy construction vehicles would cause unreasonable wear and tear on the new road. The applicant has requested that Council consider allowing them to construct the road to a point, with the final asphalt, line marking and finishing to be done prior to occupation of any of the development.

In principle, Council Officers support this timing request. This will allow for the road to be opened at an appropriate time for future residents of the development and will reduce future maintenance that Council would be required to undertake on the road as a result of the extent of construction traffic that would be utilising it for access in Stage 2 of the development. A condition requiring an "Outstanding Works Bond" has been placed on the permit which requires the developer to pay Council 150 per cent of the cost of works remaining on East Ridge Drive at the time the developer seeks Statement of Compliance for the subdivision. This protects Council in the event that the Developer for any reason does not deliver the road, that there are sufficient funds for Council to complete the road. This is standard practice across growth area councils with regard to infrastructure delivery.

Manchester Road Intersection

The Traffic Management Assessment at Attachment 8 has assessed the traffic generated by the proposed use and development and concluded that the volumes of traffic likely to be generated are not sufficient to require a signalised intersection at Manchester Road. However, the Chirnside Park Urban Design Master Plan (September 2010- a reference document in the Planning Scheme) identifies the need to provide an east-west connecting road through the site between Maroondah Highway and Manchester Road. The Section 173 Agreement (AS706540D) on title requires the access to be provided and furthermore this agreement requires the road to be transferred to Council.

The traffic assessment undertaken as part of the Chirnside Park Urban Design Master Plan (September 2010) considered overall changes to traffic volumes in the surrounding road network from an east-west road through the land between Maroondah Highway and Manchester Road. This traffic assessment found that the volume of traffic requires a signalised intersection at Manchester Road to allow safe right hand turns to the south towards Mooroolbark. A signalised intersection is also desirable to achieve pedestrian and bicycle connectivity between the Chirnside Park major activity centre and the established residential areas on the eastern side of Manchester Road. Council's Traffic Engineers support the provision of a signalised intersection based on the review of this documentation.

However, the signalisation of this intersection is not included within the scope of the Chirnside Park Major Activity Centre Development Contributions Plan which applies to the land. Council Officers and the applicant have agreed that it would be fair and reasonable for Council to share in a portion of the costs associated with the signalisation of the intersection. As the applicant would have needed to construct a T-intersection with Manchester Road as a minimum, it has been agreed to cost this construction as well as cost the signalised intersection; with the difference in cost between the two scenarios being split equally between Council and the developer.

This application proposes a significant increase in population accessing the Manchester Road intersection. The upgrade of the Manchester Road/East Ridge Drive intersection, and its signalisation, is required to ensure the safe and efficient movement of vehicles out of East Ridge Drive onto Manchester Road. The connection of East Ridge Drive to Manchester Road is adopted in the masterplan for the area, and previous decisions adopted by Council confirm that this this upgrade is critical. The signalisation is a necessary piece of infrastructure capital works to ensure the safety of road users, both accessing this development, and north-south traffic travelling through the intersection. The requirement for the permit holder to pay the cost to upgrade and signalise the intersection is included as a condition on the planning permit. This enables the cost of the works to be factored in and paid for by the permit holder, as they, and future residents of the development, derive the most benefit from the approval of this permit. Any deferral of the signalisation will require the cost of future signalisation to be paid for wholly by Council if it is not conditioned as part of this planning permit.

As this costing has not yet been formally undertaken, estimates have been used to ascertain whether this can be accommodated within Council's Capital Works budget over the next five years. Council's Manager of Infrastructure Services has agreed in principle to this approach which will be managed via permit condition. The conditions will require a further Section 173 agreement to be entered into between the developer of Lot S4 and Council which will execute the details of the costing arrangement between the developer and Council; and arrangements for the developer to undertake the works to construct the signalised intersection as part of their package of works, to be reimbursed at an agreed time by Council.

Extension of Hedwig Drive

Hedwig Drive currently terminates at the southern boundary of the land. The road layout indicates it was intended this road to be extended northwards into the site when Lot S4 was developed in the future. Footpaths on both sides of Hedwig Drive also terminate proximate to the site.



Figure 16 - Hedwig Drive Aerial photograph (Source: Intramaps)

A significant concern for objectors is the potential for increased north-south traffic using Hedwig Drive associated with the proposed connection to East Ridge Drive as part of this development.

To address this, the applicant has proposed that no vehicle access be provided from Hedwig Drive to the south, with only bike and pedestrian access provided as shown in Figure 17 below. The layout would allow for future two-way vehicle access to be installed by Council if deemed to be required, subject to further traffic assessment and community consultation.

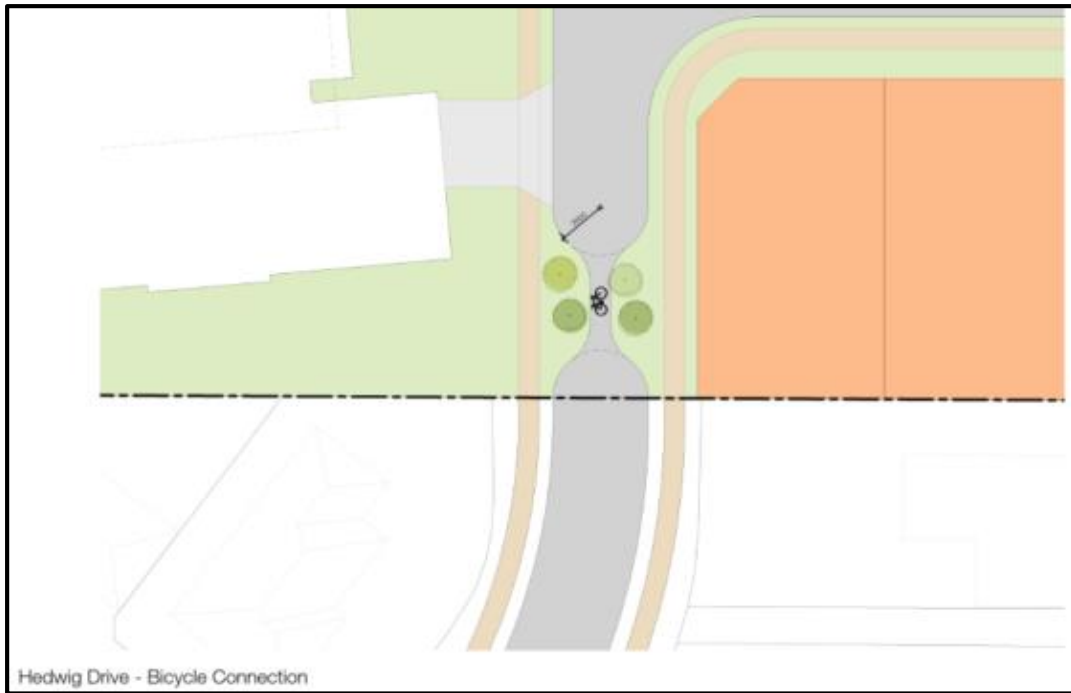


Figure 17 - Applicants response to objector concerns regarding Hedwig Drive Vehicle Access

The policy framework at Clause 18.02-4S seeks to improve road connections for all road users. Council needs to consider the benefits for all road users when making decisions about connections.

The Chirnside Park Urban Design Master Plan (September 2010) does not provide a proposed road network layout but the Access Strategy: Local Road Network outlines the following design objectives:

- *To provide for a local road network which reduces the reliance on Maroondah Highway as an access corridor;*
- *To provide a permeable and connected road network; and*
- *To maximise connections to, and usage of Manchester Road, so as to improve access to and from Mooroolbark.*

The two way extension of Hedwig Drive would provide a more permeable and connected road network and provides improved access to the intersection at Manchester Road and Mooroolbark to the south, consistent with policy. However, as noted above, traffic volumes in the east-west East Ridge Drive are anticipated to be of a volume which requires the provision of a signalised intersection at Manchester Road. Providing a two-way access into Hedwig Drive may result in additional south bound traffic “rat-running” into Hedwig Drive, potentially to avoid this signalised intersection.

Giving balance to all of the relevant aspect and views, officers are prepared to support pedestrian and bicycle only access onto Hedwig Drive at the southern boundary of the subject site, provided that the road is fully constructed, and that access is restricted by permanent bollards. This gives Council the ability to consider and implement two-way

traffic along Hedwig Drive in the future, should there be a demonstrated need and subject to a traffic assessment and any required community consultation process.

It is noted that this proposed outcome does not resolve the existing issue of waste collection along the section of Hedwig Drive south of the subject site. Currently there are approximately eight properties which Council's Waste Collection trucks have difficulty servicing due to the absence of any turning area for the trucks at the existing termination of Hedwig Drive. Whilst it would have been desirable from a waste collection perspective to enable trucks to conveniently access the bins from these lots; this is an existing situation that is currently being managed and can continue. It is not the developers responsibility to resolve this issue, however if at some point in the future Hedwig Drive is opened up for through vehicle access, it is acknowledged that this issue could potentially be resolved.

Car parking

The Traffic Management Assessment at Attachment 8 provides an assessment of the car parking demand, traffic generation, proposed road network design, bike facilities, and the loading and unloading facilities.

As part of the assessment, it was identified that an apartment within the Fletcher Road apartment building contained a three bedroom apartment which had only been provided with one car parking space. As the applicant has not applied for a car parking dispensation pursuant to Clause 52.06-3 (Car Parking), a condition is included to convert this apartment to a two bedroom apartment, requiring one car parking space, which has been provided.

In respect of the parking provision for the residential development on Stage 4, the townhouses and both apartment buildings provide the required number of car spaces to satisfy Clause 52.06.

The application is proposing to rely on on-street car parking to satisfy the demand for visitor car parking. Council has had robust discussions with the permit applicant and their consulting team in respect to the road design and the permit applicant has argued strongly in support of the proposed road widths, and on street parking. Council's position is that dedicated on-site, off-street visitor parking is required. Council has a responsibility to ensure that the road design is safe and functional. Furthermore, Council must consider the surrounding area and ensure any road design maximises the opportunity for on-street car parking to minimise any detriment to the surrounding areas as a result of vehicles parking beyond the site.

The traffic report supporting this application states that *"the 7 metre wide carriageway for a typical 16 metre wide Local Street will be sufficient for parking to readily occur on both sides of the road whilst maintaining a through lane for traffic"*.

However, this width does not allow for two vehicles to park opposite each other and maintain a minimum three metre width required for through vehicles required by Victorian Road rules. The minimum carriageway width required to maintain parking on both sides of the road is 7.2 metres (which is made up of two parking lanes that are 2.1 metres wide, and allowing three metres between vehicles).

Council's Traffic Engineering team has had further correspondence with applicant's Civil Engineer, and they have provided an updated cross section reflecting the widths outlined above which is considered to be satisfactory. Based on the above, a condition has been included in to update the architectural plans to show a widened carriageway of 7.3 metres for Roads A, B and C.

Whilst the increased road width will improve the on-street car parking availability, it is unlikely to provide benefit to address the visitor demand for parking associated with Apartment 2 on Manchester Road. There will be no on-street car parking available in the court bowl and the visitor demand from this apartment building for on-street car parking will compete with the adjacent townhouse development.

For this reason, a condition is included to require additional visitor car spaces to be provided on the eastern most 'vacant lot' between Apartment 2 and the residential subdivision lots (shown highlighted in yellow on Figure 18 below). These additional visitor car spaces will be in the form of a car park that incorporates meaningful landscape buffers to the southern and western edges.

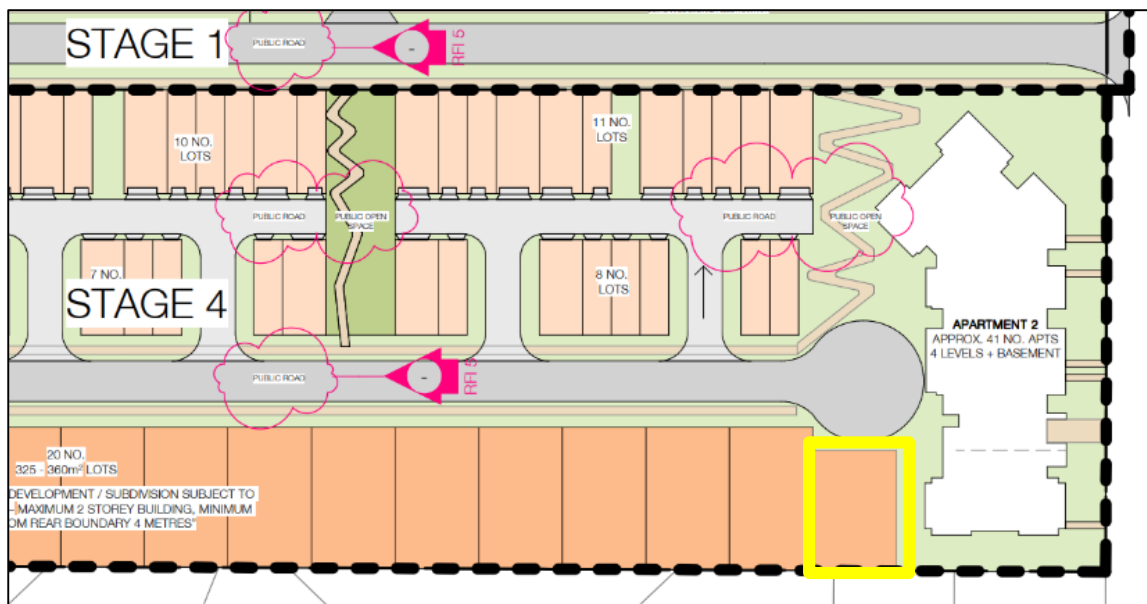


Figure 18 - Plan showing location of 'vacant lot' for to visitor car parking

Pedestrian Access

It is desirable to provide pedestrian access from the development site to Fletcher Road and Manchester Road. Conditions requiring improved pedestrian access to these roads from the Residential Aged Care facility are recommended by permit condition. These access points can be via secured gates.

Pedestrian crossings should be provided at the signalised intersection of Manchester Road and East Ridge Drive as part of these intersection works.

A pedestrian footpath is recommended to be provided in the Fletcher Road. Noting the levels of the verge in the frontage of the site it is recommended that trees 1, 2 and 4

in the road reserve be removed and the verge regraded to provide appropriate pedestrian access. These trees do not require a planning permit to be removed.

Pedestrian access to Hedwig Drive and along East Ridge Drive is provided as required by the planning policy framework. A permit condition will require the footpath on both sides of the connecting road to be extended and connect to the existing footpaths on Hedwig Drive at the cost of the developer, with the footpath constructed at grade to ensure minimal impact on street trees tree protection zones.



Figure 19 - Hedwig Drive looking towards the subject site (to the north)

Bicycle Access

The proposal will provide shared bicycle and pedestrian access along East Ridge Drive and, subject to conditions, to Hedwig Drive as required by the planning policy framework. The signalised intersection at Manchester Road will include turning lanes, reducing bicycle lanes in Manchester Road, consistent with other intersections along Manchester Road. This is supported by Council's Traffic Engineers and forms part of the recommended conditions.

Public Transport

There are existing bus stops adjacent to the site, one in Fletcher Road and two on Manchester Road. It is recommended that pedestrian access from the Retirement Village be provided proximate to the Fletcher Road bus stop and the north most Manchester Road bus stop.

Tree removal on Manchester Road

Pursuant to the provisions of Clause 51.03 a planning permit is required to remove, destroy or lop vegetation in the Transport Zone (TRZ3) only. The Residential Growth Zone is specifically exempted from requiring a planning permit to remove vegetation under Clause 51.03. Clause 52.17 only applies if a planning is required under Clause 51.03 to remove destroy or lop native vegetation.

As such Clauses 51.03 and 52.17 only apply to the six trees proposed to be removed in Manchester Road, which is in the Transport Zone (TRZ3). Attachment 3 provides details of permit triggers and exemptions for vegetation removal.

Roads in the Transport Zone (TRZ3) are Council managed roads and Department of Transport referral and comment is not required. Comment was sought from Department of Environment, Land, Water and Planning regarding the removal of native vegetation in Manchester Road. No objection or condition was provided.

The proposed works to the median strip are in proximity of the existing U-turn area on Manchester Road and will have minimal impact on the majority of vegetation in the median strip. The proposed intersection design minimises and avoids significant vegetation impacts in line with the objectives of Clause 52.17. The vegetation proposed to be removed is not remnant native vegetation, but it does contribute to the amenity of the streetscape.

The amenity of Manchester Road will not be significantly impacted by the proposed removal of six trees. The established landscaping in the median strip is quite dense and the vegetation removal will not have a significant impact on this streetscape. As previously mentioned, tree 104 is a healthy indigenous Candlebark (*Eucalyptus rubida*) that is most likely self-sown and is probably more than 50 years old. Council's Environment team do not support the removal of this tree.

There is very strong policy support for the proposed intersection works in Manchester Road and these works will have a broad and significant community benefit in the context of pedestrian and vehicle connectivity through the area. There will be minimal impact through the loss of one significant tree in the streetscape due to the densely vegetated median strip.

In addition to this and in accordance with Clause 52.17, a native vegetation offset assessment has been provided for this vegetation and offsetting will be required by condition.

Waste Management

A Waste Management Plan has been submitted with the application with private waste collection proposed for all development on lot A and the two apartment buildings on Lot S6. Council waste collection is proposed for the townhouse dwellings on Lot S6.

Council's waste officers have reviewed the plan and are generally supportive of the application subject to permit conditions. The applicant's Waste Management Plan and Traffic Report have now adequately demonstrated that Council waste trucks can access and collect bins from the rear of townhouses within the dead end rear accessways for the townhouses. Waste collection areas should be amended by permit condition to ensure Council waste collection from these dwellings does not require vehicles to reverse and that there is sufficient kerb-side available for the placement of the bins. Planning Officers have reviewed the plans and agree that the changes can be accommodated where required and have therefore included these conditions in the recommendation.

Construction Management Impacts

Objectors have raised concerns about amenity impacts from the construction on the residential area to the south. A construction management plan will be required by permit condition, preventing vehicle access to the site from Hedwig Drive during construction and include other standard measures to protect the amenity of the site and surrounds including dust and drainage mitigation.

The applicant is seeking to undertake bulk earthworks first. Noting that this is a very large project with multiple development stages, any bulk earthworks will need to be constructed, drained with interim stormwater measures, bare areas will need to be grassed and generally managed to ensure that there is no impact on surrounding properties through dust, stormwater or only partial development of the land.

Environmentally Sustainable Design (ESD)

The application has been accompanied by a Sustainability Management Plan (SMP). These documents ensure and address a range of best-practice sustainable development objectives and initiatives to ensure that the development meets the sustainability requirements. Whilst the Scheme does not currently include specific controls pertaining to ESD, the submission of these reports allows an assessment to be carried out against the requirements of Amendment C148 and Clause 22.03. Further, conditions on the planning permit requires ongoing compliance with these initiatives.

Council's ESD officer has reviewed the proposal and has confirmed that subject to conditions the ESD measures incorporated in the proposal are appropriate having regard to the relevant decision guidelines. Conditions regarding sustainability as recommended by Council's ESD officer are included in the recommendation.

Objectors have raised concerns regarding urban heat island impacts from the development. Urban heat islands occur when hard surfaces replace natural land cover that absorb and retain heat. Lot A has a permeability of 33 per cent and lot S6 has a permeability of 32 per cent, both exceeding the minimum requirement specified by Clause 55 of 20 per cent.

A landscape concept plan has been provided and this will be required to be expanded upon to achieve an appropriate landscape outcome. The design includes numerous passive sustainability measures. Whilst the development is intensive it is not unreasonably so having regard to the planning policy framework. Which appropriate landscaping it anticipated that the proposal will not significantly impact upon the microclimate of the area.

Drainage matters

The Stormwater Management Strategy at Attachment 9 specifies measures to ensure stormwater is appropriately managed on the land. Lot A proposes to provide an onsite detention system comprising three tanks connected to East Ridge Drive to the west as part of its development.

The report recommends that a single detention tank be provided to lot S6 connected to Council drainage infrastructure to the south. This differs from the plans which show a detention pond and swale in the Storm Management Zone. Council Drainage Officers support the detention tank in the Storm Management Zone, and an updated Stormwater Management Strategy will be required to ensure that drainage is fully resolved. Further water sensitive urban design elements will be integrated into the proposal by permit condition.

The applicant has advised bulk earthworks are proposed at the start of development and specific drainage measures should be provided to ensure that there are no off site drainage impacts in the period between the completion of bulk earthworks and the commencement of development of subsequent stages.

Clause 53.18 Stormwater Management in Urban Development seeks to '*ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*'

Subject to conditions the proposal is considered the proposal meets the standards of the clause. The stormwater layout plan has been reviewed by Council engineers and is deemed appropriate.

The Sustainability Management Plan (Attachment 10) includes a MUSIC assessment that identifies that for lot A the roofed area of the aged care facility drains to an 80KI rainwater tank, and the retirement village and aged care facility roads, paths, remaining roofs and vegetated areas drain to a 210 square metre raingarden. Lot S6 drains to a 100 square metre raingarden. All toilets are to be connected to recycled water.

In this instance it is considered appropriate that the report is endorsed as part of the permit and the recommendations are implemented as part of the development. Detailed plans will be required as a condition on the permit and will be required to demonstrate that stormwater will be treated to the required level.

Public Open Space / Drainage Reserve

A five percent open space contribution has already been paid for the land as part of previous subdivision application and additional open space contributions cannot be required.

The proposal seeks to provide a stormwater detention area to the west of the land. This is not public open space that the applicant can use as part of their public open space contribution as the land serves as a drainage detention for the residential development proposed on lot S6 south of the proposed road.

It is noted that as part of ongoing discussions with Council's Drainage Officers and wider Infrastructure Team, it has been agreed as part of permit conditions for Council to take over the ownership and maintenance of the proposed drainage reserve and stormwater infrastructure proposed by the applicant. Council's open space officers have recommended that the reserve include a 1.5 metre wide concrete path around the periphery of the reserve and to provide a concrete apron truck access for

maintenance. Council's Infrastructure Department support the proposed detention method despite this requiring council maintenance.

This solution provides additional open space which can be used by the public in the future and is supported by planning officers. Conditions will allow the vesting of the reserve with Council once construction has completed (at no cost to Council). Having regard to other similar drainage reserves, Council's infrastructure officers are satisfied that the ongoing maintenance of the future reserve by Council can be undertaken effectively.

Appropriateness of the proposed Land Uses

Retirement Village

A retirement village is defined as land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village. Retirement village is nested under accommodation.

The appropriateness of this use has been addressed above under the policy discussions, the use being consistent with the purpose of the residential growth zone, providing increased housing density and diversity of housing consistent with Clause 21.04-1 Residential Land use.

A retirement village is neither a dwelling nor a residential building however it does provide housing similar to dwellings, with residents having similar needs. Provided that the development generally satisfies the provisions of storage, on site amenity and character as articulated by Clause 55 it is considered that the retirement village is appropriate.

Residential Aged Care Facility

A proposal for a Residential Aged Care Facility must be assessed against the requirements of Clause 53.17 of the Yarra Ranges Planning Scheme. This assessment has found that the proposal generally complies with the provisions of Clause 53.17.

Clause 53.17 applies to applications to construct a building or construct or carry out works for a residential aged care facility in the Residential Growth Zone. The purpose of the Clause is as follows:

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

This clause sets out development requirements, similar to the objectives and standards of Clause 55.

In respect to building height, Clause 53.17 specifies that a residential aged care facility in the Residential Growth Zone should not exceed a maximum building height of 16 metres. At 16.5 metres above natural ground level at its highest point the proposed building nominally exceeds the preferred height by 500mm which is considered appropriate in the context of the Residential Growth Zone, Chirnside Park Major Activity Centre and the slope of the land.

The roof plant and equipment is included in the building height calculation as defined by the planning scheme; it is a normal part of a development of this type and is appropriately integrated into the design. In this instance it is considered that the increase in maximum building height is appropriate, noting that the highest point of the building sits within the centre of the building (and centrally to the wider site) and the building effectively steps along the contours and the first and second floors present minimal mass to the south. The building is well located at a low point on the site with the level of the roofline being below that of the Manchester Road level. The building is located away from sensitive interfaces and street frontages and is well articulated, which will further minimise the visual bulk of the building.



Figure 20 - South elevation of aged care facility

As previously discussed, it is considered that the impact of the aged care built form upon the residential area to the south of the site will be negligible due to the proposed setback of 149 metres. The intervening road and development will provide ample opportunity for additional vegetation buffer as indicated on the landscape plan.

Views from Manchester Road toward the aged care facility are distant and the proposal provides ample opportunity to provide large canopy tree landscaping commensurate with the scale of the building around it. As noted, topographically the building sits lower than the residential area to the east, which will further minimise the impact of the increased height.



Figure 21 - East elevation of aged care facility

The aged care facility sits behind the building at Lot 92, (20 Fletcher Road) and will have no detrimental impact upon the Fletcher Road streetscape.

It is also noted that there is no maximum building height specified in the Residential Growth Zone in this area.

Potentially the most prominent viewing point of the aged care facility will be from the west on Maroondah Highway where the building will be visible behind the development to the west. This is not a significant issue within the Residential Growth Zone, particularly noting that landscaping is required to be provided in the car park of the development to the west; and the 10 metre setback of the aged care facility building from the western boundary provides ample space for the planting and establishment of large canopy trees.



Figure 22 - West elevation of aged care facility

Large canopy trees surrounding the aged care facility are required by permit condition, particularly in the western setback.

Given the above assessment and having regard to the site conditions and location within an identified Activity Centre where intensive higher density development is anticipated it, the height of the proposed development is acceptable.

In response to the other development requirements specified within Clause 53.17, the following is noted:

- The proposed aged care facility is not proximate to any street frontage;

- The application proposes generous side setbacks from all boundaries which exceed the requirements of the standard. Given the nature of the development on the surrounding lots it is considered that the setbacks are appropriate;
- No walls on boundary are proposed;
- All plant and equipment are located appropriately to reduce potential impacts;
- All habitable room windows meet the requirements and have access to daylight. No light wells are proposed. The outlook and amenity of bedrooms will be excellent for future residents;
- Lot A has a permeability of 33 percent and lot S6 has a permeability of 32 percent. The site coverage is below the 80 percent maximum specified in the clause;
- The proposed access is considered to appropriately meet the requirements of the clause; and
- The building entry is located on the eastern side of the building adjacent to the driveway and visitor car parking. A Porte-cochere entry and covered area over the driveway will provide for shelter and an appropriate area for disabled parking drop-off.

Communal open space is proposed throughout the development in a series of courtyards, a bowls green, children's playground, garden areas and exercise green. The communal open space areas will provide for secure open space for residents of the building and the independent living units and serve the additional purpose of maximising access to daylight for rooms within the development.

Given the aged care facility site does not directly abut any existing dwellings it is not required to consider impacts upon daylight to existing dwellings, overshadowing of open space, overshadowing of solar panels and overlooking. These matters are discussed below under Clause 55 assessment.

It is considered that the proposed development satisfactorily meets the above planning provisions. The development is on a site which is currently underutilised and proposes a level of development and built form which is reflective of the location of the site within an identified activity centre.

Clause 55 Assessment - Two Or More Dwellings on a Lot and Residential Buildings

Pursuant to the provisions of the zone, the apartments and townhouses on lot S6 are required to be assessed against Clause 55. The retirement village, being accommodation, on lot A does not require assessment against Clause 55.

However, given the general similarities of the retirement village with a multi-dwelling development, Clause 55 provides a useful assessment tool guide this. The application has been assessed against these provisions and found to be compliant. A full assessment against the relevant Clause 55 provisions of the Yarra Ranges Planning Scheme is provided in Attachment 12.

Multi Residential Design Guidelines Assessment

The townhouse component of this application is also required to be assessed against Council's Design Guidelines for multi-residential "townhouses". A detailed assessment of the proposal against this policy can be found at Attachment 13.

The application generally complies with the requirements of the Multi Unit Design Guidelines. Setbacks are considered appropriate for the site context and generous private and public open space areas are provided throughout the development. The orientation of these dwellings is good, and the dwellings respond well to the slope of the land. The built form has been well designed with adequate breaks in the building expanses, and visual interest provided in the architectural style of the dwellings.

Clause 56 Assessment - Residential Subdivision

The proposal seeks to undertake a two lot subdivision only, with further subdivision of the land to occur later, likely during construction. Lot A is proposed to contain the aged care facility and independent dwelling units. The residual area on the southern side of the East Ridge Drive extension to Manchester Road is provided with an indicative future subdivision layout, and proposes infrastructure to be constructed as part of this development.

Notwithstanding the application has been referred to the relevant referral authorities pursuant to Section 52 of the *Planning & Environment Act 1987*, and their comments have been included as part of the recommended permit conditions.

It is understood that it is the applicant's intent not to further subdivide lot A but to manage all the independent dwelling units and the aged care facility together, which is common with this type of development. Future residents typically enter into long term lease agreements with the owner as opposed to owning their own home in the village. The roads within lot A will remain as private roads and therefore do not need to be constructed and designed to Council requirements for public roads. A section 173 agreement is recommended to specify that these accessways remain private and will not be able to be transferred to Council at a later date.

Subdivision of Lot S6 is not proposed as part of this application but is likely to be subdivided in the future. It is intended that the roads shown on the plans will become council roads and therefore the widths and design have been reviewed by Council's Engineers and found to be acceptable for Council to take ownership of these roads as part of a future subdivision application (except for the rear access provided to the townhouses). It is recommended that this rear access should be retained as common property should the site be subdivided in the future.

The twenty future vacant residential lots on the south boundary of the land are not proposed to be subdivided at this time. These lots front Road C and are notated as being between 325 square metres and 360 square metres in area, with a width of approximately 14 metres and depth of between approximately 21 metres and 24 metres. Each lot is identified as having a two storey building envelope and a minimum four metre setback from the south boundary.

It is noted that these lots are generally smaller than lots normally found in the Neighbourhood Residential Zone to the south and to the east. These lot sizes are consistent with lot sizes typically provided for medium density housing development. They may present issues for development by a volume builder, requiring a site-specific design, however lots of between 325 square metres and 360 square metres are not small in the context of the Residential Growth Zone. These lots have not been assessed as part of this development, although their depth will be “fixed” should this application be approved. Permit conditions will require all notations regarding these lots to be removed from the plans and the land area hatched and notated that it does not form part of this application. Any depiction of ‘future lots’ is to be removed so as not to prejudice any future application for a multi lot subdivision.

These lots will provide an appropriate medium density housing transition in the future to the land to the south as recommended by Clause 22.06 Chirnside Park Activity Centre Policy. Further discussions will be held with the future developer of this area on the plans as to whether it would be appropriate to propose a built form outcome as opposed to a vacant lot subdivision for the reasons outlined above.

The proposal broadly complies with the provisions of Clause 56.

Clause 58 Assessment - Apartment Developments

It is noted that Clause 58 only applies to developments in the Residential Growth Zone of five stories or more and is not applicable to the proposal.

Amenity impacts

With regards to noise and other concerns in relation to the residential use of the land, it is noted that a dwelling use is as of right and noise associated with dwellings cannot be controlled by permit condition.

Whilst large, apartment buildings one (1) and two (2) provide appropriate setbacks from the southern boundary to ensure no inappropriate overshadowing of adjoining secluded private open spaces. The mass and bulk of these buildings is not unreasonable having regard to the proposed setbacks, particularly at upper levels and given the purpose the Residential Growth Zone and development expectations of the Chirnside Park major activity centre. Conditions are recommended to ensure overlooking from ground floor dwellings in apartment buildings one (1) and two (2) to the south adjacent secluded private open space are addressed.

Apartment building one (1) includes a plant room in the southwest corner of the basement car park which is only partly below natural ground level. This plant is to be conditioned to be fully enclosed to the south and west to ensure no noise impacts to the south adjoining dwellings.

The location of the retirement village to the north of the subject site is such that it has no sensitive interfaces and, having regard to the nature of the use, it is not likely to unduly impact upon the amenity of the surrounds. The retirement village is to be managed in association with the residential aged care facility on lot A and amenity conditions are not considered to be required.

Staging of development

The application identifies that the development of the land is to be staged as follows:

- Stage 1 Two lot subdivision and East Ridge Drive (road reserve);
- Stage 2 Southern Independent Living Units (Lot A);
- Stage 2A Aged Care Facility (Lot A);
- Stage 3 Northern Independent Living Units (Lot A); and
- Stage 4 Residential development (Lot S6)

As stated above in this report, Section 173 Agreement AS706540D dated October 2019 requires that East Ridge Drive be extended through to Manchester Road and that this construction occurs before the development of the land. This agreement defines “development of Lot S4 as either:

- (a) *The construction of any building on Lot S4; or*
 - (b) *The provision of a Statement of Compliance for the subdivision of Lot S4.*
- whichever occurs first.*

The applicant has indicated that bulk earthworks will occur prior to Stage 1, which does not breach the Section 173 Agreement obligation. Conditions will be imposed to ensure the required plans have been submitted with final details of the extent of the bulk earthworks proposed to occur, as well as the approval of the Construction Management Plan.

Development Contributions Plan Overlay – Chirside Park Major Activity Centre Development Contributions Plan

The Chirside Park Development Contributions Plan (DCP) has been developed to support the funding of infrastructure in the Chirside Park Major Activity Centre (MAC).

Improved social, economic, environmental and urban design outcomes are achieved through the provision of infrastructure to support the development of urban areas. The infrastructure is provided through several mechanisms including development contributions; and development including subdivision construction works by developers, as well as capital works projects by Council and others.

As part of any approval, a condition will be placed on the permit which will require the payment of the Development Infrastructure Levy. The timing and configuration of the payments will be managed through the Section 173 agreement to be entered into as part of the conditions of this permit.

The subject site is located within Charge Area B of the DCP, as shown by Figure 23 below. The DCP contribution rates are indexed annually, and the current rate is applicable until 30 June 2023. The developer will be required to contribute:

- \$31,760.60 per hectare of Development footprint area; and
- \$769.75 per metre of highway frontage.

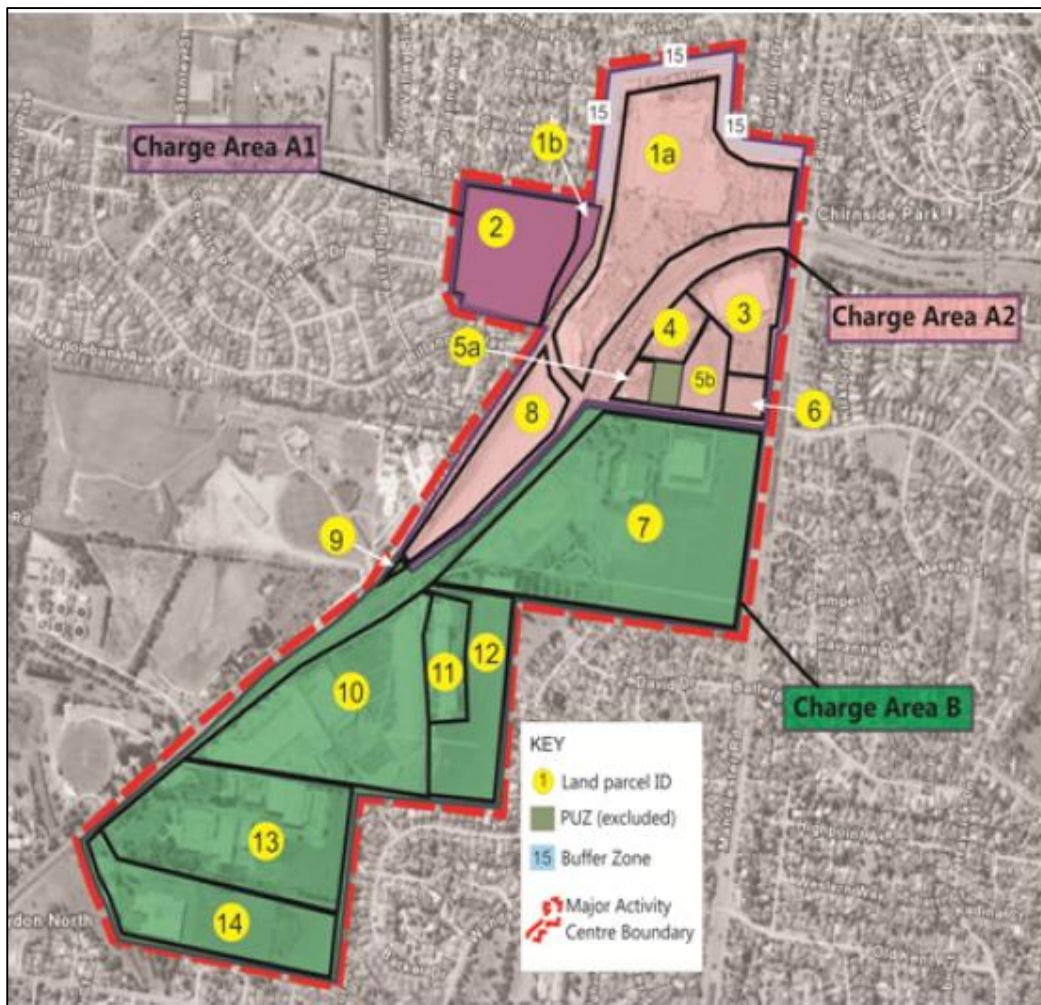


Figure 23 - Development Contribution Plan Charge Areas

Amendment C148 to the Yarra Ranges Planning Scheme

At the time of writing this report, Amendment C148 to the Planning Scheme is yet to be gazetted. However, the Amendment has been submitted to the Minister for Planning for final approval, following its Panel Hearing. As such, this amendment is afforded the status of a ‘seriously-entertained’ amendment pursuant to section 60(1A) (h) of the Act and is required to be considered as part of this application.

Amendment C148 would refresh the content contained within the Municipal Strategic Statement and the Local Planning Policy Framework. However, it would not alter the policy considerations for this site except for the new local planning policy for Environmentally Sustainable Design. Policy continues to require that built form be site-responsive and respectful of the surrounding landscape noting that the revised:

- Clause 21.05 (Built Form) continues to promote the proper siting and good design in the construction of all buildings by encouraging the siting and design

- development respond to the characteristics of the site and surrounding area;
and
- Clause 22.03 Environmentally Sustainable Development applies to Accommodation. Notably the policy specifies that the level of detail provided in a Sustainability management plan should be proportionate to the likely environmental impact of the development. In determining an application, the responsible authority will consider as appropriate the extent to which the proposal meets the requirements of this policy.

As such, it is considered that the proposal would be consistent with the seriously entertained provisions under Amendment C148.

Response to Submitters concerns

A total of 29 objections and one multi- signatory petitions with eleven signatures were received to the proposal. Responses to the issues raised in the objections are as follows:

Ground of objections	Response
<p>Traffic impacts because of through traffic and rat running impacts on Hedwig Drive from Maroondah Hwy. Objectors seek to maintain Hedwig Drive as a no through road and have it for emergency vehicles only. Sections of Hedwig Road do not allow for on-street parking and objectors are concerned about road safety.</p>	<p>See traffic and access assessment above.</p> <p>A traffic impact assessment was submitted with the application and Council's Traffic Engineer has reviewed the proposal.</p> <p>In response to concerns of objectors, with regard to the through traffic movement to and from the subject land via Hedwig Drive, conditions have been placed on the permit to require the construction of Hedwig Drive, but with the installation of permanent bollards to prevent vehicle access at this time.</p> <p>In the future, the bollards may be able to be removed subject to further traffic investigations by Council, as well as further community consultation.</p> <p>This will ensure that there is minimal cost to Council for the construction of Hedwig Drive should it need to be opened to vehicle traffic in the future.</p>
<p>Bellara Drive, Wandana Crescent, Barker Drive, Highview Drive, Erskine Drive and all associated courts will have an easier route to Maroondah Highway and Chirnside Homemaker Centre, Bunnings, Officeworks.</p>	<p>See traffic assessment above. A traffic impact assessment was submitted with the application and Council's Traffic Engineer has reviewed the proposal and considers the proposal acceptable subject to conditions.</p>

Ground of objections	Response
Safety of parks and safety of primary school.	It is not anticipated that this development will cause any additional safety concerns for the park and primary school nearby.
Heat Sink (island) Impacts	<p>The application has included a Sustainability Management Plan and landscape concept plan which provides an appropriate sustainability and landscape outcome to address this issue.</p> <p>Overall permeable surfaces in the proposal comprise 42 percent of the site area. The proposal meets the permeability requirements the planning scheme and Council's Multi-Unit Development Guidelines.</p> <p>Building site coverage is below the 50 percent maximum specified in Council's Multi-Unit Development Guidelines with building site coverage being 29.9 percent of the site area.</p>
Impacts on character of the area. The height of buildings and the proposed density are inappropriate. Terrace housing and boundary setbacks are inappropriate.	<p>It is acknowledged that the proposed buildings and works are not insubstantial. Building heights and setbacks from sensitive interfaces have been provided to ensure no inappropriate mass and bulk impacts and provide appropriate landscaping opportunities along the perimeter of the site.</p> <p>The heights proposed comply with the relevant planning policy and Council's Multi-Unit Development Guidelines. The heights proposed reflect the fact that the land comprises a strategic redevelopment site located in a Major Activity Centre and in a Residential Growth Zone.</p>
Multi-storey / apartment dwellings not appropriate for retirees.	The aged care facility and retirement village independent living units on lot A include at grade access or lift access. Accessibility has been appropriately addressed by the design. It is noted that the developer has designed and built several developments like what is proposed here and knows how to design such developments to address the needs of its target market.
Impacts on views to Croydon Hills	<p>There are no views protected under an overlays or policy that are obstructed however visual impacts on the landscape are a determining matter for the proposal.</p> <p>Whilst the built form will be visible in the landscape the proposed buildings have been sited appropriately along the contours, provide</p>

Ground of objections	<i>Response</i>
	<p>appropriate colours and materials and will be set amongst canopy trees.</p> <p>The proposal will not be overly prominent in the landscape due to the slope of the land which continues beyond the site, or detrimental to the outlook enjoyed by surrounding properties or the public realm.</p>
<p>Negative impacts on property values.</p>	<p>Changes in property values are speculative and are not a relevant planning consideration.</p> <p>However, impacts on the amenity enjoyed by surrounding owners and occupiers is a relevant planning consideration.</p> <p>This ground of objection is taken to relate to such impacts.</p>
<p>Amenity impacts such as overlooking, overshadowing and noise.</p>	<p>Subject to permit conditions screening the south side of Apartment 1 and 2 the proposal will not result in unreasonable overlooking impacts.</p> <p>The proposal will not result in unreasonable overshadowing impacts noting large building setbacks from boundaries and surrounding dwellings. Shadow diagrams indicate no overshadowing of adjoining secluded private open spaces to the south under the provisions of Clause 55.</p>
<p>Drainage impacts</p>	<p>The application has provided a stormwater management plan that has been reviewed by Council's Drainage Engineers. The application has also been referred to Melbourne Water.</p> <p>Both parties find the application to be acceptable in terms of the design of the drainage and stormwater infrastructure.</p>
<p>Impact on Trees</p>	<p>Impacts of trees have been assessed by the applicant and Council's consulting arborist. Permit conditions are recommended to ensure no impact on third party trees beyond the site. Tree Protection Measures are required for those trees which are proposed to be retained on the subject site and within the road reserves that are in proximity to the construction works.</p>
<p>Insufficient car parking</p>	<p>No reduction in car parking will be required for the proposal.</p> <p>As stated above in this report, the apartment building in the retirement village requires an additional space to be provided for the three</p>

Ground of objections	Response
	<p>bedroom apartment, or the apartment be reduced to be one or two bedrooms.</p> <p>A condition of permit requires this apartment to be reduced to a two bedroom apartment to ensure that the requirements of Clause 52.06 have been met.</p> <p>Officers consider car parking provision to be satisfactory.</p>
<p>The site is in a Bushfire Prone Area and therefore a Bushfire Management Plan is required</p>	<p>The subject site is not located within a Bushfire Management Overlay and therefore there are no mandatory requirements for the preparation of a Bushfire Management Plan.</p> <p>The applicant has responded to Clause 13.02-1S in the accompanying planning report which is considered satisfactory.</p>
<p>Extent of notice not sufficient / need for a consultation meeting.</p>	<p>The provision of notice was extensive, with approximately 360 notices sent and a consultation meeting was held.</p>
<p>Time to respond insufficient.</p>	<p>Notification periods were in accordance with the relevant provisions of the <i>Planning and Environment Act 1987</i>. The times within which objections could be made were discussed at the consultation meeting. It is noted that an objection can be lodged at any time from lodgement to decision.</p> <p>The extent of notice was extensive, with approximately 360 notices sent.</p>

CONCLUSION

It is considered that the proposal is consistent with the strategies and objectives of the Planning Policy Framework including the MSS and the requirements of the Residential Growth Zone and Particular Provisions applicable to the land. The proposed use of land for a Retirement Village, staged construction of buildings and works for a Retirement Village, Residential Aged Care Facility and dwellings, native vegetation removal (Manchester Road) and subdivision of the land into two lots, is consistent with the planning policy framework.

Subject to appropriate conditions, the proposal is an acceptable outcome.

Accordingly, it is recommended that this application be approved, and a Notice of Decision to Grant a Planning Permit be issued, subject to conditions.

ATTACHMENTS

- 1 Permit Conditions (published separately);
- 2 Agreements and Restrictions (published separately);
- 3 Planning Controls (published separately);
- 4 Plans (published separately);
- 5 Town Planning Report (published separately);
- 6 Arborist Report (published separately);
- 7 Landscape Plan (published separately);
- 8 Traffic Report (published separately);
- 9 Stormwater Management Report (published separately);
- 10 Sustainability Management Plan (published separately);
- 11 Amendment C148 (published separately);
- 12 Clause 55 Assessment; and
- 13 Multi Unit Design Guideline Assessment