



Special Planning Committee Agenda

For a meeting of the

Special Planning Committee Agenda

to be held in the Council Chambers, Civic Centre,
Boxshall Street, Brighton

on

Tuesday, 14 September 2010

Commencing at 7:00pm

Chairperson: Cr Alex del Porto

Councillors: Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr. Clifford Hayes (Mayor)
Cr. James Long BM, JP
Cr. Michael Norris
Cr. Simon Russell JP



Members of the Gallery

Your attention is drawn to Section 91 of Council's Governance Local Law No 1.

Section 91 The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, *the Chair* -

- (a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of *Council* staff, or member of the community;
- (b) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (c) must ensure silence is preserved in the public gallery during any meeting;
- (d) must call to order any member of the public gallery who approaches the Council or Committee table during the meeting, unless invited by the *Chair* to do so; and
- (e) must call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairperson, remove from a meeting any Councillor or other person who has committed such an offence.

In the absence of an Authorised Officer the Chairperson may cause to be removed from a meeting any Councillor or other person who has committed such an offence.

Your co-operation is appreciated

Chairperson of Committee

Special Planning Committee Meeting

Planning Committee Charter

To deal with all matters relating to the consideration of planning applications.

This Committee has the full delegated authority of Council to finally determine upon planning applications.

Membership of the Committee

All Councillors

Index

1. Apologies
2. Declarations of Interest
3. Matters for Decision
 - 1.1 220-228 BAY ROAD, SANDRINGHAM 4
NOT SUPPORT
APPLICATION NO. 2010/0232/1 WARD: SOUTHERN

1.1 **220-228 Bay Road, Sandringham**
Not Support
Application No. 2010/0232/1 Ward: Southern

City Strategy
 File No: COR/6473

1. APPLICATION DETAILS

Land/Address:	220-228 Bay Road, Sandringham
Application is for:	Multi storey mixed use development including: <ul style="list-style-type: none"> • 500 dwellings (including 32 serviced apartments) • Medical centre • Early learning centre • Convenience shop • Food and drink premises • creation of access to a Road Zone Category 1 in a Special Building Overlay.
Melway Reference:	77 C10
Ward:	Southern
Application Number:	2010/0232/1
Applicant's/Owner's Name:	Urbis Pty Ltd
Existing Use	Commercial/Light Industrial
Abutting uses	Bay Road Heathland Industrial Residential School
Zoning:	Mixed Use Zone Road Zone Category 1
Overlays:	Special Building Overlay Environmental Audit Overlay
Statutory days expiry	17 August 2010
Restrictive covenants on title?	No
Current use and development:	Warehouse (228 Bay Road) Ronstan (Yacht accessory manufacturing) 220-224 Bay Road
Objections:	One thousand, one hundred and three (1,103) and one (1) letter of support.

2. PREAMBLE

On 30 August 2010 the applicant lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 79 of the *Planning and Environment Act 1987* against Council's Failure to Grant a Planning Permit within the prescribed time.

Council cannot formally determine the application but can decide whether to support or not support the proposal.

3. PROPOSITION

It is recommended that Council **not support** the proposed development.

4. EXECUTIVE SUMMARY

A major redevelopment of this site was envisaged by the controls introduced by Amendment C39 and indeed, encouraged.

Whilst it is appropriate to recognise the potential this site has to contribute to the mixed uses envisaged in the area it is equally important to ensure that development on the site responds appropriately to the policy directions of the scheme rather than set a new direction.

It is considered that the development as proposed has not responded appropriately to the orderly planning for the area or the purpose of the zone, the natural, cultural and strategic context of the site or the affect on the amenity of the area.

The location of the proposal, which is not near an activity centre underlines the poor site selection for such a high density of housing. The scale and massing proposed is unacceptable and problematic in its current form and the development does not meet the objectives of the Mixed Use Zone presenting a residential development by 'default' making the exercise of discretion in this case less tenable.

It is recommended that the proposed development is not supported in its current form.

5. KEY ISSUES

The key issues raised by the application include:

- State Government Policies
- Non-compliance with the purpose and objectives of the Mixed Use Zone
- Inappropriate/disproportionate mix of uses
- Non-compliance with purpose and objectives of the Business Employment Area Policy of the Bayside Planning Scheme
- Out of centre high density residential development
- Design, Height and Built Form
- Traffic, carparking and safety
- Social Impacts
- Environmental Sustainable Design
- Impacts to Bay Road Heathland Sanctuary flora and fauna
- Amenity Impacts to surrounding development
- Dwelling design and amenity
- Size and usability of private open space
- Site coverage/permability/overdevelopment
- Landscaping
- Flooding
- Infrastructure
- Compulsory acquisition of Right of Way
- Commercial signage will result in a visual intrusions into the area
- Current manufacturing will be impacted upon by the introduction of residential dwellings

- Disadvantages to local business during the long term construction period
- Impact on enrolments for Sandringham College
- Impact on Sandringham College future planning proposals and master planning
- Full view of school activities from all upper level apartments
- Undesirable precedent
- Environmental Audit Overlay

6. DETAILS OF THE PROPOSAL

This application proposes the development of two sites: 220 and 224-228 Bay Road, Sandringham to create a development site with a total area of 2.35 hectare.

It is proposed to develop the site for a multi storey mixed use development in a complex of three buildings constructed in a parallel north south alignment. The building pods are separated by access ways and areas of landscaping.

It is proposed to provide car parking for 893 vehicles, including 37 short term visitor car spaces provided on 3 levels of basement (856 spaces) and at ground level (37 spaces), and to provide access to the site via a new signalised intersection in Bay Road.

6.1 Proposed land uses

Details of the proposed land uses are as follows:

500 dwellings comprising of:

- 32 serviced apartments (17 x 1 bedroom apartments and 15 x 2 bedroom apartments)
- 281 x 1 bedroom dwellings
- 293 x 2 bedroom dwellings
- 2 x 3 bedroom dwellings
- 12 x 2 bedroom townhouses
- An ancillary gym and pool which are for the sole use of the residents.

An Early Learning Centre which is to accommodate 120 children. The Early Learning Centre will have a total floor area of 1,648 square metres including:

- 917 square metres of internal floor space
- 731 square metres of recreational area.

A Medical Centre which is to accommodate 20 practitioners with 24 consulting rooms and a total floor area of 3,073 square metres.

A Café to accommodate 60 seats with a total floor area of 194.25 square metres (including terraces).

A Convenience store with a total floor area of 210.82 square metres.

The above will be accommodated as follows:

Eastern Building

The eastern building is proposed to contain Residential Apartments and the townhouses.

Central Building

The central building is proposed to contain a Café, Convenience Store, Gymnasium and Pool and Residential Apartments.

Western Building

The western building is proposed to contain the Medical Centre, Early Learning Centre, Residential Apartments and Serviced Apartments.

6.2 Built form

The development is proposed to consist of three building 'pods' with car parking for residents in a basement car park. The three building pods can be described as:

- the eastern building (adjacent to the Heathland Reserve) is to be 5 storeys high, approximately 18 – 18.5 metres high, with an overall maximum height of 20.9 metres.
- the central building extends to a height of 11 storeys, approximately 35.2 – 37.5 metres, with an overall maximum height of 40.6 metres.
- the western building is proposed at 6 storeys, approximately 18.2 – 22.5 metres, with an overall maximum height of 25.8 metres.

The three buildings are proposed to be set back a minimum of 15 metres from Bay Road. The three buildings are elevated above natural ground level with finished floor levels (ground floors) raised between 400 mm to 2.6 metres above natural ground level.

East Building

The 5 storey (east) building will comprise of residential apartments within a 3 storey podium with the upper two levels contained in 3 forms separated by roof terraces. At the Bay Road frontage the setback of this building is designed to accommodate an "interior garden". There are no 'other' uses proposed for this building. At the closest point the building line is set back 9 metres from the adjoining Heathland Reserve.

Central Building

The central building is proposed to be an 11 storey building at the highest point (towards the rear of the site), 8 storeys are located at the front of the site and 3 storeys are located towards the rear of the site. An 8 storey glazed atrium is proposed to be located within the "Y"-shaped façade of this building incorporating two angular 8 storey wings to Bay Road cantilevered over the ground floor commercial uses.

The central building is flanked by a 5 storey building to the east (adjacent to the Heathland) and a 6 storey building to the west (adjacent to a single storey industrial building at 118 Bay Road, Sandringham).

West Building

The 6 storey building (west) is set close to the western boundary (3.3 metres to the edge of balconies) and presents a 3 storey podium above which the upper levels are separated by roof terraces to create three distinct forms. The street frontage of this building is proposed to be used as an elevated playground for the Early Learning Centre.

6.3 Environmental Sustainable Design (ESD)

The applicant's submission indicates the following ESD initiatives in the development:

- Water efficient appliances i.e. showers and toilets.
- On-site water storage facilities with a combined storage capacity of 292,000 litres.
- Solar access into habitable rooms and private open space areas.
- Recycling of household and commercial waste.
- The provision of on-site bicycle spaces.
- Areas of permeable surface area to minimise stormwater runoff.
- Centralised solar gas boosted heating to be sited in appropriate areas to preheat water before use.
- Water sensitive urban design features including the capturing of stormwater run off for the purpose of on-site irrigation of landscaping. The curvilinear nature of the vehicle accessways and the abutting landscaping are to assist in reducing the velocity of stormwater runoff.

6.4 Access/Traffic/Car Parking

Two separate crossovers off Bay Road will provide vehicular access to the development and to the three levels basement car parking.

A new signalised intersection is proposed at the entrance to the site on Bay Road opposite the western most access way (crossover) to facilitate the movement of vehicles to and from the site.

37 short-term visitor spaces (including 16 commercial car spaces) are proposed to be located within the front setback plus 856 on site car spaces are proposed to be located within the 3 level basement car park. A total of 893 car spaces are provided on site.

Bike parking is located at ground level and within Basement Level 1.

East Building

Basement Level 1 will contain 8 visitor car spaces and 127 residential car spaces.

Basement Level 2 will contain 75 residential car spaces.

Central Building

Basement Level 1 Basement will contain 6 staff car spaces, 28 visitor car spaces, 44 residential car spaces, and 13 shared car spaces.

Basement Level 2 Basement car park will contain 150 residential car spaces.

Basement Level 3 will contain 143 residential car spaces.

West Building

Basement Level 1 will contain 32 commercial car spaces; 78 residential car spaces and 7 visitor car spaces.

Basement Level 2 will contain 66 commercial car parks, 32 serviced apartment car spaces and 47 residential car spaces.

Pedestrian access to the buildings is provided via walkways from the Bay Road frontage and through the open space and access corridors between the buildings.

Access to dwellings is provided via an entry foyer for each building. In addition there are east-west connection points through the site, which connect with corridors and lift lobbies.

Access ramps for wheelchairs and bikes have been provided for each of the three buildings.

6.5 Landscaping/Open Space areas

The proposed development incorporates communal open space areas, 'indoor gardens' flanking the 'shared accessways' which are located between the buildings, as well as private open space areas in the form of courtyards and balconies for each of the apartments.

It is proposed to provide 'common garden terraces' on the 3rd level of the eastern and western buildings, 'common garden terraces on the 4th level of the east, west and central buildings, a 'common garden area' is located on the 5th level of the western building, a common garden terrace on the 6th level of the central building and a roof terrace above the upper level (11th storey) of the central building.

6.6 Disclaimer

It has been identified that there have been a number of inconsistencies between the plans and the information contained in the supporting written documentation lodged with this application. This is particularly relates to car parking provision and building heights. The discrepancies do not material affect Council's assessment of the application. The assessment which is presented here is based on the information reported above.

7. SUBJECT SITE AND LOCALITY

7.1 Site Characteristics

The site is located on the south side of Bay Road, between Bluff Road (approx. 600 m approx to the west) and Reserve Road (approx. 1km approx to the east). The site comprises 2 parcels of land on 2 separate titles - 220 Bay Road and 224-228 Bay Road. The site is rectangular in shape and has a combined frontage of 158.9 metres to Bay Road and a depth of 148 metres with a total area of 2.35 hectares.

The site is generally flat with a downward slope of approximately 2.0 metres from east to west. There are a number of mature trees along the site boundaries.

The site currently contains:

- A single storey building at 220 Bay Road (western lot) which is currently used for manufacturing. Most recently it was used by Ronstan International – manufacturing boat rigging hardware and architectural materials.
- The eastern lot 224-228 Bay Road contains a single storey building with a Planning Permit issued for warehouse use. This site is also used as a Personal Fitness Training Area.
- Vehicle access to the site is currently provided via 2 crossovers from Bay Road.

7.2 Surrounding Area

To the north of the site are industrial use developments and to the immediate north east of the site are residential buildings.

To the east of the site is the Bay Road Heathland Sanctuary Reserve.

To the west of the site is 218 Bay Road a single storey industrial building separated from the subject site by a Right of Way which is used by Sandringham College students as an access to Sandringham College.

To the south of the site is the Sandringham Secondary College and in particular its playing fields.

The built form characteristics demonstrate a predominantly low scale of development pattern with an emerging new character. In response to recent rezoning of the land a new character is emerging with buildings of three and four storeys sitting comfortably within the changing context.

The site is located approximately 2.5 km west of the Southland Principal Activity Centre, 2km from the Sandringham Major Activity Centre, 3.0km from the Black Rock Neighbourhood Centre and 2.0 km from the Hihett Neighbourhood Activity Centre.

The site is located beyond ready walking distance of Merindah Park and Spring Street ovals, public golf courses and Port Phillip Bay which is located 2.5km to the west.

LOCALITY PLAN – 220-228 BAY ROAD SANDRINGHAM



Legend	
Subject land	★

Note: It was not possible to plot the one thousand, one hundred and three (1,103) objections many of whom are not located on the plan as a number of objections have been submitted from the broader Bayside community.

Councillors have been provided directly with details of all objectors.

7.3 Public Transport

Bay Road is a Road Zone Category 1 with only one local bus passing the site every 30 minutes on weekdays, every 40 minutes on Saturdays and every hour on Sundays. The bus stop for this route is located immediately in front. This bus runs during the following hours:

Monday to Friday: 6am – 10.30pm

Saturday: 8am – 10pm

Sunday: 9am – 10pm

This bus only travels between Sandringham Station, Southland Shopping Centre and Chadstone Shopping Centre.

There is no direct transport route from the site to the Melbourne Central Business District. Local services are connector services providing transport to train stations and bus transfer services to the CBD.

8. CONSULTATION

8.1 Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and surrounding properties. A total of 300 letters were sent.
- Placing three (3) signs on-site (one on each premises)
- Placing a Notice in the local Leader Newspaper

The Statutory Declaration was submitted to Council on 7 July 2010 confirming that notification has been carried out correctly.

Council has received one thousand, one hundred and three (1,103) objections at the time of writing this report.

8.2 Objections

The objections submitted to Council raised the following concerns:

- Poor strategic planning
- Out of centre development inappropriate
- Proposal does not accord with the Mixed Use Zone/ Business Policy of the Bayside Planning Scheme
- Disproportionate mix of uses
- Overuse of land
- Loss of employment opportunities
- Does not meet the employment needs of the area
- Insufficient shops to service the needs of the additional population
- The application does not consider the detriment to the future viability of the area and only considers the 'short term profits at the community's expense

- Poor assessment against the DPCD guidelines for Higher Density Residential Development
- Excessive, unprecedented and unwarranted height
- Excessive Visual Bulk
- 2-3 storeys more appropriate
- Does not accord with existing or preferred future neighbourhood and urban character
- Overdevelopment of the site
- Buildings fail to 'integrate' with surrounds
- Design is arguably functional within its own context but completely incompatible with the character of the area
- Set a precedence for 'others' to follow and a catalyst for future transformations of the area
- Will transform the area into an 'urban slum' with associated anti-social behaviour
- Bayside Council has notorious disregard for its suburbs
- Proposed commercial signage will result in visual intrusion to streetscape and to the area
- Detriment to amenity of the area
- Detriment to visitors to the area
- Bay Road is too narrow to cope with current traffic let alone additional as proposed
- Traffic detriment - Conflicts and congestion to immediate and surrounding area
- Loss of on-street car parking
- Will exacerbate the existing dangers for residents and locals reversing out of their driveways
- Safety to pedestrians and students
- Increase hazards to already dangerous intersection
- Inappropriate provision for service vehicles
- Insufficient on-site car spaces for proposed uses
- Dimensions of car spaces inadequate
- Proximity to other signalised intersections not well conceived
- Add excessive burden on already 'over-stretched' public transport (local bus services)
- Does not propose to upgrade existing bus services
- Environmental impacts
- Risk of contamination from previous uses
- Unsuitable site for Early Learning Centre (potentially contaminated site)
- Detrimental Impacts to Heathland flora and fauna
- Detriment to the environment
- Disturbance to Heathland habitat and wildlife during construction and occupation
- Potential domestic pet hazard to ecological stability of Heathland
- Visible loss of bushland appearance
- Green space between buildings is 'generic' and restrictive in design
- No studies with regard to wind effects
- Proposal will cause drainage and infrastructure problems
- Strain on existing infrastructure services
- Additional strain on existing water and sewerage services and drainage capacity
- Will permanently change the 'skyline'
- Lack of community consultation before and after application was lodged
- Short notice for community meeting
- Incorrect Plans

- Failure to make a positive contribution to the Community Infrastructure
- No Building and Streetscape Maintenance Plan
- Right of Way will become an area for graffiti
- Social impacts
- Affordability of housing
- Poor amenity for future residents
- Small size of apartments
- Loss of natural light
- Excessive noise detriment
- Disruption to normally 'quiet' area outside business hours
- Unreasonable visual bulk
- Unreasonable overshadowing
- Compulsory acquisition of Right of Way
- 'Pack-em-in and Gimme-Money' syndrome
- Does not provide appropriate open space for each dwelling
- Inappropriately located amongst schools
- Impact on Enrolments for Sandringham College
- Implication for Sandringham College buildings and staff
- Impact on School's future planning proposals and master Planning
- Full view of School activities from all upper level apartments
- Extreme concern with regard to potential for 'bar' use and licensed premises in close proximity to school.
- The location within a suburban environment disqualifies it from the 'green' mixed use developments encouraged by Melbourne 2030
- No provision for drying clothes outside
- Domestic pets will damage and disrupt the ecological balance of the Heathland
- Potential for damage and detriment to Sandringham Agricultural Block (on the campus' northern boundary as garden beds on the boundary will lose access to valuable sunlight
- Will disadvantage local business during the long term construction period
- Undesirable precedent
- Current manufacturing activities and productivity will be severely affected by the number of residential dwellings
- Conflict between uses and unrealistic expectations of site works/ residential amenity
- Misinformed future residents of existing 'industrial' operations
- No Risk Analysis Report submitted with application.

8.3 Public Information Evening

A Public Information Session was held during the public notification period on 1 July 2010.

The purpose of the Information Session was to provide the local and broader community with an opportunity to discuss details of the application with the Applicant. The session was attended by the Applicant, Architect, Applicant's Town Planners.

During the course of the evening a number of Councillors were also in attendance.

Two planning officers from the Statutory Planning Department also attended for the duration of the meeting.

9. PLANNING SCHEME PROVISIONS

9.1 Permit triggers

Under the provisions of the Bayside Planning Scheme a planning permit is required for the following components of the proposed development.

Clause 32.04 Mixed Use Zone	A permit is required for: <ul style="list-style-type: none"> • construction of 2 or more dwellings on a lot • construct of a building or to construct and carry out works in association with a Section 2 use • Use of the site for a shop; medical centre; early learning centre; accommodation (serviced apartments)
Clause 44.05 Special Building Overlay	A permit is required for all buildings and works. (None of the exemptions apply to this development).
Clause 45.03 Environmental Audit Overlay	Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either: <ul style="list-style-type: none"> • A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
Clause 52.06 Car Parking	A new use must not commence until the required car spaces have been provided on the land pursuant to the requirements of Clause 52.06
Clause 52.07 Loading and Unloading of vehicles	New uses must set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
Clause 52.29 Land Adjacent to a Road Zone Category 1	A permit is required to create or alter access to a road in a Road Zone, Category 1.
Clause 52.34 Bicycle Facilities	A new use must not commence until the required bicycle facilities and associated signage has been provided on the land.
Clause 52.36 Integrated Public Transport Planning	An application for a residential development comprising 60 or more dwellings or lots must be referred in accordance with Section 55 of the Act to the Director of Public Transport.

9.2 State Planning Policy Framework

The following state planning policies are relevant to this application:

- **Clause 12 – Metropolitan Development**
Provides specific objectives and strategies for Metropolitan Melbourne to ensure that land use and transport planning and investment always contribute to the economic, social and environmental goals of the State. Emphasis is given to development within activity centres or on strategic redevelopment sites being sites that have certain locational characteristics and site attributes.
- **Clause 16 – Housing**
Encourages well designed residential development that respects neighbourhood character, is cost-effective in infrastructure provision and use, energy efficient, incorporates water-sensitive design principles and encourages public transport use.
- **Clause 19.03 – Design and Built Form**
Aims to achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm and promotes attractiveness of towns and cities within broader strategic contexts.

9.3 Local Planning Policy Framework

The following local planning policies are relevant to this application:

- **Clause 21.04 Vision and Overarching Goals**
Seeks to ensure that Bayside will be a municipality where residents can choose to spend their whole lives by encouraging an enhanced range of accommodation options for older people and the availability of affordable housing. Important initiatives seek to ensure that the 'urban village' characteristics are not compromised by inappropriate development. Complementary to this the policy encourages convenient location and clustering of services, accessible to many by travel on foot, bicycle or improved public transport.
- **Clause 21.05 Housing**
Encourages higher density housing principally in activity centres and residential opportunity areas as identified on the Strategic Framework Plan, particularly those with good access to public transport networks; Provide a range of housing choices to meet the diverse needs of the community. and facilitates the conversion of redundant industrial land to residential use where appropriate.
- **Clause 21.07 Business Employment Area**
Seeks to transform the former Bayside Industrial Area from a traditional industrial precinct into a key Business Employment Area in the south-east region of Melbourne. To establish a consistent and unifying landscape and urban design theme to the area which presents it as a single identifiable precinct consistent with a modern, high amenity business environment.
- **Clause 22.05 Business Employment Area Policy**
Recognises the social and economic importance of Bayside's Business Employment Area and wishes to retain existing businesses, attract and encourage new businesses and foster increased employment opportunities, especially for local residents.

- **Clause 22.10 Water Sensitive Urban Design Policy - (Stormwater Management)**
Promotes the use of water sensitive urban design, including stormwater re-use and seeks to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants to reduce the impacts of peak stormwater flows; to integrate stormwater treatment measures into the landscape and to reduce the entry of pollutants into stormwater run-off.

9.4 Zoning and Overlays

- **Clause 32.04 Mixed Use Zone**
Aims to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and to encourage residential development that respects the neighbourhood character.
- **Clause 44.05 Special Building Overlay**
Seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity, and to protect water quality in accordance with the provisions of relevant State Environment Protection Policies,
- **Clause 45.03 Environmental Audit Overlay**
Seeks to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination

9.5 Particular Provisions

- **Clause 32.04 – Mixed Use Zone**
A planning permit is required for the proposed mix of uses
- **Clause 44.03 Environmental Audit Overlay**
A certificate of environmental audit must be issued for the land before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences
- **Clause 44.05 Special Building Overlay**
A planning permit is required for the proposed buildings and works.
- **Clause 52.06 Carparking**
Sets out particular requirement for car spaces for particular uses. A permit may be granted to reduce or to waive the number of car spaces required.
- **Clause 52.07 Loading and unloading of vehicles**
Sets out particular requirements to ensure that new developments provide sufficient area (on site) for loading and unloading. A planning permit is required to vary these requirements.
- **Clause 52.29 Land adjacent to Road Zone Category 1**
A planning permit is required to alter or create access to a Category 1 Road

- **Clause 52.34 Bicycle Facilities**
Sets out particular requirements to ensure that new developments provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. A planning permit is required to vary the requirements.
- **Clause 52.36 Integrated Public Transport**
Section 55 of the Act requires that any development with more than 60 dwellings be referred to the Director of Public Transport for comment.

9.6 General Provisions

- **Clause 65**
Sets out decision guidelines for Responsible Authorities to consider before determining development applications.

10. REFERRALS

10.1 External Referrals

The application was referred pursuant to Section 55 of the Planning and Environment Act as follows.

Vic Roads

Advised that it required more information in order to adequately address the application. The information sought included an amended traffic engineers report which is based upon the expected redevelopment of the surrounding area over the next ten years, review of traffic intersections, assessment of the intersection of Bay Road and Nepean Highway and review of traffic forecasts to enable review of the need for traffic signals.

Melbourne Water

Advised that it objected to the proposal due to concerns with the design of the proposal being inconsistent with the decision guidelines of the Special Building Overlay and concern about permanent structures proximity to Melbourne Water's Drains. As Melbourne Water is a referral authority the application would have been refused by Council.

Department of Infrastructure Director of Public Transport

Has advised of no objection to the proposal subject to a number of conditions and footnotes.

10.2 Internal Referrals

The application was referred internally to a number of departments within Council which have advised as follows:

Traffic Engineering

A review of the car parking provision was undertaken. Council's Traffic Engineers found that pursuant to Clause 52.06 of the Bayside Planning Scheme the car parking provision proposed does not satisfy the requirements of the Bayside Planning Scheme. However, as this proposal is essentially a residential development they have considered it appropriate to have regard to the car parking rate provided in Clause 55 of the Bayside Planning Scheme (which is applied to multi unit development of less than four storeys).

Pursuant to Clause 52.06 of the Bayside Planning Scheme, the following number of car spaces are required by the proposed development:

The planning scheme requirement for dwellings in a Mixed Use Zone is for two (2) on-site car spaces per dwelling (regardless of the number of bedrooms), whereas the Residential 1 Zone requires only one (1) car space for dwellings with less than three (3) bedrooms. This application proposes a total of 461 dwellings with less than three bedrooms.

Council's Traffic Engineers considered that this *development will have a traffic generation in the range of 3,000-4,600 vehicle trips per day. The current traffic volume at this section of Bay Rd is around 23,000 vehicles per day. This increases to about 33,000 vehicles/day east of Reserve Road.* In conclusion it is considered that the additional traffic generation will compound concerns about current traffic volumes.

It was noted by Council's Traffic Engineers that *Bay Road has a full-time 'No Stopping Zone' on both sides of the road in the vicinity of the development site. If we assumes a 50-50 modal split in the direction vehicles will arrive from/depart to, it is safe to say that even more pressure will be experienced at the Bluff/Bay Road intersection, and it will be more difficult to exit local streets and properties.*

Council's Traffic Engineers advise that the land which has been set aside for the loading and unloading of commercial is compliant, and that the application provides spaces for the parking of bikes in accordance with the provisions of Clause 52.31-1 of the Bayside Planning Scheme.

Technical Services- Drainage

Advised of no objection to the proposal.

Urban Design

Raised concerns with regard to the scale, mass and contextual fit of the development.

The design response is problematic. The form of the buildings do not propose site responsive transitions in scale along the sites interfaces but present discordant elements that will result in visual bulk detriment to the streetscape and abutting neighbours.

The scale of the development particularly given its location in a 'low rise area' well within the visual field of established residential development far exceeds the existing low rise domestic suburban stock. To be acceptable the central form should be reduced in scale so that it presents clearly at four and five storeys to Bay Road and the school grounds to the south consistent generally with the forms proposed to the east and west.

Whilst a height up to six and ultimately seven stories may be acceptable within the middle of the site, it must be set well back and visually discreet.

Further, it was observed that for a development of this scale, there is very limited integration of uses across the whole complex, and particularly in each individual building - commercial elements seem to have been stuck on rather than genuinely integrated.

Social Planning

An assessment with regard to potential social impact on community wellbeing (social and health) was conducted and it was determined that the proposed development will bring with it a range of social and community opportunities and challenges. The Impact Assessment noted in particular the following:

- *The potentially most negative impact is on the perceptions of community character due to the proposed density and height of the development.*
- *The building design has incorporated a good mix of public and private spaces. Further investigation of potential for shared community use of spaces would be desirable.*
- *The development fills a gap in housing stock that may enable residents to relocate within the area at key life-stages (eg family formation / dissolution, empty nest/ ageing in place) Affordable price points for these housing options is desirable.*
- *The development provides some employment opportunities. Further measures to create employment opportunities and support home-based business operations on the site would be beneficial.*
- *The location is well-located in relation to access to a variety of community services, which appear to have capacity to address the needs of the additional population. More frequent bus services may be beneficial.*
- *The development includes additional community services in areas highlighted as local needs: a medical centre and early years centre. Further discussion with Council Family Services Department on the nature and range of early year's services, including kindergarten programs would be advisable.*
- *Environmental design features, bicycle parking provisions and inclusion of gymnasium are consistent with Council's priorities for health and well-being.*

Health

No objections to the proposal subject to permit conditions which relate to the food premises and medical practice.

Environmental Sustainable Development Officer

Council's Environmental Sustainable Development (ESD) Officer undertook an assessment of the proposed development against Council's current Sustainable Design Assessment (SDA) program for planning permit applicants.

Council's SDA program strongly encourages applicants to address sustainable design principles as early in the process as possible to avoid unnecessary planning amendments and delays in the future.

The use of STEPS and SDS is supported as are the environmental initiatives proposed by the development. However, given the proposed size of the development, it is considered that the environmental initiatives could go further. In particular, the proposal currently states that the use of photovoltaic cells to power lighting for common areas and a gas powered cogeneration plant to power the three buildings is undergoing further investigation, as is the potential to incorporate grey water treatment and reuse into the development. Such initiatives would be strongly supported and consideration should be given to mandating these initiatives through permit conditions should the development be approved.

Arborist

There are no publically managed trees on the southern boundary of the proposed development.

There are seven street trees along the northern boundary. Only four of these trees are to be retained under the current proposal. These trees will require Tree Protection Fencing to be erected and maintained for the duration of any works on site.

The proposal includes the removal of three street trees along the northern boundary which is not supported and will not be allowed.

Urban Strategy

The site which is large is located on the periphery of the Bayside Business Employment Area (BBEA).

As set out in the Municipal Strategic Statement (Clause 21.07), the BBEA contributes significantly to the economic diversity of the municipality.

The current proposal is primarily a residential development and makes little contribution to employment objectives of the policy. Looked at another way, the proposal removes a significant amount of employment land from the pool of such land. For the proposal to meet the objectives for the BBEA as set out in the Municipal Strategic Statement and the objectives and policies of Clause 22.05, significant further employment/commercial premises need to be accommodated within the development, particularly along the Bay Road frontage where there is exposure to high traffic volumes.

The location of the proposed business uses at ground floor, with residential uses above for the central and western buildings is supported in principle and is consistent with Objective 4 of Clause 21.07. The same principle should be applied to the eastern building with business uses introduced at ground floor level facing Bay Road.

The current proposal does not maximise the mixed use potential of the site, and although some commercial uses are incorporated on the ground floor, most of them are section 2 uses in the Residential 1 Zone.

The current proposal meets the clause 22.05 front setback requirements but far exceeds the maximum building height identified in this policy, with the central building reaching a maximum height of 11 stories.

The taller building is not consistent with either the Municipal Strategic Statement, which supports medium density development on this site (rather than high density development) or the employment policy that states the preferred building height is 14 metres.

Waste Management

Requests a permit condition be included requiring a Waste Management Plan on any permit that may issue to require that all waste must be stored and collected on site a by a private contractor.

Parks and Gardens Officer

Advised of a number of concerns relating to the proposal, particularly in relation to potential for detrimental impacts to the Bay Road Heathland Sanctuary resulting from:

- disturbance/ damage to existing remnant indigenous vegetation resulting from basement excavations and building works and removal /replacement of existing boundary fencing
- impacts to existing vegetation from proposed new plantings/introduced species
- the treatment to the differences in land levels/retaining wall
- excessive noise disturbance to wildlife
- Unreasonable overshadowing to bushland vegetation and landscaping within the development
- unauthorised access to Heathland
- Disruption and constraints to Heathland 'burn-off'
- excessive lighting disrupting the ecological balance of the Sanctuary

- introduction of domestic pets will disrupt and threaten the ecological role balance of the Heathland flora and fauna
- connection to services may impact upon the Heathland
- impacts of excavations (sublevel basement) to Heathland ground water and associated drainage into and out of the Heathland reserve.

The proposed widening to Bay Road requires the removal of the existing street trees which will not be allowed by Council. This will impact upon the entrance to the heathland and associated vegetation. The applicant will need to find an alternative solution to the issue. This issue may be raised at VCAT but ultimately it is a matter for Council. As noted, Council will not agree to the removal of the trees involved in this area.

In any event, with regard to the proposed replacement street trees the *Eucalyptus Corymbia citriodora* is not appropriate as it is not a local species.

With regard to the proposed landscaping for the development site it is noted also that some of the proposed species in the 'Heathland extension' are inappropriate. However these could be addressed through relevant permit conditions.

11. OFFICER ASSESSMENT

The following is an assessment of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

11.1 State Government Policies

The State Government's Metropolitan Strategy, Melbourne 2030 aims to protect and enhance living conditions in our suburbs – both existing and new – while making the best possible use of existing resources. It aims to achieve a more compact city, better management of growth, a more prosperous city, a great place to be, a fairer city, a greener city, better transport links, better planning decisions and careful management.

The Melbourne 2030 principles are based on sustainability, innovation, partnership, leadership, equity, adaptability and inclusiveness and directs high density residential development in and around activity centres.

Clause 12 Metropolitan Development of the Bayside Planning Scheme gives effect to the strategies and objectives of Melbourne 2030 - 'Planning for Sustainable Growth'. It sets a clear vision for Melbourne, in association with a series of implementation principles and nine key directions.

In response to the State Government directives it is considered that the proposal has responded appropriately to objectives for innovation and leadership by consolidating the sites to create an opportunity for high density development. However the proposal has not responded appropriately the City of Bayside's and Melbourne 2030's objectives for careful management of growth which directs high density residential developments in activity centres and aims to create an equitable and fairer city which is both prosperous and a great place to be.

In summary, it is considered that the proposed development does not accord with the Melbourne 2030 Metropolitan Development strategies that encourage the concentration of new development to be located in activity centres which are well serviced by public transport and services or on strategic redevelopment sites. The site fits neither category. It is clear that the site is not in or near to an activity centre. In fact it is quite distant from an activity centre. In terms of strategic redevelopment sites it responds poorly to the criteria as follows:

- The site is not in and around a Central Activities District.
- The site is not in or within easy walking distance of Principal or Major Activity Centres.
- The site is not in or beside Neighbourhood Activity Centres that are served by public transport.
- The site is not on a bus route that is part of the Principal Public Transport Network and close to Principal or Major Activity Centres.
- The site is not in or near major modal public transport interchanges that are in Principal or Major Activity Centres.
- The site is able to provide 10 or more dwelling units, but it is not close to activity centres, nor well served by public transport.

Melbourne@5 million builds on the foundations of Melbourne 2030 to create a refined settlement structure for the city. The main thrust of the Melbourne@5 million document encourages good planning outcomes that will allow Melbourne to remain one of the world's most liveable cities as the population increases. Given that clause 12 reflects this policy, there is no further assessment required.

11.2 Compliance with the purpose and objectives of the Mixed Use Zone and inappropriate/disproportionate mix of uses

The proposed ratio of residential use to commercial use does not provide an appropriate/balanced mix of uses and does not satisfy the overarching objectives of the Mixed Use Zone and the policy framework in the area in particular to:

- *Ensure that the business and employment objectives of the Bayside Industrial Area Strategy 2004 are met.*
- *Encourage a diversity of uses on each site, including commercial, industrial, warehouse and medium density residential uses.*

The proposed development does not accord with the Mixed Use Zone built form objectives which:

- *Ensure that the design of buildings fronting Bay Road incorporate an active interface with Bay Road through articulation of building facades and landscaping within the building setback.*
- *Apply height and setback limits as indicated in S1.*
- *Ensure that uses and developments are complementary and avoid adverse traffic and amenity impacts on other uses and developments.*
- *Strongly encourage business/commercial uses at ground level fronting Bay Road.*

- *Discourage residential uses from locating at ground level fronting Bay Road to maintain the business/commercial focus of the area.*
- *Discourage retail uses that do not directly support or service businesses within the Bayside Business Employment Area.*

The proposal lacks sufficient employment components.

11.3 Compliance with purpose and objectives of the Business Employment Area Policy of the Bayside Planning Scheme

The height and setback controls set out in clause 22.05 originally emanate from the Bayside Industrial Strategy (2004).

In 2002 Council commenced presentation of the Industrial Area Strategy and released it in draft form for consultation in 2003. It proposed rezoning from Industrial 1 to Business 3 zone. A number of submissions especially from owners of properties in Bay Road west of the Heathland Sanctuary opposed continued use of Business Zoning and requested rezoning to Residential 1 Zone. Council did not support this request.

In March 2004, Council placed on exhibition Amendment C39 to the Bayside Planning Scheme to give statutory effect to the adopted Industrial Area Strategy.

The objective of Amendment C39 was to maintain and reinvigorate the Sandringham /Cheltenham Industrial area as Bayside's primary business employment area.

The application of a Business 3 Zone was proposed as the predominant land use zone in order to support existing businesses, provide growth opportunities for other businesses and attract new compatible businesses.

During exhibition a number of submissions were made requesting the rezoning of the west end of Bay Road (south side of Bay Road and west of the Bay Road Heathland) to the Residential 1 Zone to allow a mix of commercial, retail and residential development. Council did not support these submissions and the amendment was referred to a Planning Panel for review. Whilst the Panel accepted Council's argument opposing rezoning to Residential 1 Zone as requested by submitters, it recommended a rezoning to the Mixed Use Zone.

Council was initially opposed to accepting the panel's recommendations for a Mixed Use Zone. Following extensive consultation and negotiation with the property owners, Council finally resolved to support the recommendations subject to inclusion of specific controls and policy objectives for Bay Road west of the Heathland. The policy and controls provide details and explicit statements of the nature of development considered acceptable in this Mixed Use Zone.

The panel specifically sought to minimise the creation of further land use conflicts within the area and to ensure that residential and retail uses did not become the predominant uses in the area.

The Business Employment Area Policy of the Bayside Planning Scheme acknowledges that a significant proportion of the area is obsolete, run down and in need of improvement and recognises the economic importance of Bayside's Employment area. The policy encourages new business to locate in the area, to better develop the underutilised sites and to generate new employment opportunities, especially for local residents and to establish a business employment area of a quality and profile which will fulfil an identifiable niche in the south-east region of Melbourne.

The objective is not to create an isolated enclave, but a business precinct that integrates seamlessly into the urban fabric of the municipality. Such a business employment area would seek to retain existing physical and economic strengths whilst concurrently eroding the exhibited weaknesses.

It is also considered that although the proposed development presents a development of some merit in an architectural sense that will provide some impetus to renewal of the tired and underutilised sites in the area, the scale of the proposal will not present as a seamless integration into the urban fabric of the municipality.

It is considered that although envisaged in zone provisions, the proposal has not responded appropriately to the Business Employment Area Policy by failing to incorporate an appropriate mix of uses. Apart from the "one off" construction phase the project does not encourage the investment and expansion of businesses within this area. It fails to maximise the opportunities provided by the rezoning of the land and is essentially proposing a residential development which although in a Mixed Use Zone, when the strategy for the area is properly understood in the context of the policy outcomes, is misconceived.

11.4 Clause 22.05-3 Precinct S1 - Mixed Use Zone (west of Bay Road Heathland Reserve - south side of Bay Road)

For specific areas within the Mixed Use Zone the Policy sets out specific objectives for their future use and form of development.

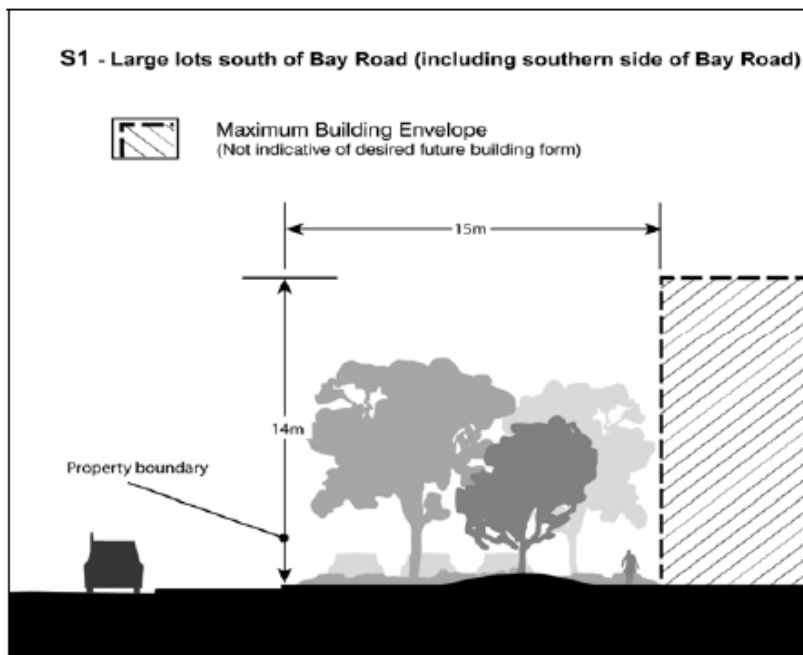
The subject site is located within Precinct S1 and H1. The guidelines provide parameters for preferred building heights, setbacks, landscaping and design. These guidelines should be applied to all properties along the south side of Bay Road as follows and for properties that abut the Heathland:

Urban design guidelines for specific areas

Large lots south of Bay Road

The preferred built form on large lots to the south of Bay Road is:

- A maximum building height of 14 metres.
- A minimum building setback of 15 metres from the street frontage.



The 14 metre maximum building height was implemented to ensure that future development respected the generally low rise nature of development throughout Bayside, whilst providing some incentive for redevelopment of former industrial sites.

The design parameters and strategic design objectives of the Bayside Planning Scheme did not anticipate buildings of the heights proposed, nor the consolidation of sites in this rezoned area. Whilst the lower levels of the development are more appropriately set back from all boundaries the upper levels are problematic in that they have failed to adequately respond to the site context and low scale characteristics envisaged for the area.

The application proposes a built form extending to 40.6 metres in overall maximum height. The proposed height substantially exceeds the allowable 14 metre height and will create a visually dominant and disruptive element in the predominantly two storey streetscape that will result in detriment to the character of the area and the surrounding development. The proposal would also send the wrong signals to future development undermining the strategy and the intent for the area in all respects. The proposed development relies entirely on the merits of good architecture to override other equally important planning requirements that aim to manage responsible growth that respects and protects the valued characteristics of the area.

Bay Road Heathland Sanctuary

The preferred built form on lots adjoining the Bay Road Heathland Sanctuary is:

- A maximum building height of 14 metres.
- A building setback that allows a 3 metre wide buffer zone around the perimeter of the Heathland Reserve.
- A building setback having characteristics as detailed in the diagram below.

H1 - Interface with the Bay Road Heathland Sanctuary

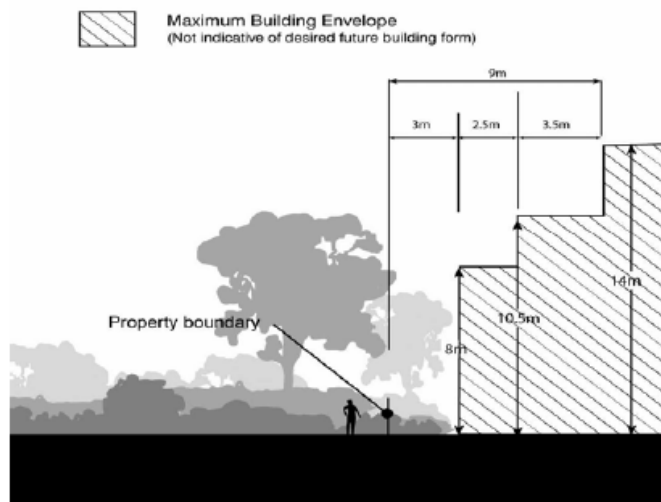


Figure 1

Whilst the proposed development has considered the above setback requirements it has not considered the potential for detrimental impacts that excavations, construction and proposed landscaping will have on the environment and ecological balance to the Heathland flora and fauna.

The Bay Road Heathland Sanctuary Management Plan also identifies that different land uses surrounding the Sanctuary range from Business Use, Residential Use and Mixed Use (Amendment C39) as well as educational and recreational uses on the Sandringham College grounds.

This development has the potential to impact upon the area by:

- Overshadowing the Sanctuary by buildings
- Lighting
- Environmental weeds
- Domestic pets.

The proposed development has only superficial merit in that it will address an existing weakness within the urban fabric by redeveloping the tired and underutilised sites.

However, whilst it is recognised that the current/existing uses on the sites do not make a 'positive' contribution to the economic viability or employment opportunities of the area and do not enhance the setting of the Sanctuary, it is considered that the proposal in its current form, will create a confused setting that will overwhelm the 'place' and will present as an discordant form that will dominate/detract and a form that will not achieve a seamless integration into the valued 'low scale' urban fabric.

Instead of creating a built form that demonstrates a 'transition' in heights along the sensitive interface to the Heathland, the proposal presents uncharacteristic masses along all perimeter of the site. The applicant will argue no doubt that with a large site as this is, a taller and higher form is warranted. We disagree. It does not take taller form to achieve good urban design. Government Guidelines confirm this. Rather, on such a large site, the applicant must resist a taller form and instead respond in a far better way to the opportunities that the site offers.

Furthermore, the 'design rationale' if that is what it is, is ill conceived in that it has not considered the impacts that the proposed scale of the development will have on its immediate neighbours nor the extent of visual detriment and dominance the development will have on the surrounding area when viewed from every vantage point external to the site.

11.5 Out of centre high density residential development

The Melbourne 2030 policy directs intensification of sites to be located within recognised 'activity centres'. The site is not located within walking distance of an activity centre nor is it well serviced by public transport and the nearest shopping centre is Southland (Principal Activity Centre) which is located approximately 2 km east of the site.

This application attempts the consolidation and more efficient use of the site which will stimulate economic growth and development in accordance with Council's Business Employment Area. The site is out of centre and the proposal does not accord with the Melbourne 2030 directives for a 'more compact city' to be located within, or in close proximity to a major activity centre.

Neither Melbourne@5 million, or Melbourne 2030, identify the City of Bayside as an area where 'major' growth is anticipated

Both documents direct that a development of this scale is better suited to the 'identified areas for growth' (such as Principal Activity Centres and growth corridors) and directed to less 'sensitive' areas which can accommodate and service a development of this magnitude without impacting upon the valued characteristics and amenity of the area.

The proposal has not considered the locational disadvantages of the site (not within walking distance to shops, services or public transport routes (only a local bus service connecting the site to major transport routes) nor adequately addressed the existing traffic conditions.

11.6 Design, Height and Built Form

As the buildings proposed are greater than four storeys in height, the proposal must be assessed against the DSE Guidelines for Higher Density Residential Development rather than Clause 55 of the Bayside Planning Scheme.

The DSE Guidelines for Higher Density Residential Development provide 'better practice' design advice for higher density residential development that promotes high quality public and private amenity and good design. The guidelines are structured around six elements of design consideration:

- Urban context
- Building Envelope
- Street pattern and street edge quality
- Circulation and services
- Building layout and design

- Open space and landscape design
- With regard to urban context, the application cannot be assessed solely in isolation as a 'strategic development site'. While such sites could be said to be rare in general, in an industrial area such as the present, they are not rare if one is to remove the employment purposes from the site. That is, in an industrial area there are a number of larger sites.
- It is important to acknowledge that the rezoning of the land creates an opportunity for accommodating a higher quantity of housing on the site. Further, the proposal to introduce a high density 'residential' development will help Bayside meet its residential targets and will provide a diversity of dwellings to residents in the area.
- However, the land is also located in a place where its employment purposes are important. There is not a large supply of employment land located in Bayside or in the area and if people are to live and work in the same area, providing employment as an objective is equally as important as providing housing. Little is achieved at achieving one objective at the expense of another. Both objectives should be met through an appropriate balance.
- Furthermore, it needs to be acknowledged that the urban fabric of this area is planned to change. That said, the extent of change contemplated by this proposal challenges the policy rather than implements it.
- The proposed height of the development has not properly balanced the value placed on the urban context and neighbourhood character sought to be achieved by the policy. That policy objective has already taken into account the existing urban fabric and the policy has sought to the existing character with the desired outcomes.

Whilst it is acknowledged that the 'context' of the area is changing, the scale of change proposed by this development is considered to be excessive and superimposes an insensitive and over ambitious precedent for future developments.

Clause 19.03 of the Bayside Planning Scheme seeks to achieve high quality urban design and architecture that: reflects the particular characteristics, aspirations and cultural identity of the community; enhances livability, diversity, amenity and safety of the public realm; and, promotes attractiveness of towns and cities within broader strategic contexts.

It is considered that whilst the proposed development *aspires* to achieving a high standard of architecture, good architecture is more than one dimensional. Good architecture involves good urban design. In this case the urban design aspect of architecture has not been well resolved.

11.7 Traffic, carparking and safety

Clause 52.06 sets out the requirements for the provision of onsite car parking for the proposed uses. Whilst the application has provided a total of 893 on site carparking spaces it does not satisfy the car parking requirement of the Bayside Planning Scheme.

The proposal to introduce a signalised intersection in Bay Road was referred to VicRoads, the responsible authority for the management of this road. To date, VicRoads has not consented to the application and has requested more information.

Pursuant to Clause 52.06 and Clause 55 of the Bayside Planning Scheme, the following number of car spaces are required by the proposed development:

Use	Proposed	Clause 52.06 Bayside Planning Scheme	Clause 55 Bayside Planning Scheme
Dwellings		2 car spaces per dwelling = 926	1 car space for dwellings up to 2 bedrooms = 461 2 car spaces for dwellings with >3 bedrooms = 4
Serviced Apartments		1 car space per apartment = 37	1 car space per apartment = 37
Visitors		No requirement = 0	1 car space per 5 dwelling = 93
Medical (20 doctors)		5 for every practitioner = 100	5 for every practitioner = 100
Cafe (60 seats)		0.6 for every seat = 36	0.6 for every seat = 36
Early Learning Centre (120 children + 8 staff)		1 for every 5 children + 0.8 for each staff = 32	1 for every 5 children + 0.8 for each staff = 32
Convenience store (200sqm)		4 per 100 square metres = 8	4 per 100 square metres = 8
Sub TOTAL		1140	771
TOTAL Provided on site	893	-247 deficient	+122

The above table demonstrates that the provision of on-site car spaces exceeds the Clause 55 car parking requirements (for residential development) but does not satisfy the car parking requirements of Clause 52.06.

It is considered that the recommendation for 'green travel' and 'shared car system' will minimise the dependency on car ownership and render the provision of 893 on-site car spaces appropriate.

Concerns with regards to safety and traffic congestion have been considered by both Council's Traffic Engineers and VicRoads, who will provide appropriate conditions to address these concerns should a permit issue.

11.8 Housing

It is considered that looked at in isolation of other policy, the proposal to construct a high density development with 500 apartments (including 37 serviced apartments) accords with the State Planning Policy directives that seek to provide more housing. However, the policy is not one dimensional. Housing must be well located, well designed, improve the public realm and contribution to providing better policy outcomes overall.

Clause 21.05 - Housing recognises that there is a need for a greater number and variety of housing to accommodate an increasing population and demographic changes, and a need for more affordable housing in Bayside.

Whilst the proposal will introduce additional dwellings into Bayside which will help meet Bayside's housing needs and the housing targets of Melbourne 2030 and Melbourne @ 5 Million, Council's approach to the provision of additional dwellings is to encourage higher density housing principally in activity centres and residential opportunity areas as identified on the Strategic Framework Plan, particularly those with good access to public transport networks (Clause 21.05-3).

This Bay Road site is not identified as a residential opportunity area on the Strategic Framework Plan, nor is it located within an activity centre. As such, it is considered that the policy for *high* density housing is not strong for this site.

The proposed development contains a limited mix of dwelling types, particularly at the smaller end of the range (1 and 2 bedrooms), and in any event, it is questionable as to whether this will meet the needs of smaller households another limb of housing policy. Some additional 3 bedroom dwellings catering to young families and empty nesters could be incorporated into the proposal to provide a variety of options.

Some consideration should also be given to including a component of affordable housing in a development this large.

11.9 Environmental Sustainable Design

It is commendable that the proposed development incorporates environmental sustainability features. However the features are really quite basic and the proposal does not really demonstrate anything other than basic compliance with building regulations. No cudos should be given to providing water efficient appliances when this is quite basic. Given the building area which can capture stormwater, increased tank capacity for example, an integrated grey water reuse system could have been used for toilet flushing etc. It is considered that the site affords more opportunities for incorporating a building design which minimises greenhouse gas emissions and maximises solar efficiency etc and an architectural response that aimed for that would have been more remarkable.

11.10 Impacts to Bay Road Heathland Sanctuary flora and fauna

It is considered that the proposal to construct 4 storeys immediately adjacent to the Heathland rising to five levels is excessive and will result in overshadowing, lighting and visual bulk detriment to the flora, fauna and visitors to the Sanctuary. It is also of concern that residential development could encourage 'domestic' pets to disrupt the ecological stability of the Sanctuary which is not encouraged. Excavations, noise and dust from construction works will impact upon the ecological balance of this important sanctuary. This would need to be carefully managed through appropriate permit conditions if a permit is to be granted for any development.

11.11 Dwelling design

It is considered that the size of the dwellings and solar orientation has not been well resolved and will result in poor internal amenity for future occupants.

Whilst the size of private open spaces is satisfactory for a high density development, their orientation and ability to maximise solar efficiency and benefits is problematic.

The communal open spaces have not been adequately resolved and it is anticipated that they will create future management issues and are not suitable for recreational purposes, with many of the areas being used as thoroughfares.

11.12 Site coverage/permeability/overdevelopment

The site coverage of 36 per cent and permeability proposed comply with the schedule to the Mixed Use zone of the Bayside Planning Scheme.

11.13 Landscaping

It is noted that some of species shown on the landscaping plans will interfere with the ecological balance of the heathland. Again, permit conditions can address this.

11.14 Flooding

Melbourne Water, the flooding management authority have advised that they require further information and do not support the application in its current form.

11.15 Right of Way

The application proposes the landscaping of the right of way to enhance the setting and provide an improved interface with the development site and the improved access and safety for pedestrians using the right of way. There has been no application to acquire the right of way. Any proposed works in the right of way, assuming they were permitted which is not to be assumed given the safety issues posed by landscaping a walkway, must be to Council's specifications and standards of construction.

11.16 Commercial signage

The application does not propose any commercial signage. Should this be required a separate planning application will be required. It is expected that within a Mixed Use zone that some level of signage is appropriate consistent with the advertising controls in the zone

11.17 Current manufacturing will be impacted upon by the introduction of residential dwellings

Whilst the area is undergoing a transition it is expected that there must be management of the expectations of new residents in terms of their amenity, given that this site is adjoined by an industrial building in which manufacturing takes place. Future residents cannot expect the same level of amenity as would be found in a Residential 1 Zone. Nevertheless, building design must take this into account. The use of double glazing and sound barriers may be necessary to ensure that future occupants have a acceptable level of amenity. The proposal fails to acknowledge this requirement.

11.18 Disadvantages to local business during the long term construction period

Any development of a site will naturally cause some interruption and inconvenience to local residents and businesses. This can be managed in part by the requirement to implement a construction management plan which addresses issues of carparking for trades, road works, noise, road closures, hoarding erection and building material deliveries. Should a permit issue, this would be recommended as a condition on any permit.

11.19 Detriment to Sandringham College

During construction there will be some interruption to the use of the right of way to access the school. This will be unavoidable however, should be minimised through careful management of the construction process through permit conditions.

Concern has been raised with regards to overlooking of the school grounds from upper level dwellings. It is considered that passive surveillance of school grounds cannot be addressed by the Bayside Planning Scheme.

11.20 Undesirable precedent

All applications are considered on their merits and precedent is not a matter that can be taken into consideration.

11.21 Environmental Audit Overlay

The permit applicant has not provided any details of exploratory investigations of any potential soil contamination. Given the effect of the EAO, before a permit is granted, Council or the Tribunal will need to have some level of confidence that some consideration is given to possible site contamination given the proposed sensitive use. It is a requirement of the Bayside Planning Scheme that an environmental audit is required.

12. CONCLUSION

The Government's directives for encouraging responsible growth and the City's aspirations for managing growth in a locally respectful manner are arguably the most important considerations in this application.

It is acknowledged that the site is a large lot. It is therefore considered appropriate that the site should respond appropriately to the policy directions of the scheme rather than set a new direction. Other developments on industrial sites will clearly identify what transpires on this site as some form of precedent. Therefore, it needs to be an appropriate form of development having regard to the policy framework.

A major redevelopment of this site was envisaged by the controls introduced by Amendment C39 and indeed, encouraged. It is appropriate to recognise the potential this site has to contribute to the mixed uses envisaged in the area.

It is considered that the proposed development as proposed has not responded appropriately to the orderly planning for the area or the purpose of the zone, the natural, cultural and strategic context of the site or the affect on the amenity of the area. In its current form the application has not considered the potential impacts upon native vegetation, flora and fauna on the adjacent Heathland, nor the potential impacts that the height, scale and massing will have on neighbours and the valued 'low scale' characteristics of the 'urban' environment. The development is an unsatisfactory urban design response.

The proposal has not adequately considered protecting the public realm. The proposal presents potential traffic and safety conflicts and amenity detriment to neighbours. The proposal has not considered the locational constraints of the site (not located within an activity centre nor well serviced by public transport) and relies heavily on car usage

It is considered that a development of in the order of 4 storeys rising to a height equivalent to 7 storeys in the middle of the site would make better use of the site and be able to contribute positively to meeting the current and future housing needs.

The scale and massing proposed is currently unacceptable and problematic. The development does not meet the objectives of the Mixed Use Zone and does not provide a balanced mix of uses but a residential development by 'default' making the exercise of discretion in this case less tenable.

It is also considered that the location of the proposal, which is not near an activity centre and with only one bus route underlines the poor site selection for such a high density of housing.

The proposed development has not responded appropriately to the aspirations of the city or the purpose and objectives of the Bayside Planning Scheme.

It is therefore considered that the proposed development in this location is not justified and not recommended for support.

13. RECOMMENDATION

That Council indicates that had it been able to make a decision on Application 2010/0232/1, 220 – 228 Bay Road Sandringham, it would not support the application and would have refused to grant a permit having regard to the analysis contained in the officer report and in particular:

1. Melbourne Water has objected on drainage issues.
2. VicRoads is not satisfied with the level of information provided to date.
3. In any event:
 - a. The proposal represents an unsatisfactory urban design response to the site and its context;
 - b. The proposal does not accord with the height objectives of Clause 22-05 of the Bayside Planning Scheme;
 - c. The proposal is not consistent with state or local policies in relation to the location of higher density housing;
 - d. The proposal will have an unacceptable impact on the amenity of the area and impact on the future neighbourhood character sought by the policies;
 - e. The layout of the buildings on the site is a poor urban design outcome;
 - f. The proposal does not provide sufficient car parking;
 - g. The proposed access arrangements and road works are not satisfactory;
 - h. The removal of street trees will not be permitted;
 - i. The proposal will impact unreasonably upon the adjacent public open space (Heathland Sanctuary);
 - j. The proposal fails to meet the policy provisions concerning the mix of uses in the Mixed Use Zone generally and specifically for the precinct;
 - k. The proposal does not provide sufficient employment opportunities for the area (after the proposal is built);
 - l. The internal amenity of future residents is compromised by poor planning and poor design;
 - m. The proposal will not provide a sufficient range of dwelling sizes; and
 - n. The proposal does not make a sufficient contribution to Environmental Sustainability Design principles.