

APPLICATION FOR PLANNING PERMIT

D/173/2011

1091 PLENTY ROAD BUNDOORA VIC 3083

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OWNER/APPLICANT/CONSULTANT:

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WEST MELBOURNE VIC 3003

Owner: Parkrise Australia Pty Ltd
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KEW VIC 3101

Architect: Cornetta Partners Architects
448 Heidelberg Road
FAIRFIELD VIC 3078

SUMMARY:

- The application is for the following:
 - Mixed use development comprising the construction of five (5) buildings ranging from seven (7) to ten (10) storeys in height (plus a maximum of two (2) basement levels of car parking per building), consisting of 474 dwellings (135 x 1 bed, 333 x 2 bed and 6 x 3 bed) and 11 food and drink premises (1,389.56 square metres floor area).
 - A reduction in the car parking requirement associated with the dwellings;
 - A reduction in the loading and unloading requirements associated with the food and drink premises;
 - Removal of a Water Supply & Sewerage easement;
 - Removal of native vegetation
- The maximum height of the development is 32.6 metres (Building 3).
- 542 car parking spaces are proposed throughout the development.
- A loading bay is provided in the form of two (2) car parking spaces.

- Vehicle access is proposed to remain as existing, off Plenty Road and Snake Gully Drive.
- No restrictive covenant or section 173 agreements is registered on the Certificate of Title.
- Recommendation - Refusal

CONSULTATION:

- Notification of the original application took place in the form of 110 letters to nearby owners and occupiers and three (3) signs placed on-site.
- Following Council's resolution of 21 May, a further 7902 letters were sent to property owners within Lancaster Gate, Gresswell Grange, Kingsbury, Mt Cooper, Springthorpe and East Reservoir.
- A total of 604 objections were received.
- The application was referred to Council's planning arborist, property unit, works unit, transport management unit, capital works unit. Further consultation was carried out with VicRoads and the Department of Sustainability and Environment, Department of Transport with independent advice sought from an urban designer and sustainable development consultant.

INTRODUCTION AND BACKGROUND

A search of Council records has found no planning history for the site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The subject site is made up of one (1) title forming an irregularly dimensioned parcel of 1.3 ha on the north side of Plenty Road with access onto Snake Gully Road. The site has an approximate frontage to Plenty Road of 90 metres and a depth of 125 metres. The site experiences a moderate incline of 8 metres to its northern corner.
- The site is zoned Residential 1 and is encumbered by a Development Contributions Plan Overlay.
- The land is currently occupied by a single storey restaurant (now vacant), signage at the southern end of the site and accompanying at-grade car park. Mature native vegetation is scattered around the building and car parking areas. A mobile communications tower and associated compound is situated to the northern extent of the land. This will be retained as part of the site redevelopment. Two (2) vehicle crossovers exist providing access to the site from Plenty Road and Snake Gully Road.
- A water supply and sewerage easement wrap around the Plenty Road frontage of the site. No infrastructure exists within these easements.

- At its frontage, Plenty Road is a divided three (3) lane north / south carriageway with a centre median occupied by tram lines.
- The general neighbourhood is contrasted by residential, commercial, emergency services and recreational uses. The site is one (1) of a few properties situated within a small pocket of developable land flanked by Plenty Road to the south and Bundoora Parklands to the remaining boundaries.
- The surrounding context is best described as follows:

North & West

Bundoora Park, a 180 ha multipurpose recreation reserve frames the site to the north, north-west and south-west and consists of an extensive network of public open space and paths through the northern end of the Municipality. Consequently, the site is one of a few properties located in a small pocket of developable land between Plenty Road and the Bundoora Parklands.

East

To the eastern side of Plenty Road is densely populated low-rise housing of circa late 1990s.

South-west

Immediately south of the site is a densely populated contemporary two (2) storey townhouse development. Due to the significance of Plenty Road as a major connector road, the development is orientated inwards, deactivating the street through the use of high timber and brush fences. Further south is the Bundoora metropolitan fire brigade station (station 14), beyond which returns to the Bundoora Parkland network.

South-east

Below the densely populated low-rise housing south of Grange Road is a site accompanied by derelict buildings (Larundel Hospital) identified as part of the future Lancaster Gate Neighbourhood Activity Centre approved by planning permit D/240/2010, 25 November 2010. A supermarket is currently under construction on this site and is expected to be completed and trading by November 2012.

- The site is serviced by public transport with tram route 86 immediately opposite the site on Plenty Road as well as bus routes 563 and 566. Train stations are further distanced from the site, approximately 2.5 kilometres from the subject land.
- Latrobe university is located 850 metres south of the site in Plenty Road; RMIT located 3.6 kilometres to the north.

Proposal

- The application is for the following:
 - Mixed use development comprising the construction of five (5) buildings ranging from seven (7) to ten (10) storeys in height (plus a maximum of two (2) basement levels of car parking per building), consisting of 474 dwellings (135 x

1 bed, 333 x 2 bed and 6 x 3 bed) and 11 food and drink premises (1,389.56 square metres floor area).

- A reduction in the car parking requirement associated with the dwellings;
 - A reduction in the loading and unloading requirements associated with the food and drink premises;
 - Removal of an easement; and,
 - Removal of native vegetation.
- The maximum height of the development is 32.6 metres (Building 3).
 - 542 car parking spaces are proposed throughout the development, the majority through basement car parking to the development with all 2-bedroom and 3-bedroom dwellings being afforded a car parking space.
 - A loading bay is provided in the form of two (2) oversized parallel parking spaces.
 - 317 bicycle spaces are proposed throughout the development.
 - Vehicle access to the site will remain via the existing crossovers off Plenty Road and Snake Gully Drive.
 - Each dwelling has access to an external terrace or balcony varying in size from 5.3 m² to 83.2 m².
 - Proposed building heights are as follows:
 - Building 1, 22.4 metres;
 - Building 2, 24.3 metres;
 - Building 3, 32.6 metres;
 - Building 4, 32.0 metres; and,
 - Building 5, 31.8 metres.
 - The key building setbacks are depicted on the plans as follows –
 - North
3.0 metres (excluding balconies) at its nearest point. Inclusive of balconies, the building abuts in part, the common boundary with Bundoora Park.
 - East
3.0 metres (excluding balconies) at its nearest point.
 - South (Plenty Road)
2.6 metres at its nearest point.
 - West
3.2 metres (excluding balconies) at its nearest point.

Objections

- 471 objections were received from the original public notice process.

- 133 objections were received from the time additional public notice was provided via Council's resolution of 21 May 2012.

Objections summarised

- Contrary to the low rise character of neighbourhood
- 2009 study envisioned 3 storey development for the site
- Proposal inconsistent with residential 1 zoning / Area zoned for 3 storeys only
- Affects local amenity (natural and built)
- Property devaluation
- Overlooking children's playground
- Traffic
- Inadequate vegetation coverage (proposed landscaping) / Fails to protect existing vegetation
- Overshadow park and housing
- Noise from traffic and residents
- Inadequate car parking
- Loss of green space, flora and fauna as a result of development encroachment
- Student accommodation brings increased crime and rubbish
- High density of development
- Waste / bin collection
- Tenure
- Existing infrastructure can't cope with proposal
- Clause 22.10 – 3.3; development fails to respond to
- Waiver of loading bay requirements
- Increase on-street parking
- Safety of park
- Buildings of 10 storey should not be allowed in Bundoora
- Loss of view
- Buildings should not exceed height of trees
- Location of public notice sign on Plenty Road
- Increased setbacks from parkland required
- Lack of commercial area (not activity centre)
- Building design not sympathetic to neighbourhood character
- Excessive building bulk
- Precedent
- Does not fit within design guidelines applied to the Mt Cooper estate
- Will become a ghetto / slum area
- Development does not take account of the Polaris 3083 development.
- Precinct Structure Plan should be developed
- Poor cycle connectivity between development and adjoining access tracks
- Increased risk to users of Bundoora Park
- Loss of Iconic Smorgy's Building
- Restricted access to park
- Impact upon wildlife
- Ugly as RMIT Bundoora building
- Disrespectful to Aboriginal heritage
- More exhaustive traffic consultant's report required
- Transient residents
- Universities should be accommodating students
- Contribute to greenhouse gas emissions

- Safety of pedestrians / cyclists from increased traffic
- Loss of rental income through reduced tenancy / weekly income as a result of oversupply of housing
- Proximity to schools
- Impact on built heritage

Officer comment on summarised objections

Contrary to the low rise character of neighbourhood

The design response introduces a higher scale than the existing built form. Refer to response at Clause 22.10.

2009 study envisioned 3 storey development for the site

The 2009 Plenty Road Integrated Land Use and Transport Study identified an indicative built form height of 3 storeys, applying in this general vicinity along Plenty Road. This document was never adopted by Council and is not an incorporated or reference document to the Darebin Planning Scheme and offers negligible weight in the context of the present application. A 2012 review of this study is underway and will be the subject of a public consultation process in August 2012. The urban design directions require development that responds to sensitive interfaces, therefore form and scale are determined by a series of contextual factors in this regard.

Proposal inconsistent with residential 1 zoning / Area zoned for 3 storeys only

The purpose of the Residential 1 zone is to facilitate a diversity of housing types including increased residential densities. The zone does not restrict development to a height of 3 storeys. Each application must be received and considered on their merits.

Affect local amenity (natural and built)

The proposal will change the ambience of the immediate area, both through the built form and increase in land use activity on the site. The key issue is whether the change implies a real detriment to the local landscape. Refer to response at Clause 22.10.

Property devaluation / Loss of rental income through reduced tenancy / weekly income as a result of oversupply of housing

Property devaluation is not sufficient reason for the application to be dismissed. There is no evidence to prove that this development will reduce the property values within the neighbourhood. This position has been consistently upheld by the Tribunal.

Overlooking children's playground

The development will have distant views of the children's playground. These views do not breach the overlooking provisions of the Clause 22.10 and ensures the safety through surveillance of park users.

Traffic / More exhaustive traffic consultant's report required

The permit applicant's traffic report suggests 237 vehicle movements for the residential component during commuter peak hour with most commercial traffic being vehicles already on the road network. Plenty Road is considered to be of sufficient capacity to carry the additional traffic.

Inadequate vegetation coverage (proposed landscaping) / Fails to protect existing vegetation

Refer to commentary at Clause 12.01 - Biodiversity and 52.17 – Native Vegetation.

Loss of green space, flora and fauna as a result of development encroachment

The development does not encroach into the adjoining parklands

Overshadow park and housing

The development shadows a small portion of Bundoora parklands and the multi-storey development to the southwest. With the exception of the secluded open space of dwelling 12, the shadowing will not unreasonably compromise solar access and usability of public open space or the residential development to the south-west.

Noise from traffic and residents

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

Inadequate car parking

The application proposes a reduction of 89 spaces. The reduction is adequately compensated through the availability of alternative transport options in proximity to the site and an oversupply of bicycle parking. Refer to commentary and recommendations under Clause 52.06.

Tenure / Student accommodation / Transient residents / Universities should be accommodating students

There is no suggestion in the permit application that this development is proposed for the purposes of student accommodation, subsequently this ground cannot be sustained. The Planning and Environment Act and Darebin Planning Scheme does not give consideration to, or discriminate against people's age, race, employment or tenure status.

Increased rubbish

The development and use of the land will not directly lead to an increase in rubbish in the local area. Waste receptacles can be provided around the commercial premises and could be conditioned upon any permit that may issue.

High density of development

Density of the development is assessed on a quantitative assessment of the design's ability to provide for the amenity of future tenants, protect the amenity of existing tenants and respond to the attributes and constraints of the site. The number of dwellings and associated pedestrian and vehicle movements should likewise account for the site's accessibility and location. This will be elaborated upon further in this report.

Waste / bin collection

A waste management plan has been prepared which recommends collection by a private contractor from within the confines of the subject land.

Existing infrastructure can't cope with proposal

That existing infrastructure is well used is not reason to veto this application. The developer is required to provide the necessary improvements to electricity and water supply to accommodate the proposed development. The general provision of improvements to infrastructure, whether that be public transport, electricity or water supply is the responsibility of the relevant service providers.

Clause 22.10 – 3.3; development fails to respond to

This ground has not been substantiated to demonstrate non-compliance. Refer to the response to Clause 22.10.

Waiver of loading bay requirements

Two (2) loading bays have been provided on-site, though the size of these bays do not meet the minimum requirements of Clause 52.07 of the Darebin Planning Scheme. The design response is considered adequate, subject to an increase in the size of the loading bays, to provide for the delivery of stock to the commercial premises.

Increase on-street parking

It is acknowledged that some visitor overflow parking may encroach on to neighbouring streets, though in the most part, visitor and patron parking will be provided via allocated parking areas on-site.

Safety of park users / crime

There is no evidence to link private residential apartment developments with increased crime rates or reduced safety for residents.

Buildings of 10 storey should not be allowed in Bundoora / Buildings should not exceed height of trees

This is a subjective opinion. The Darebin Planning Scheme and incorporated documents provide guidance as to the appropriate design response for the site.

Loss of view

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of view lines. Despite this, the development as a whole must be considered upon whether the impact as a result of the proposed development of multiple 30 metre high buildings impose an excessive intrusion in the skyline beyond the 'reasonable' expectation of neighbours. Refer to the response at Clause 22.10.

Location of public notice sign on Plenty Road

This concern has been noted. Extensive readvertising has allowed anyone interested in the proposal to inspect the plans and make a submission.

Increased setbacks from parkland required

The development is situated within close proximity to the parkland. Whilst this location achieves maximum activation of the public open space, it similarly creates conflict with the canopy of two (2) river red gums.

Lack of commercial area (not activity centre)

It is acknowledged that there is a limited commercial activity centre within proximity to the site to accommodate and relate to the proposed development.

Building design not sympathetic to neighbourhood character / Excessive building bulk

Concerns relating to the proposed block-like massing of the design is acknowledged. Refer to the response at Clause 22.10.

Precedent

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Does not fit within design guidelines applied to the Mt Cooper estate

Not applicable. The site is not within the Mt Cooper Estate.

Will become a ghetto / slum area

This is a subjective opinion of the development that cannot be sustained. Perhaps more important for consideration is how the design responds to the surrounding natural and built character and how it provides for social interaction, a sense of community and an interface with the public realm and this will be elaborated upon further in the following report.

Development does not take account of the Polaris 3083 development

The Polaris 3083 development on the southern side of Plenty Road contributes to the future character of the locality and includes the development of the Lancaster Gates neighbourhood activity centre. The permit applicant has considered the proximity of this activity centre in guiding their design response.

Precinct Structure Plan should be developed

This concern is noted. There are no plans at this time to complete a Precinct Structure Plan.

Poor cycle connectivity between development and adjoining access tracks

The piazza's offer a direct connection through to the adjoining Bundoora parkland. The development will not compromise public access to parklands.

Loss of Iconic Smorgy's Building / Impact on built heritage

Though acknowledged that local residents may identify the site with social significance, there is no heritage overlay encumbering the site necessitating the building's preservation.

Restricted access to park

The development will not remove existing public access points between Snake Gully Road and parkland.

Impact upon wildlife

The application was referred to the Department of Sustainability and Environment who raised no concerns with any potential impact on fauna and their habitats.

Ugly as RMIT Bundoora building

This is a subjective view of the development that is not reason to refuse the application.

Disrespectful to Aboriginal heritage

An archaeological report was undertaken by Ecology & Heritage Partners dated September 2011 as part of the permit application which gave consideration to the possible effects of the development on any possible Aboriginal heritage. The assessment resolved that:

"A Cultural Heritage Management Plan does not need to be prepared for the high impact activity because all of the area of cultural heritage sensitivity (registered Aboriginal Places) within the Activity Area has been subject to significant ground disturbance... and are no longer considered sensitive for Aboriginal cultural heritage material."

No evidence has otherwise been tabled to imply that the development interferes with archaeological significance.

Contribute to greenhouse gas emissions

This ground has not been substantiated. There is no evidence brought forward with this ground to suggest that this development will impose greenhouse gas emissions exceeding a low density development consisting of the same number of dwellings in a location requiring increased vehicle usage.

Safety of pedestrians / cyclists from increased traffic

The design response does not introduce any additional points of conflict to Snake Gully Road or Plenty Road.

Proximity to schools

That the development is within proximity to a school is not sufficient grounds to justify refusal of the application.

REQUIREMENT FOR PLANNING PERMIT

Clause 32.01-4 (Residential 1) – a permit is required for the construction of two (2) or more dwellings on a lot.

Clause 32.01-1 (Residential 1) – a permit is required for the use of the land for food and drink premises.

Clause 32.01-6 (Residential 1) – a permit is required for buildings and works associated with a section 2 land use.

Clause 52.02 (Easements, Restrictions and Reserves) – a permit is required to vary or remove an easement.

Clause 52.06 (Car Parking) – a permit is required to reduce the car parking rate shown in the table to Clause 52.06-5.

Clause 52.07 (Loading and Unloading of Vehicles) – a permit is required to reduce or waive requirements in the table to Clause 52.07.

Clause 52.17 (Native Vegetation) – a permit is required to remove native vegetation.

PLANNING CONTROLS

State Planning Policy Framework

Clause 11.01 Activity Centres

The site is opposite the approved, though not built Lancaster Gate neighbourhood activity centre which is proposed to offer a range of high order goods and services including a supermarket and medical centre. The site is also within close proximity to the Latrobe Technology Park which is centre on the Latrobe University Bundoora campus to the south-east of the site.

The objective of Clause 11.01-1 is to:

- *Build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres*

The strategies to achieve this objective at Clause 11.01-2 include amongst other matters:

- *Encourage a diversity of housing types at higher densities in and around activity centres.*

The creation of high density housing in proximity to the activity centre is complementary to the role and function of the centre whilst also complementing the proposed retail element integrated into the site.

The development must however relate to the hierarchy of the activity centre and in this case, the centre although not formally identified in the MSS is likely through its size and longer term purpose, to function as a local neighbourhood centre. Though increased densities are encouraged around these smaller activity centres, the scale and density of this development is more akin to development framing a principal or major activity centre and this development is out of proportion and context to the purpose of this future neighbourhood activity centre. Clause 11.04-2 is quite specific in its strategies which includes:

- *Encourage higher density housing in and around neighbourhood activity centre that is designed to fit the context and enhances the character of the area while providing a variety of housing options for different types of households.*

From this direction it appears clear that the scale of development within local neighbourhood activity centres needs to fit in with the locality and it is contented that a height of 10 storeys goes beyond this constraint. It is also questionable whether this development is actually within an activity centre as there is no recognition of the boundaries of the Lancaster Gate Activity Centre within the Darebin Planning Scheme.

Clause 12.01 Biodiversity

It is State planning policy to provide for the protection and conservation of biodiversity including native vegetation retention and the provision of habitats for native plants and animals.

The site adjoins the Bundoora parklands, an extensive network of both active and passive recreation space comprising a variety of native flora and fauna which is significant both to the immediate locality and the wider region for its environmental values. Locals also recognise this area for its social values - for family and community gatherings, exercise and relaxation and the amenity that it provides.

The site is covered by both indigenous and non-indigenous species. A comprehensive arborist report accompanied the permit application which detailed the health, structure and retention values of all trees within and surrounding the subject site. In the assessment, it was concluded that there would be major encroachment into the tree protection zone for two (2) significant river red gums.

Council's planning arborist carried out an independent assessment of the trees identifying three (3) trees that qualify as significant and that should be retained with an adequate tree protection zone. These trees are referenced in the permit applicant's arborist report as:

- Tree 1: River Red Gum, south west of site in parkland;

- Tree 2: River Red Gum, north west of site in parkland; and,
- Tree 38: Southern Blue Gum, south of site in road reservation.

Specifically, Council's planning arborist has requested that the design response be modified to ensure the retention of the fore mentioned trees. A response from the Department of Sustainability and Environment reinforced the support for the retention and protection of trees 1 & 2.

The design response dispenses the significance of these three (3) trees with the building envelope encroaching substantially into the proposed tree protection zones. Consequently the design is considered to be poorly derived in response to the existing vegetation.

Clause 13.03 Soil Degradation

The objective of Clause 13.03 of the Darebin Planning Scheme is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Section 60 (1)(e) of the *Planning and Environment Act 1987* states that Council must consider any significant effects (e.g. contamination) which it considers the environment may have on the use or development.

No current or historical use of the site is considered to have given effect to a high potential for contamination as shown in Table 1 – Potential Contamination of the *General Practice Note 'Potentially Contaminated Land (Department of Sustainability and Environment) June 2005*. This is confirmed by the report described as 'Phase 1 Environmental Site Assessment', prepared by JD Environmental Services and dated 16 May 2011, which was submitted as part of the application.

The report states that *'on the basis of this Phase 1 assessment, intrusive sampling and chemical testing of the on-site soil and/or ground water is not considered necessary. The site in its current condition is likely to be suitable for the intended use'*.

Clause 15.01 Built Environment & Heritage

It is policy to create urban environments that are safe, functional and afford good quality surrounds with a sense of place and cultural identity and to achieve urban design outcomes that contribute positively to the local urban character.

The design response is challenged in the streetscape by a more subdued form of building restrained to a maximum three (3) storey building height limit and its relationship to the adjoining parklands. Whilst the development's strength include the activation of the public realm; the connectivity between the development and parkland by way of the piazzas; and, the use of a podium for the first four (4) levels interfaced with the parkland before rising above to a proposed 10 storeys, it can't help but create a bold, overly dominant and intrusive built edge to the parkland which is otherwise fronted by road or two (2) storey built form in proximity to the site. Likewise to this is the interface with Plenty Road where the development presents a continuous form of six (6) to seven (7) storeys (minimum height 19.5 metres) spanning 61 metres across the site frontage in a streetscape where development is typically 6.5 metres in height.

Other areas where the design response remains unresolved include:

- The design response is not derived from a considered assessment of the existing built form, height, structure and the proposed hierarchy of the Lancaster Gates activity centre;
- The development necessitates encroachment and potential loss of the canopy structure of significant native vegetation which occupies the site;
- The height of the buildings above the tree line fragments the predominant landscape characteristics, view lines and values of the locality where the natural landscape on most accounts dwarfs the built form;
- Poor solar access to a large proportion of the dwellings including the piazzas which are cast in shade for long periods limiting their purpose beyond use as a public thoroughfare;
- Poor interface between the private open space and the piazzas;
- Dwellings in building 5 looking directly at and within a proximity of between 1 and 10 metres of the mobile phone tower / compound.
- A lack of visual permeability between the Plenty Road frontage and Bundoora parklands to the rear.
- A lack of community space eg; community gardens, community kitchen, shared private space to create a focal point and afford social interaction opportunities in a development which is of a scale that creates its own distinct community.

The fact that the built form will be very different in both form and height to the adjacent and nearby residential land is an endemic feature of change, namely higher density housing and though not inappropriate in many respects, in this instance the design introduces a foreign building mass reaching 32 metres in height, with limited permeability and visual relief when viewed from the northern boundary. This building mass is heightened by the orientation of building 5 on a north-south alignment exposing a greater proportion of the building height to the parkland than what is seen of buildings 4 & 5. Even with the use of different reduced levels (ground floor level) for each 10 storey building (following the site topography) which might be seen to offer articulation to building height, this can't help in disguising the solid mass that the development imparts on the public realm.

This site and its succeeding development have an opportunity to create a new and somewhat distinct character, being on an island read only in context with the adjoining townhouse development at 1087 Plenty Road and the landscape character to the rear. On this occasion though, the design response and namely building height is considered too far removed from its context to the extent that it creates a built form that does not respect the surrounding natural and built forms.

Refer also to commentary under Clause 22.10 response below.

Clause 15.02 Sustainable Development

The design response provides for higher residential densities in proximity to an approved and currently under construction neighbourhood activity centre known as Lancaster Gates which will provide a Woolworths supermarket, Dan Murphys bottle shop, restaurant, medical centre and small speciality shops. This activity centre is not identified within Council's Municipal Strategic Statement and the significance of this centre as a local neighbourhood centre should reflect the scale and density of new building form. As currently approved, the development wrapping around the neighbourhood activity centre has a maximum height of 11 metres.

Despite the orientation of the site and the importance of achieving solar access as well as views over the adjoining parkland, the opportunity to embed viable environmentally sustainable design strategies into the project have not been carefully considered and incorporated into the design solution. These aspects include:

- Considerable overshadowing of the piazzas and dwellings within buildings 2, 3 & 4 until 2pm at the equinox;
- Significant shadowing of the secluded open space of dwelling 12 at 1087 Plenty Road reducing sunlight to the limited secluded private open space area beyond the provisions of Clause 55.04-5;
- 21 of the 44 dwelling types (floor plan templates) rely on borrowed light to service one (1) or both of the bedrooms / studies; and,
- Lack of shading to north orientated windows to manage solar access.

Clause 16.01 Residential Development

It is policy that new housing be designed to respond to the community needs by providing a wider range of affordable higher density housing developments strategically located close to transport corridors and activity centres. The development achieves these principles by providing one (1), two (2) and three (3) bedroom dwellings which benefit from:

- Access to a local neighbourhood activity centre (Lancaster Gates) where higher densities are encouraged;
- A frontage to tram route 86 and local bus services;
- Proximity to education, commercial and recreation services including proposed on-site retail uses; and,
- Affordable sustainable housing opportunities on a site appropriate for higher density housing.

The relevant State and local policy frameworks support the view that the subject site is an excellent candidate for redevelopment. Though the site has not been nominated by Council as a strategic redevelopment site, it enjoys the attributes common to strategic redevelopment sites by being located within walking distance of a primary neighbour activity centre, well serviced by public transport and benefitting from the variety of attributes that make it appropriate for redevelopment of a high residential scale, equally sensitive to the surround natural and built landscapes.

Clause 17.01 Commercial

The development and use of food and drink premises on the site is in accordance with the objective to encourage developments which meet the community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 19.03 Development Infrastructure

A development contributions plan overlay exists over the land. Contributions will apply to both the residential and commercial components of the proposed development at the issue of a building permit.

Local Planning Policy Framework

Clause 21.05-1 Objectives, Strategies and Implementation (Sustainability)

As commented through Clause 15.02, there are various deficiencies with the design, in particular with regard to passive solar design, the absence of renewable energy systems including solar panels, clothes drying areas, details of rain gardens and the investigation of car and bike sharing programs. Whilst many of these issues can be resolved through permit conditions, the orientation of the buildings and design of the dwellings which rely heavily upon borrowed light reinforce the design's omissions to integrate environmentally sustainable design principles from the outset.

Clause 21.05-2 Objectives, Strategies and Implementation (Housing)

While residential or mixed use development of four (4) or more storeys contributes positively to economic and social conditions in the City, care is required to ensure that impacts on existing uses are contained. This requires attention to overshadowing, privacy, acoustic separation, vehicle access, car parking arrangements and the relationship of new buildings to their surroundings in both visual and functional terms.

The proposal is consistent with the following characteristics where Council will generally support mixed use development of four (4) or more storeys:

- Site is located on a Road Zone Category 1;
- Site is fronted by Tram Route 86 and enjoys access to various bus routes;
- Site is within walking distance of high order conveniences, recreational and educational land use; and,
- The site enjoys a high level of amenity with many dwellings enjoying views across parkland.

The policy supports a more robust higher density development in locations in and around activity centres and as such, it must be expected that a degree of change is inevitable.

Whilst not within an identified precinct for residential redevelopment and intensification, there are no obvious reasons to discourage the site being intensified and developed for higher density mixed use purposes as proposed. Importantly it is about ensuring that the design response appreciates and protects the internal and external residential amenity of prospective tenants and adjoining residential properties.

With no prescriptive guidelines to limit or apply a minimum height, the development must be considered in context to the activity centre within proximity to where the site lies.

Clause 21.05-3 Objectives, Strategies and Implementation (Urban Design)

The principles of this Clause of the MSS have been encompassed through the assessment of the application pursuant to Clause 22.10.

Clause 21.05-6 Objectives, Strategies and Implementation (Activity Centres)

This Clause calls for the concentration of residential development around identified activity centres and increased densities in locations with good access to public transport.

The site is not within an activity centre, though within proximity of the proposed Lancaster Gate neighbourhood activity centre. The design response should respond to the hierarchy of the activity centre and the site's relationship to the centre. In this instance, the scale and density of the development is considered too great and does not fit the context of the centre as a local neighbourhood activity centre and the development site is neither within or enjoys a direct interface with the proposed activity centre.

Whilst access exists to public transport, this is limited to bus and tram. The site is not within walking distance of a railway station.

Clause 21.05-7 Objectives, Strategies and Implementation (Natural Environment)

For the reasons listed through Clause 12.01 Biodiversity, the design response is considered incompatible with the existing parkland environment and more particularly, the significant vegetation identified through both the permit applicant and Council's own arborist report.

Clause 21.05-8 Objectives, Strategies and Implementation (Open Space and Recreation)

The Council recognises that access to and enjoyment of open space is a key source to both the quality of life and local amenity, and this is reinforced through the many objections raised which emphasise the importance that Bundoora Park and Snake Gully Reserve contribute to the neighbourhood and the need to protect this space.

The proposed development does not seek to encroach within or interfere with the use and enjoyment of this space, which will continue to be available for existing passive and active recreational purposes. It is acknowledged that there is a perception of loss of amenity as a result of the development which creates a tall overarching element over the southern end of the parkland. This design response though, provides activation to the parkland, offering surveillance and improving the safety of park users.

Nevertheless, the activation of parkland does not negate the need to provide a design response sensitive to the function of the open space. In this instance, the design uses a podium approach of stepping back from the common boundary between 9.5 metres (building 2) to 13 metres (building 4) above the first four (4) levels.

Connectivity to the reserve is available via the piazza's which provide not only access between the development and open space reserve but assists in offering visual permeability through the site.

Clause 21.05-9 Objectives, Strategies and Implementation (Transport and Access)

It is policy that greater emphasis be placed on alternative transport modes, reducing the pressure on existing road infrastructure and car parking. Particularly, this clause encourages higher density housing in proximity to public transport, access to and surveillance over pedestrian and cycle routes where there is a reduced demand for private car ownership. The development site enjoys convenient access to tram and bus routes. Pedestrian and cycle paths exist through the adjoining parkland.

Clause 22.03 Activity Centres Policy

Applying to land identified in the *Retail Activity Centres Strategy 2005*, the policy provides directives to developing and integrating a mix of activities to create vibrant and active destinations.

The proposal delivers a higher density housing solution consistent with the decision guidelines of the Clause, in proximity to the Lancaster Gate neighbourhood activity centre. The Centre, situated to the southern side of Plenty Road, accessed via a pedestrian crossing a short distance south of the site offers a range of high order goods and services to complement the proposed development and land use. Complementing these services is the introduction of a proposed 11 food and drink premises on the site which will service not only the resident population of the development but the wider neighbourhood. These premises are designed to activate the Plenty Road façade with residential uses above and to the rear which complement the function of the services provided.

This policy does not however negate the need to design a development which fits within the site context and does not create a carte blanche approach to higher density housing.

Clause 22.10 Residential and Mixed Use Development of 4 or More Storeys

This policy provides a specific local approach to design and built form elements of new development, building upon the objectives and principles of State urban design principles at Clause 15.01 and being informed by specific objectives of Clause 55 and the *Guidelines for Higher Density Residential Development*.

- Sustainability
 - The proposal does not achieve a design that sufficiently responds to the site's attributes. Specifically, the orientation of the buildings do not allow for passive solar access, there is significant shadowing of piazzas and other buildings within the development and the 21 of the 44 proposed dwelling floor plan templates rely upon borrowed light to the bedrooms (a total of 225 dwellings).
 - Limited cross flow ventilation exists through dwellings and opportunities to provide ventilation to hallways.
- Design & Materials
 - The development introduces a new design element into the Plenty Road streetscape bringing with it a new height and built form not evident in the local area.
 - The design response achieves a level of visual permeability from the internal road through to the parkland, the views however are less well defined from Plenty Road with only the porte-cochere offering a restricted 5 metre high view through to the piazza from Plenty Road.

- Car parking in the most part is screened from the street beneath the residential towers enabling the design to maintain an active interface with Plenty Road.
 - Though height is endemic of infill development, the change should remain suitably responsive to the pre-existing character of the locality and streetscape. On this occasion, the design and arrangement of the buildings, emphasised by the building's scale, introduce a monolithic form to the site that is not characterised by the development of nearby land.
 - The development in many respects creates a new, albeit small community with the number of dwellings proposed and the commercial component. What the development omits is the opportunity to acknowledge the social impacts and where creating its own community, the opportunity to provide communal recreation facilities on the site, whether this be a community kitchen, community gardens or other similar opportunity which enhances the community feel and social integration between residents, in addition to generating activity and vibrancy to the piazzas. Instead, the design proposes high screen fencing to the private open spaces which front the piazzas at ground level creating a corridor which lacks surveillance at ground level and reduces its use to anything more than a pedestrian connection between the internal access road and the public reserve to the rear. This is a lost opportunity with the development.
 - Pedestrian access between the arcade accessing the food and drink premises and the residential towers north of the access road is not defined with a lack of focus on prioritising pedestrian movements through the development. This can be resolved through appropriate permit conditions.
 - The elevation plans and 3D plans provide confusion as to the intended outcome of the development. The ground floor plans and indeed the elevation plans present a lack of detail and visual interest when moving through the piazzas, including a lack of accentuation to building entrances and call for a wider palette of cladding materials and tones.
 - The development provides for landscaping works to dissolve into the adjoining parklands. More detailed landscaping design plans are required to ensure the landscaping integrates with the parklands and provides a satisfactory interface between buildings and parklands.
- Building Height
 - The building heights vary between 22.4 and 32.6 metres. In contrast, the mobile phone tower on the site is approximately 25 to 30 metres.
 - The spread of the development across the site with a consistent height above 20 metres creates an unfamiliar visual bulk in a context where buildings average 6 - 10 metres in height and is neither sensitive to the built form or the landscape characteristics that make up the local context. This design approach creates a marked difference in scale with the neighbouring dwellings at 1087 Plenty Road (south) creating an uncomfortable fit and interface between the two (2) built forms and is similarly incompatible with the parklands.
 - It is accepted that the site is a strategic redevelopment site and may be appropriate for medium rise residential development above 3 storeys that carefully responds to the attributes and constraints of the site and its context with building height focussed away from parkland boundaries.
 - The height and siting of the development maintains adequate sunlight to public land.
 - Setbacks

- The buildings are positioned within close proximity to the common boundaries with Plenty Road and the parkland encircling the land, maximising site use and coverage.
 - Setbacks comply with the recommended design guidelines of Clause 22.10 – 3.4 though combined with the building height and orientation, fails to preserve sufficient solar access to the secluded private open space of dwelling 12 of the adjoining development.
 - The proximity of the development to Bundoora parklands and the sensitive interface remains unresolved with concerns that the proximity of buildings to these boundaries ensure the adequate protection of adjoining public land and vegetation.
- Dwelling Diversity
 - The development provides a range of one (1), two (2) and three (3) bedroom dwellings.
- Car Parking & Vehicle Access
 - The existing vehicle crossovers will be utilised to provide access to and from the site.
 - A reduction in the requisite car parking numbers for the site has been sought and is elaborated upon in the response to Clause 52.06.
- Street Address
 - The development offers a mix of residential and food and drink premises, with extensive glazing to maintain an activation across Plenty Road and the surrounding parklands.
 - Advertising signage for the food and drink premises have been integrated into the upper façade, ground floor level of building 1.
 - Access to buildings 2, 3, 4 & 5 is provided via a small entry foyer orientated to the north, accessed from the piazza with minimal delineation to provide an attractive and recognisable entrance point to the building.
 - Access to building 1 is more defined and recognised from the internal access road, offering a more substantial entrance foyer at a midway point of the development.
- Amenity Impacts including Overshadowing and Overlooking
 - Shadow plans reveal shadow cast over the adjoining residential development to the south west. Though minimal, the shadow reduces the area of usable secluded private open space of dwelling 12 of 1087 Plenty Road.
 - Overlooking from building 2 has not been managed through the design process and even the proposed use of corrective screening devices are of insufficient height to obscure view lines into the development at 1087 Plenty Road.
 - Overlooking of the public open space is acceptable and appropriate in maintaining both an interface and surveillance over the activities within the parkland improving the safety and amenity of park users. This approach reinforces Objective 1.9 of the *Safer Design Guidelines for Victoria (2005)* and Objective 2.8 of the *Guidelines for Higher Density Residential Development (2004)*
- On-site Amenity and Facilities including Private Open Space
 - Open space varies between an inadequate and non-compliant 5.3 m² up to 83.2 m², each with some weather protection incorporated into the design.

- Poor solar access arises throughout the development with bedrooms of a large proportion of the dwellings relying upon borrowed light.
 - Limited cross flow ventilation exists and there is no opportunity to ventilate corridors.
 - Despite earlier design advice provided to the applicant, communal recreation space including gardens and terraces were not incorporated into the design response.
 - There is limited interface at ground floor with the piazzas reducing community interaction, surveillance and the safety of users of this space.
 - Storage areas have been provided for each dwelling. The amount of storage is limited to 3 cubic metres and its usability restricted, being positioned above the bonnets of cars.
- Waste Management
 - Waste disposal and storage is via a waste area assigned in the basement car park. Waste will be collected from each level by the building manager.
 - A waste management plan accompanied the application which details the frequency of collection and location of collection from the internal access road.
 - There are issues with the location and accessibility of the bin storage areas which could be resolved through permit conditions.
 - Equitable Access
 - Access ramps are provided throughout the development.
 - Utility Services
 - Any upgrades to utility services to accommodate the proposed development will be at the cost of the land developer.

Under Clause 22.10 it is policy to consider the following:

Side and Rear Setbacks (Clause 55.04-1)

Refer to commentary under Clause 22.10 – Setbacks.

Daylight to Existing Windows (Clause 55.04-3)

The development is sited to maintain a sufficient light well to the habitable room windows of the neighbouring dwellings at 1087 Plenty Road.

North Facing Windows (Clause 55.04-4)

Building's 1 & 2 are sufficiently articulated and setback from the common boundary with 1087 Plenty Road to achieve the requisite setback distances per level to satisfy the standards of Clause 55.04-4.

Overshadowing Open Space (Clause 55.04-5)

The application breaches these provisions by reducing the amount of solar access to the secluded open space of dwelling 12, 1087 Plenty Road. The existing area of solar access to the secluded open space of the respective dwelling is approximately 25 m². Shadow plans TPA26 to TPA32 show the extent of shadow cast over this space further reducing solar access to this already limited space.

Overlooking (Clause) 55.04-6

The development (building 2) overlooks within a 9 metre 45 degree arc, the secluded private open space and habitable room windows of dwelling 12, 1087 Plenty Road. Impermeable screens proposed as referenced on drawing TPA11 are listed at a height of 1.2 metres, instead of the requisite 1.7 metres. Although this can be corrected through a permit condition requiring the an increase in the height of the screens, these individual issues further reinforce inadequacies in the initial review of the site's context to consider the siting, design and orientation of each buildings.

Internal Views (Clause 55.04-7)

Similar to above, internal views exist at level 5 of each building overlooking the terraces of level 4 (north-west orientation to parklands). These too, can be addressed through the use of 1.7 metre high screens.

Noise Impacts (Clause 55.04-8)

Plant and equipment will be contained to the roof top. Any roof top plant and equipment can be screened from the public realm.

Private Open Space (Clause 55.05-4)

Private open space varies between an inadequate 5.3 m² to 83.2 m². These areas can be increased by way of a condition of any permit that may issue.

Zones & Overlays

Clause 32.01 Residential 1 Zone

The subject land is zoned Residential 1 under the Darebin Planning Scheme. The purpose of the Residential 1 zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Planning approval is required for the development of more than one (1) dwelling and for the development and use of the land for retail premises.

The decision guidelines are derived from Clause 52.35 and Clause 65.

Clause 45.06 Development Contributions Plan Overlay

Development Contributions will apply at the time of a building permit. Any planning permit to issue will be conditioned accordingly.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

Planning approval permit is required to remove Easement E-1 (water supply) and Easement E-3 (sewerage) created by Crown Grant Vol. 10183 Folio 704 and Plan of Subdivision 511914B. The affected easements include a 2.0 metre wide water supply easement running parallel to the Plenty Road frontage and a sewer and water easement running parallel to the eastern boundary (food and drink premises). The permit applicant has obtained confirmation from Yarra Valley Water that there are no services within the easements negating the need to either remove or relocate and physical infrastructure.

Clause 52.06 Car Parking

During the assessment and determination of the application, Amendment VC90 was gazetted which introduced lesser requirements for car parking. The trigger for car parking based on the adopted provisions apply a rate of 631 spaces, of which only 542 spaces are provided.

| | Dwelling size | Ratio | No. of | Total Required | Total Provided |
|----------------------|---------------------|------------------------|------------|----------------|----------------|
| Building 1 | 1 & 2 bedroom | 1 space / 1 dwelling | 107 | 107 | |
| | 3 bedroom | 2 space / 1 dwelling | 6 | 12 | |
| Building 2 | 1 & 2 bedroom | 1 space / 1 dwelling | 45 | 45 | |
| | 3 bedroom | 2 space / 1 dwelling | 0 | 0 | |
| Building 3 | 1 & 2 bedroom | 1 space / 1 dwelling | 112 | 112 | |
| | 3 bedroom | 2 space / 1 dwelling | 0 | 0 | |
| Building 4 | 1 & 2 bedroom | 1 space / 1 dwelling | 112 | 112 | |
| | 3 bedroom | 2 space / 1 dwelling | 0 | 0 | |
| Building 5 | 1 & 2 bedroom | 1 space / 1 dwelling | 92 | 92 | |
| | 3 bedroom | 2 space / 1 dwelling | 0 | 0 | |
| | Visitors | 1 space / 5 dwellings | | 95 | |
| | Total | | 474 | 575 | |
| Commercial premises* | 1390 m ² | 4 / 100 m ² | | 56 | |
| | Total | | | 631 | 542 |

* Ratio for commercial premises relates to 'food and drink premises' as opposed to convenience restaurant. Patron numbers / seating numbers not known at this time.

The car park design provides for parking at grade and basement levels including the use of vertical sliding car stackers.

The traffic report prepared by *Traffix Group* on behalf of the permit applicant has made an empirical assessment of parking demand for the proposed land use which applies a rate lower than that of Clause 52.06, namely that:

- 0.5 car spaces be provided per 1-bedroom dwelling;
- 1 car space per 2-bedroom dwelling;
- 2 car spaces per 3-bedroom dwelling; and,

- 0.12 car space per dwelling for visitors.

Using this rate, a lower requirement of 526 spaces are required, of which 542 spaces are provided on-site (18 at grade for commercial premises). This rate however sits lower than the recently introduced provisions of Clause 52.06 which apply a considerably lower rate than that was previously approved. To further reduce this parking amount needs to be adequately justified.

Council's traffic management unit have reviewed the car parking numbers and coupled with the justification for parking reduction pursuant to Clause 52.06-6, are satisfied with a reduced supply of 542 parking spaces.

Should it be resolved by Council that a permit be granted, parking spaces will require annotation on the plan according to their use as visitor, residential or commercial tenant parking.

The traffic report signified traffic movements of approximately 237 vehicle movements for the residential component during commuter peak hour. No amount has been specified for the commercial premises. The table to Clause 52.06 requires 0.3 spaces per patron for a convenience restaurant. Four (4) spaces per 100 m² of leasable floor area has been applied in lieu, being derived from the category 'other food and drink premises'. On this premise 56 spaces are required at any one time. With only 18 at-grade parking spaces available, the use threatens to push traffic queuing and congestion on to Plenty Road creating undesirable congestion in a 70km/hr section of road. Though access to the basement car parking is available, this necessitates access to the ground level via the lift well to the shared entrance foyer with the dwellings to building 1 and walking distances of up to 70 metres to the entrance of the food and drink premises. If the intent of these premises are convenience restaurants, which the floor areas would suggest, the car parking demands are likely to be higher and the distance between the car parking and entrance to each premise implies that the premises are not easily and conveniently accessible.

Though the site is within proximity to public transport and a neighbourhood activity centre, along with the generous provision of bicycle parking on-site, it would not be unreasonable to require the introduction of a car share program as part of the development to further reduce the demand for on-site parking. This program has been used on other developments in Darebin and surrounding municipalities. A detailed Sustainable Travel Plan should also be required as a condition of any permit to issue.

In considering a reduction to car parking numbers for the site, a range of decision guidelines apply pursuant to Clause 52.06-6. Most relevant to this application are:

The availability of public transport in the locality

The site benefits from tram route 86 and various bus routes along Plenty Road. The site is not within convenient proximity to rail transport.

The convenience of pedestrian and cyclist access to the site

Pedestrian and cyclist access is via the networks of paths through Bundoora parklands and along Plenty Road.

The provision of bicycle parking and end of trip facilities for cyclists

Adequate bicycle parking is provided on-site for residential use. Parking spaces are not secure and convenient.

The anticipated car ownership rates of likely or proposed occupants (residents of employees)

Anticipated car park ownership is at a rate specified in the Traffix Group report as listed above. These rates have been accepted by the Tribunal on previous occasions and is considered a suitable ratio given the availability of tram and bus services to the site.

The availability of car parking including on-street parking in residential zones for residential use

The design and width of Snake Gully Drive does not provide opportunity for on-street parking. Any overflow parking on Snake Gully Drive or surroundings streets will be minimal and as a result, will not increase traffic congestion in these locations.

Clause 52.07 Loading and Unloading of Vehicles

The Scheme requires sufficient land to be set aside to facilitate the safe and efficient loading and unloading of vehicles associated with a commercial land use. With 1390 m² of commercial tenancy space provided at the Plenty Road frontage, the Clause requires the provision of a loading bay on-site of area 27.4 m², length 7.6 metres, width 3.6 metres and height of 4.0 metres.

No loading bay has been provided. Instead, two (2) delivery bays have been incorporated into the design at a central location between the food and drink premises, ground floor of building 1 (Drawing no. TPA09) of width 2.4 metres by length 6.8 metres. These spaces should be increased in width to 3.0 metres by length 7.5 metres to provide sufficient space for delivery of stock without obstructing circulation of traffic through the site.

Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to protect and conserve native vegetation by implementing the three (3) step approach of:

- Avoid;
- Minimise;
- Off-set.

A permit is required to remove native vegetation as the land area exceeds 0.4 Ha.

The application proposes the removal of vegetation from within and outside the site including Blue Gum and River Red Gum specimens.

Approval will not be given for the pruning or removal of trees outside the title area of 1091 Plenty Road unless it can be further demonstrated that the vegetation poses an immediate threat to life or property.

The design response has neither achieved the avoid or minimise principle, encroaching upon the canopy spread of two (2) River Red Gums, necessitating pruning of the canopy and proposed application of tree protection zones which the development encroaches upon. Further, off-sets in lieu have not been incorporated into the recommendations of the arborist's report.

The development is not suitably responsive to existing vegetation.

Clause 52.20 Convenience Restaurant and Take-Away Food Premises

The design response offers a commercial address to the street, integrated into the design of building 1 and offering a unified signage display area in the upper façade of the ground floor.

The use of the land for food and drink premises continues the previous use of the land, in a more intensive manner with 11 separate tenancies. Though the specific tenants are unknown, the size of the premises, which vary between 70.7 m² and 169.3 m² suggest a convenient / take-away element rather than a restaurant (predominantly sit down) environment. This intensification of the commercial use and the availability, or the lack of 'at grade' car parking for the convenience food and drink premises compromises the usability and accessibility of these premises and the longer term viability of the land for the purposes proposed. The difficult access to car parking may also contribute to on-site traffic congestion and queuing onto Plenty Road during peak periods.

Clause 52.34 Bicycle Facilities

The table to Clause 52.34 requires that resident cycle parking be provided at a rate of one (1) space per five (5) dwellings and for visitors, one (1) space per 10 dwellings based on the number of dwellings within the residential towers.

Total requisite spaces for the proposed 474 dwellings are 95 for residents and 47 for visitors. Convenience restaurant requirements are at the rate of one (1) space per 25 m² of floor area available to the public (employee provision) and two (2) spaces for patrons. Though the extent of space available to the public is unknown, it is fair to apply a rate of at least 40% of total floor area of the commercial premises requiring a minimum provision of 22 secure bicycle parking spaces within the premises for employees, or as otherwise designed to accord with the provisions of Clause 52.34-3. The number of bicycle parking spaces for patrons should be increased to 22 at ground level (currently 12). In addition to this, three (3) showers and change rooms should be provided on-site.

Across the site, 66 at grade spaces have been provided for visitors to the residential towers and customers to the commercial premises, with 263 spaces provided in the basement for residents. Bicycle parking areas provided for residents are not secure.

A number of the areas assigned for bicycle parking are not conveniently accessible and are located some distance from the lift wells.

Clause 52.35 – Urban Context Report and Design Response for Residential Development of Four of more Storeys

The application was accompanied by numerous plans and reports, the assessment of which is contained under Clause 22.10 and the Guidelines for Higher Density Residential Development.

Clause 52.36 Integrated Transport Planning

As there are greater than 60 dwellings proposed, the application was referred to the Department of Transport (DOT) who has no objection to the proposal, subject to condition.

PLANNING ASSESSMENT

Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004)

These guidelines have been developed to help apply design principles to proposals for higher density residential development. The guidelines are structured around six (6) elements of design consideration, of which the proposal is assessed as follows:

- Urban context
The development is situated in Bundoora an area characterised by parklands and low rise residential development. The site enjoys a broad interface to the Bundoora Parklands and the buildings have been orientated to interface with the parklands. The design approach however has not satisfactorily considered the broader issues of the context in arriving at a design solution that is well integrated to both the built and natural landscape. Given the size and orientation of the site, there is little to prevent the development from achieving sustainability principles regarding solar access to the larger proportion of internal and external living spaces.
- Building Envelope
As the preceding report has demonstrated, the building envelope – siting, height and solid mass that the development presents to the street and adjoining public and privately owned land has given rise to numerous amenity concerns which adversely impact upon the amenity of adjoining land owners and the general ambience of the precinct and does not assist in implementing either the established or indeed a preferred character to the location.

Whilst the building heights are proportionate to the width of the site and the use of podiums assist in increasing the sense of space and reducing the mass of each individual building to the reserve land, as a whole the development remains at odds with its parkland interface.

The setbacks and siting of building 2 provides overlooking of adjoining development at 1087 Plenty Road where as the height and internal setbacks provided between buildings leads to extensive shadowing of the piazzas for a significant part of the day reducing the usability and enjoyment of this space.

The design fulfils Objective 2.8 by improving the internal amenity of dwellings through the provision of windows and terraces which overlook the neighbouring public open space and Plenty Road. On the contrary though, a number of dwellings have poor solar access and a large proportion rely on borrowed light.

- Street pattern and street-edge quality
The design offers visual permeability and pedestrian linkages between the proposed internal access road and adjoining parklands.

An active frontage with extensive glazing is offered to the street through building 1 which provides a strong and obvious link between the commercial tenancies at ground level and Plenty Road. Though a single row of car parking is provided in the front setback of the southern half of building 1, the elevation of the site ensures that the active interface is maintained. Access ramps to car parking are positioned off the internal road, disguised from the street.

The development avoids the use of blank walls although the elevation and floor plans appear confusing and it is not proven that glazing is intended along the north-west elevation or will achieve the usable requirements of the commercial premises.

Though commercial entries are clearly identified from the street frontage, main entrance foyers to residential buildings 2, 3 & 4 are less well defined, orientated to face the piazzas without any clear delineation from the internal access road. The access to building 5 is sleeved along the side boundary, albeit interfaced with the crown land fronting Snake Gully Road.

- Circulation and services

The car park design has raised questions by Council's traffic management unit as to the ease of access and manoeuvrability for pedestrians, cyclists and vehicles. Pedestrian connections between lift / stair wells and car parks are not well sorted.

There are difficulties in accessing waste receptacles when vehicles are parked in adjoining car parking spaces and in some instances, the storage areas, as with bicycle parking, are well distanced from the internal access road (ground level).

Services have been designed into the basement car park to be obscured from the public realm.

- Building layout and design

The development offers a diversity of one (1), two (2) and three (3) bedroom dwellings.

Storage areas have been provided, limited to above bonnet space in the garage above all parking spaces, including visitor parking whilst not offering alternative defined storage solutions for parking to the sliding (horizontal) stackers. Whilst alone not sufficient grounds to justify the application's refusal, it further reinforces discrepancies in the design response.

As reported to earlier in this report, there is a clear deficiency of natural lighting and ventilation to a large proportion of the dwellings and the internal hallways with a significant reliance on borrowed light.

The design expression to Bundoora Park is a bold block-like mass that lacks the careful integration with the landscape characteristics of the parkland whilst the piazzas essentially function as a deactivated pedestrian connection between the internal access road and the front entrance / Bundoora Parklands. Whilst necessary to maintain privacy to the tenants of the ground floor dwelling, the design solution instead reduces their safety creating a deactivated corridor with no sense of address or surveillance from ground

level, and no opportunity to provide for social interaction between the residents.

- **Open space and landscape design**

The Bundoora parklands offer substantial area for recreation and entertaining. Private open space areas are otherwise contained to private terraces that range from an inadequate 5.3 m² to 83.2 m². Recommendations to provide communal terraces overlooking the parkland and contributing to a sense of community have been lost through the development.

If a permit were to issue, more detailed landscaping plans would need to demonstrate how the proposed landscaping dissolves into the parkland including maintenance regimes of this space. The same applies to the crown land fronting Snake Gully Road.

Safer Design Guidelines for Victoria (Department of Sustainability and Environment 2005)

These guidelines seek to promote safety within new subdivisions, developments and various public spaces. It is considered that the application generally meets the overall objective of these guidelines. Indeed the development does not provide any cut-off dead space or isolated pockets of land which cannot be overlooked. Moreover the development overlooks Plenty Road and Bundoora Park to provide natural surveillance of these spaces. On the opposing side, there is a lack of clear integration and activation of the piazzas at ground floor creating a corridor for people to loiter.

Referral Comments:

Section 55 Referral:

Director of Public Transport

No objection offered to the grant of a planning permit

Section 52 Referrals:

Traffic Management Unit

The application was referred several times to Council's Traffic Management Unit for comments. The following conditions have been recommended to be applied upon any permit which may issue:

1. Plans and documents submitted are to be modified to the satisfaction of the responsible authority as follows.
 - a) The development and delivering of a comprehensive Travel Plan for the site;
 - b) Applicant to provide a sustainable transport display area near the main pedestrian entrance to the building.
 - c) On drawing TPA10, the plan is to be redesigned to provide pedestrian paths throughout the development to ensure all common areas are accessible for people of all abilities. Buildings 2, 3, 4 & 5 are inaccessible (requires pedestrian ramps). All pedestrian facilities must generally comply with the requirements of the Australian Standard AS1428.1.
 - d) Additional detail required on drawing TPA10 to assess the footpath adjacent to the internal access way and building 1.

- e) TPA10 – Splitter islands (private vehicle crossings) are to be installed where the development joins in with the public road network (Plenty Road and Snake Gully Drive).
- f) TPA10- the kerb radii of the vehicle access way onto Snake Gully Drive to be tightened to reduce the speed of turning vehicles.
- g) Pedestrian visibility splays must be provided around all vehicle crossings within the development and also where the internal access ways meet the public road network.
- h) TPA10 – Plan to be revised to indicate how the main entrance is accessible for pedestrians utilising the tram stop to the south of the development, the bus stop out front, and pedestrians wishing to access the site from the signalised intersection of Plenty Road and Snake Gully Drive.
- i) TPA04 – The northern section of the car park to be redesigned to be accessible for pedestrians.
- j) TPA05 – The 15 spaces between the two (2) lifts are not accessible for pedestrians.
- k) TPA05 – The northern section of the car park is not accessible for pedestrians.
- l) TPA06 – The 21 spaces between the two (2) lifts are not accessible for pedestrians.
- m) TPA06 – The northern section of the car park is not accessible for pedestrians.
- n) TPA07 – The 20 spaces between the two (2) lifts are not accessible for pedestrians.
- o) The 14 employee parking spaces at the rear of Building 1 to be allocated to each business premise.
- p) Visitor cycle parking (required 59, provided 74) and employee/resident cycle parking (required 120, provided 174) is not to be grouped as one requirement. Visitor cycle parking to be publicly accessible near main entrances, whilst employee/resident cycle parking to be in a secure location.
- q) Similarly, employee / resident cycle parking to be provided in secure locations.
- r) The applicant to specify the exact location of vehicle control points for each building.
- s) All car parking spaces to be assigned to individual dwellings, commercial tenancies or visitors.
- t) Additional information is required to assess vehicle headroom at the critical points at the basement entries and within the changes of grade in the basement. Section H-H on drawing TPA33 needs to be modified to have at least 2.2m headroom.
- u) Storage above car spaces is not acceptable. Car parking spaces have a minimum height requirement of 2.2m. This necessitates a substantial redesign to facilitate the proposal.
- v) Applicant to deliver parking spaces for people with a disability. Councils preferred rate is 5% of the total proposed parking spaces.
- w) Applicant to provide detailed traffic generation analysis for the development.

ESD Design Review

Council referred the application and sustainable design statement which accompanied the application to an independent consultant for review. Following review of the proposal, the consultant is of the opinion that the sustainable design statement is not of sufficient detail and further amendments are required. A number

of comments were provided in response to the design approach, the building orientation and layout of dwellings within.

VicRoads

VicRoads were provided the opportunity to comment under Section 52. Though no objection was raised, it was noted that the Traffic Impact Assessment Report (prepared by Traffix Group, Dated April 2012 and Referenced 12330R#3) was considered insufficient where it failed to show a traffic distribution diagram for the relevant peak periods or to identify if any mitigating works is required. requested that Council seek additional information from the permit applicant, specifically:

1. The submission of a swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.
2. A Transport Impact Assessment Report (TIAR) in accordance with VicRoads "Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals". This report must (sic) address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on Plenty Road and Snake (sic) Gully Road. The report must include a Traffic Distribution Diagram and must comply with Austroads Standards if any mitigation works are required.

After consultation with Council's Traffic Management Unit, it was determined that this information be requested. This was put to the permit applicant in writing, 18 June 2012. The information was not able to be provided by the time of reporting this application to Council.

Department of Sustainability and Environment

DSE have advised that there is insufficient information available to enable the application to be considered. Specifically it was requested that:

1. Clarification of the trees to be removed and those to be retained and protected in accordance with Australian Standard AS4970/2009 (Protection of Trees on Development Sites).
2. Written discussion regarding proposed works on crown land, including whether the Committee of Management has been involved in the preparation of the proposal, or has provided consent to the works affecting crown land.
3. Written discussion of the potential impacts to public land values of Bundoora Park; including biodiversity, visual amenity and sunlight access.

Specifically, the arborist's report recommends the removal of vegetation proposed on the road reservation to Snake Gully Road including a River Red Gum. DSE does not support the removal of this tree.

Planning Arborist

Although there is no formal tree study for Bundoora Park, the parklands contribute to the landscape character of the precinct and any new development should be designed to respond to this character to protect the landscape element of precinct.

A large Blue Gum to the Plenty Road frontage, though contributory from a landscape appearance, has been identified in the permit applicant's arborist report for removal

due to the species not being appropriate within the context and the eventual canopy spread and increase in trunk diameter. Contrary to this, an earlier response from Council's planning arborist requested the specific retention of the said tree (tree 38) and that consideration be given to this tree as a result of major encroachment. The later referral response has not withdrawn this statement.

Refer also to comments under Clause 12.01 – Biodiversity of the report.

Property Officer – Assets & Properties

No objection to the proposed development. Comments were raised regarding an earlier design response which proposed the encroachment of buildings over crown land.

Strategic Planning

No objection to the proposed redevelopment of the site for mixed use purposes including higher density. The site benefits from main road access, Tram route 86 and located opposite the proposed Lancaster Gate neighbourhood activity centre and is well placed for a mixed use redevelopment and the convenience based commercial uses at ground floor level are appropriate for this location.

Capital Works

No objection subject to the development being connected to an approved legal point of discharge. Specifically:

1. The stormwater from the site to be connected to the existing pit in Snake Gully Drive to Council requirements subject to the discharge from the site being limited to that of the pre-development; and,
2. Detailed computations and drainage design to be submitted to this office for consideration to confirm that the proposed discharge will not exceed the pre-development runoff.

Waste Management

No objections or comments offered to the waste management plan. A private contractor will be used to collect resident and commercial waste from the premises.

It is proposed that the operator will transfer residential bins between the bin store and the kerbside collection point in coordination with truck arrival.

Despite this, the assessing officer envisages concerns with the collection and management of waste on the site. The Waste Management Plan requires that residents shall dispose garbage and recyclables into collection bins located within the Residential Bin Store (access via the lift / stairs) (refer to 2.1, page 6 of the Leigh Design Waste Management Plan) though the bin areas are situated a considerable distance from stair and lift wells. Additionally, these areas are remote from the internal road collection point, in building 1 as an example, some 105 metres. There is also limited space to remove / return the proposed bins between the bin storage room and car park aisles where the two (2) adjoining car parking spaces are occupied questioning the usability of these bin storage areas. Though resolvable by conditions, it further illustrates a lack of detailed review of the design response.

Section 1.4 of the Leigh Design Waste Management Plan, (page 4 of 13) nominates the use of 1100 litre bins for both garbage and recycling in Building 1. The published dimension of these bins have a wheelbase width of 755mm, increasing at the height of the bin. Despite this, there is only 500mm between the bin and the 2600mm car parking space.

Public Realm

Various comments on the overall design response and the development's integration within the surrounding environment, particularly with regard to landscaping and water sensitive urban design principles.